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THE BURNING BRIDE

The Dowry Problem in India

Wanda Teays

Introduction

Women are being burned to death every day in India in a strange inversion of *sati*: in *sati*, as the ultimate gift to her husband, the ideal wife goes up in smoke in her husband's funeral pyre, a sacrifice of religious honor and communal satisfaction; in dowry burnings, the bride is set ablaze by her husband's family, a figure of dishonor, sacrificed out of consumer dissatisfaction.

"Dowry is a social virus,"¹ write S.K. Awasthi and U.S. Lal, but a virus cannot spread into disease unless the organism is vulnerable. Dowry has become a problem in India because of a systemic disorder. The dowry system and the consequent dowry problem grew out of a complex social situation; the dowry system is bolstered by tradition, mythology, and religion and is treated cursorily by the legislature, police, and courts. With dowry deaths on the rise, no conscientious woman can afford to remain silent.

Activists and women's groups both inside and outside of India are working to effect change so that women's lives are no longer at stake. Individuals and groups are trying to educate people to the dowry problem, establish networks of support and organized responses to the escalating number of deaths, and take legislative and judicial action to confront the situation and heighten social awareness.

With these concerns in mind, I will consider the issue of dowry, its roots in custom and religious tradition, as well the ways in which the dowry system has become a dowry problem with daily dowry deaths, usually of young and often pregnant women. To understand the social consequences and the human toll, I will look at the links between dowry and *sati*. I will examine the current situation and significance of the Dowry Prohibition Act, and, finally, the connections between education and dowry.

Dowry: The Concept in Custom and Code

In an everyday sense, the term *dowry* means the property that a bride brings with her at the time of marriage. As defined by the Dowry Prohibition

¹ Shailendra Kumar Awasthi and Uma Shankar Lal, *Law Relating to Dowry Prohibition Act, 1961*, 1984 ed. (Allahabad: National Law Agency, 1984), preface.

Act, dowry includes any property or valuables given or agreed to be given either directly or indirectly (1) by one party to a marriage to the other party to the marriage, or (2) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before or after the marriage.²

The definition in law does not include any presents made at the time of a marriage to either party to the marriage in the form of cash or other consumer items. Nor does it include the woman's exclusively owned property. With only very rare exceptions, a woman's dowry consists only of "movable" property (jewelry, gold or silver, consumer items, etc.) and not land or buildings ("immovable" property). Inheritance of property is not legally forbidden women, but it rarely occurs due to social forces and Hindu tradition.

Hindu custom historically prohibited women from inheriting land, particularly when there were male heirs, but this appears to have no legal force. In India social norms make it extremely rare that women would receive real (immovable) property.³ The dowry (of movable property) is subsequently viewed as a sort of premortem inheritance—after which the daughters generally have no rights to the paternal estate.⁴ Katherine Sreedhar of the Hold-teen India Fund remarked that this is still the case throughout India.⁵ As Sreedhar observed, it isn't that laws in India prohibit a woman's dowry from including land, but it is virtually unheard of because of social custom.

The traditional view of dowry, S. J. Tambiah explains, is that of "property given to the daughter to take with her into marriage. Technically it is her property and in her own control though the husband usually has rights of management." The "spirit of the dowry institution" was that dowry forms part of the wife's conjugal estate. His claim that the wife's dowry is "to be enjoyed by husband and wife and to be transmitted to her children" has, however, been disputed.⁶ In Tambiah's view, deviations from this norm, when the dowry was used, for example, to dower the in-laws' own daughters,

² Awasthi and Lal, 2.

³ As suggested by S. J. Tambiah in "Dowry, Bridewealth and Women's Property Rights," in Jack Goody and S. J. Tambiah, *Bridewealth and Dowry* (London: Cambridge University Press, 1973).

⁴ Tambiah, 69. He also notes that the Thesawalamai Code of North Ceylon makes it clear that this premortem inheritance of the dowry is given "with the understanding that she has no further claims on the parents" (Tambiah, 113).

⁵ Phone conversation, 9 February 1991.

⁶ Tambiah, 62. As pointed out by Sheela Murthy, Indian legal systems emphasized the concept of *stridhana* or *exclusive female property*, owned by and transmitted through females to complement the idea of immovable property transmitted primarily through males. This interpretation of *stridhana* was upheld by the Supreme Court of India in *Pratibha Rani v. Suraj Kumar and Another*. See Sheela Murthy, *The NGO Role: A Case Study of Dowry in India* (written component for the LL.M. degree, Harvard Law School, May 1987), 16.

were done *sub rosa*, were contemptible, and violated the spirit of the system.⁷ That such deviations have become far more widespread and may, in fact, be taking over as the “spirit of the system” is a cause of considerable concern and shall be discussed shortly.⁸ As we will see, the “spirit of the system” seems to be that Hindu women have little, if any, actual control over any property that their dowry may contribute to their marriage.⁹

This patrilineal system in which immovable property is passed on to the male children and “movables” (cash, jewelry, and other goods) comprise the daughter’s dowry may seem to provide a balance of sorts in the distribution of family wealth and in the expression of concern for all the children. It is not clear how the dowry system evolved, but it reached expression in the early compendium of sacred laws titled *Laws of Manu*, which described the eight forms of marriage.

In order of preference, the first four forms descend from the Brahma rite (the Kanyadan ceremony), which makes a “gift” of the daughter after outfitting her in costly garments and honoring her by presents of dowry, to the Daiva rite, where the daughter is “decked with ornaments,” to the Arsha rite, in which the bride’s father receives a cow and a bull or two pairs, to the Asura rite in which the bridegroom pays the kinsman of the bride to marry her.¹⁰ It is the “prestigious Brahmanical formulation,” as Tambiah notes, that “represents the standard of excellence to all Hindus.”¹¹

Since bridewealth (brideprice) is deemed equivalent to the sale of the daughter, it is judged reprehensible. In its place, Manu commends the gift of the virgin daughter in the Kanyadan ceremony. The fact that the dowry is not seen as some sort of “groomprice,” on the other hand illustrates the inability to even conceive of, much less speak of, grooms being sold into marriage.

Because Kanyadan is the ideal marriage ceremony, explicit bargaining is traditionally supposed to be discreet and covert, “so that the dominant ideology (the bride and her dowry as gifts freely given by the father from the happiness of his heart and to obtain religious merit, for which he desires nothing in return) is not violated.”¹² This is an important element in creating the problems in the dowry system. The dowry transaction (connected with the marriage planning) is not a matter of public discussion. Civility and custom suggest that the bride’s family are to take a humble role here, trying to please—appease—the groom’s family.

⁷ Tambiah, 62.

⁸ And, as Murthy argues, it is “not exactly *sub-rosa*”—a fact Tambiah fails to analyze or explain. See Murthy, 16.

⁹ Renee Hirschon, “Property, Power and Gender Relations,” in *Women and Property—Women as Property*, ed., Renee Hirschon (London: Croom Helm, 1984), 10.

¹⁰ Awasthi and Lal, 1.

¹¹ Tambiah, 68–69.

¹² Ursula Sharma, “Dowry in North India: Its Consequences for Women,” in *Women and Property*, 64.

Initially, only upper-caste marriage involved a large dowry. With the Laws of Manu, social changes in Indian society spread the dowry system into lower castes. Consequently, people who do not have the economic means to afford dowry cash and presents now go into debt to marry off their daughters. "Marriage with dowry is the prestigious form in India today;" brideprice is considered the degraded and immoral form.¹³ As Ginny Shrivastava observes, "the status of women is *not* higher per se, in communities that follow the practice of *dappa* [brideprice]."¹⁴

Proponents of the dowry system argue for it on the following grounds:¹⁵

- a. Dowry provides some flexibility within a hierarchical system: A rich girl with a large dowry may be able to attract a higher-caste man and, in this sense, dowry allows people to climb the social ladder.
- b. Dowry could help improve the financial status of a poor family and, in the ordinary course of events, the giving and taking of dowry tends to even out (since the ratio of women to men in India is 47:53).
- c. In a closed society with arranged marriage the norm, dowry allows a girl with insufficient natural abilities or looks to find a suitable mate.
- d. Most women regard dowry as a legitimate and equitable transfer of property from a father to a daughter, since she almost never receives "immovable" property.

The last point carries considerable weight, and so warrants a closer look. It has been argued that traditionally dowry was regarded "as a burden for the bride's parents but an honor for the bride."¹⁶ In a society that devalues women, the dowry system offers a material "balance" for boosting her worth relative to that of the husband. That is, since she tends to be viewed as an economic liability, the dowry system acts to balance the added burden the bride brings to the husband's family with money and consumer items that are, effectively, at their disposal and may be supplemented over the months and years following the wedding.

As Murthy observes, the most powerful argument in favor of the dowry system is the economic rationale that the dowry provides an "equal share" of the parental wealth.¹⁷ As noted earlier, it could be considered a sort of premortem inheritance. In reality, though, the daughter rarely receives more than consumer items as dowry—and these have value for only a limited number of years. Dowry gifts usually include cash, household goods (fur-

¹³ Sharma, 69–71. Manu's comments still hold, as brideprice does not seem to heighten women's status.

¹⁴ Ginny Shrivastava, "Dowry and Dappa—Sides of the Same Coin," *HOW* 6, no. 3 (March 1983): 10.

¹⁵ Murthy, 14.

¹⁶ Sharma, 62.

¹⁷ Sharma, 18.

niture, utensils, bedding, appliances), clothes¹⁸ (often for the husband's kin), and electronic equipment (TVs, VCRs, radios). Most of these become part of the joint family household items and, with general use, have limited value. "What needs to be smashed," argues Roopa Kulkarni, "is this material basis of the whole problem and in this context the land question is crucial. . . ." ¹⁹

Unlike land, this form of inheritance does not result in economic independence for the woman, since the items lose their value in time, and the woman herself has virtually no control over the items that enter the household of the husband's family. As D'Souza and Natarajan observe, "The sentimental view that dowry provides her with security overlooks the plain fact that dowry is seldom in the control of the girl, for it is immediately appropriated by the husband's family." ²⁰

Arguments against the dowry system are:

- a. The often crippling expense of dowry compels many families to undertake loans, resulting in heavy debt or bonded labor. ²¹ Given the strain on the household, this encourages daughters to see themselves as burdens. ²²
- b. The burden of dowry contributes to the view that the birth of a daughter is a calamity, at least economically. ²³ Girls are discriminated against in their natal homes, for example, in health care, amount of food given them, and so on.
- c. The dowry system and the resulting bride deaths are sources of widespread bribery and corruption amongst police and public officials. ²⁴
- d. The dowry system breeds competition and a bargaining mentality in all the parties concerned ²⁵ or is the ground upon which a consumer and caste-conscious competitiveness gets played out.

¹⁸ One report of a dowry death stated that the husband's family had requested the bride to bring clothes for herself made only of polyester. It seems striking that such a request could even be made.

¹⁹ Roopa Kulkarni, "Anti-Dowry Front in Vidharba," in *HOW* 6, no. 3 (March 1983): 3.

²⁰ Neela D'Souza and Ramani Natarajan, "Women in India: The Reality," *Women in the World: 1975-1985, The Women's Decade*, ed. Peter H. Merkl (Santa Barbara, Calif.: ABC-CLIO, 1986), 367-68.

²¹ Murthy, 19.

²² Sharma, 71. See below for discussion of young women who commit suicide for this reason.

²³ Sharma, 19.

²⁴ Sharma, 20. This is not to say that such corruption would disappear without the dowry system, but merely points to the dowry system as one source.

²⁵ Sharma, 20. She seems to see a causal connection here; viz., that the dowry system itself leads to such competition and bargaining. As in all complex social arrangements, it is not clear that the breakdown of the system causes or is caused by related problems.

- e. Greed for a large dowry contributes to women being murdered or driven to suicide.²⁶
- f. The bride's family gets caught up in a dowry bartering system, with the bride the pawn, with potentially larger dowries because of her education (more education means a better educated groom will have to be found, hence a larger dowry) or if she has so-called deficiencies such as a darker complexion (in a color-conscious system).²⁷
- g. A woman's status is often connected to dowry size; a larger dowry means higher status in the family. This clearly puts those with a dowry that is judged inadequate at risk. The bride's status depends on the "kind, quality and amount of dowry she brings with her."²⁸

In a system in which the structure of authority is formed by gender and seniority, the bride simply has little, if any, power. Furthermore, "as brides, women have little control over the way in which dowry is given and received."²⁹ They are not active participants in the dowry system until later when they, as mothers of brides, are givers of dowry or, as mothers of grooms, are receivers of dowry. As brides, however, they are (passive) participants, but not players, in the dowry game. They are, in fact, a part of the transaction. "It would seem," Sharma asserts, "that in India the rapid inflation of dowries in modern times has led to a situation in which brides are more controlled by than controllers of property."³⁰

We need to examine the power dynamics of the various women involved in dowry negotiations—the mother, the bride, the mother-in-law, the sisters-in-law—and the shifting roles a woman plays over a lifetime. Women are divided against each other, with mothers-in-law and sisters-in-law often participating in the bride's murder. Since, it "is largely women, and especially senior women, who control the flow and pace of gift-giving both within the household and with other households"³¹ we need to look at the manner in which the social system as a whole relates to dowry and power.

Women's Status: Religious and Social Attitudes

"The mere fact of femaleness is seen as proof of sin," writes I. Julie Leslie about the view of Tryambaka, an eighteenth-century pundit-minister

²⁶ Maitrayee Mukhopadhyay, *Silver Shackles: Women and Development in India* (Oxford: Oxfam Publishing Co., 1984), 16.

²⁷ Mukhopadhyay, 16.

²⁸ Mukhopadhyay, 18.

²⁹ Mukhopadhyay, 63.

³⁰ Mukhopadhyay, 73.

³¹ Sharma, 65.

who summarized the religious and cultural traditions relating to women.³² Women are, in effect, born losers. Being born a woman is considered a demotion, punishment for defects (moral or otherwise) of a previous life. The Hindu tradition holds that it is harder for a woman to be reborn a man than for an animal to be reborn human.³³ Tryambaka sees an innate wickedness to women: he holds that women are by nature corrupted and are thus dependent on men (specifically, fathers, husbands, sons) for protection.³⁴

Hindu women's lives revolve around men. Their fathers exert great power over them as young children and "give" them to their husbands around puberty. Their husbands are to be the center of their lives, with sons the goal of their reproductivity. "In the whole process of arranging and conducting the marriage the girl is merely an object to achieve a desired end."³⁵ What this means is that the woman's life "only begins to have significance with her marriage into another family."³⁶ Marriage would seem to be the Hindu woman's only hope of salvation: "If, by appropriate behavior, women transform themselves into devoted wives, then the inherent evil of their female natures . . . will be annulled."³⁷

The Hindu notion of the ideal woman is the woman who is completely devoted to her husband, living or dead. The ideal woman marries as a young virgin, idolizes her husband, obeys him dutifully and seemingly at any cost. Preferably she dies before him. If not, at the end of his life, she joins his body on the funeral pyre. Tryambaka's prescription is that a woman cannot worship any god other than her husband, and she is "forbidden to engage in any religious observance other than devotion to him."³⁸

This husband-worship knows no bounds. "He might be a wife-beater, a drunkard, gambler and womanizer but her duty was to serve and obey him."³⁹ Or, as Rama Mehta observes,

Pativrata, the complete devotion of the woman to her husband alive or dead, seeing in him her god and her ultimate salvation, was the highest religious Dharma. Her reward came in inner satisfaction

³² I. Julie Leslie, *The Perfect Wife: The Status and Role of Orthodox Hindu Woman as Described in the Stridharmapaddhati of Tyrambakayajran* (Oxford: Oxford University Press, Delhi, forthcoming), 246.

³³ Leslie, 247.

³⁴ Leslie, 246 and following.

³⁵ Mukhopadhyay, 13.

³⁶ Anna Ross Macivor, "The Women of India—Some Characteristics," in *Indian Women through Alien Eyes*, ed. Information Research Academy (Calcutta: Information Research Academy, 1977), 38.

³⁷ Leslie, 272.

³⁸ Leslie, 259.

³⁹ M. N. Srinivas, *The Changing Position of Indian Women* (Delhi: Oxford University Press, 1976), 18.

and in life hereafter. She was brought up with this ideal from birth and had no way of challenging its validity. So great was the hold of this concept on women that social reformers could not, by legislation alone, make widow remarriage a success. Orthodox Hindu society also did not favor any deviation from this moral code. In spite of social changes Pativrata continues to be the dominant attitude of women toward marriage in large sections of Hindu society.⁴⁰

In short, the marriage relationship is "strikingly asymmetrical."⁴¹ Moreover, it is an oppressive stereotype reinforced by Manu's *Dharmasastra*, which states that women should never be independent. This view is illustrated and reinforced by Hindu story and myth. We see it, for instance, in the stories of Sita, Renuka and Taramati: Sita had to accept desertion and an ordeal by fire, Renuka was beheaded by her own son Parashuram, and Taramati had to allow her husband to behead her for not being able to pay cremation fees.⁴²

Powerful social sanctions surround the marriage institution, for Hindus regard marriage not only as a social necessity but as a sacrament. "A Hindu male must marry and beget children to perform his funeral rites, lest his soul and spirit wander uneasily in the waste places of the earth and a Hindu woman who is unmarried at puberty is a source of social obloquy to her family and of damnation to her ancestors."⁴³

The emphasis on consequences for past, present and future generations permeates all aspects of Hindu life and is a determinant in individual action. For instance, when Roop Kanwar died as a sati, a reporter asked why no one tried to stop her. He was told, "Sixty-nine years ago when another woman had committed sati in Deorala, somebody had tried to stop her. She laid a curse on him as a result of which his family got ruined. Many villagers tell you the same tale."⁴⁴ Hindu society is greatly affected by tradition, religion, myth, and superstition. And within the family, women themselves become "the chief instrument in transmitting the patriarchal ideology which they internalize to form part of their own consciousness."⁴⁵

Many observers have noted a deterioration of the status of women in the years after Indian independence, with a steady decline of their relative value in the society. Moreover, women's employment has been declining steadily since 1921. Traditionally, lower-caste women had to work and were denied

⁴⁰ Rama Mehta, *The Western Educated Hindu Woman* (Bombay: Asia Publishing House, 1970), 19.

⁴¹ Srinivas, 18.

⁴² Sushila Mehta, *Revolution and the Status of Women in India* (Delhi: Metropolitan Publishers, 1982), 112.

⁴³ Inderjeet Kaur, *Status of Hindu Women in India* (New Delhi: Chugh Publications, 1984), 26–27.

⁴⁴ Arvind Kala, "Roop Kanwar now a 'Goddess'," *The Statesman*, 18 September 1987.

⁴⁵ Kumud Sharma, Shaba Hussain and Archana Saharya, *Women in Focus: A Community in Search of Equal Roles* (Hyderabad: Sangam Books, 1984), 60.

the status symbols of upper-caste women, but the push to climb the social ladder caused women to be confined to “decorative” roles.⁴⁶

The caste system, customs and tradition place women in secondary roles. Arranged marriages result in women often having minimal access to their own (birth) families, particularly outside the upper castes.⁴⁷ This results in an alienation compounded by the general unwillingness (because of anticipated shame and humiliation) of birth families to allow daughters in distress to return to their natal homes. Young brides find themselves particularly vulnerable, because of their low status in their husband’s family. All of these factors contribute to an oppressive situation for women. This oppression includes violence and murder.

Dowry Deaths

With the increasing demands for dowry and the accompanying greed and dissatisfaction on the part of the husband and his family, the dowry system in India has become the dowry problem. Dowry has become a form of extortion, “a drip-feed of money and goods.”⁴⁸ Murthy explains the dowry problem as the

transformation of the voluntary nature of giving gifts by affectionate parents to the daughter at the time of the wedding, to the present commercial form of the transaction, characterized by bargaining before, during, and after the marriage, resulting in a harassment often followed by torture and sometimes even murder or suicide.⁴⁹

Marriage has become a commercial transaction complete with bargaining. Traditionally dowries were limited by convention and caste-social realities, but now the demands are out of control. “The growing trend of dowry murders only reflects the socio-economic crisis in our country.”⁵⁰ Like a dissatisfied consumer, the husband’s family may make further demands and some families seem to be insatiable, turning to harassment or murder out of their dissatisfaction and rage.

The target of that dissatisfaction is the bride. She is the most vulnerable, the most expendable; abusing her brings the least consequences and has the fewest social and religious prohibitions. It is ironic, though, that this is the case, given that the bride herself is virtually powerless in all stages of the

⁴⁶ These observations on women’s status are documented by D’Souza and Natarajan, 360–61, 368.

⁴⁷ Srinivas argues that a woman from a higher-caste family “had the right to return to her natal home” when her “marriage ended in disaster” (Srinivas, 20). I presume violence around insufficient dowry would be included in what Srinivas calls a marital “disaster,” although he does not specifically mention this problem.

⁴⁸ Fishlock, as quoted by Sheela Murthy (see n. 6), 24.

⁴⁹ Murthy, 24.

⁵⁰ Gaudi Chawdhary, “Guest Editorial,” *HOW* 6, no. 3 (March 1983): 3.

transaction. She might even be (indeed, has been) characterized as part of the transaction itself, i.e., the marriage. As the social and legal link between giver and taker, the bride is manipulated, even destroyed, in the process.⁵¹

Estimates of dowry death vary, but include a 1984 estimate of twenty-two deaths a day in India from bride burning,⁵² with two per day in Bangalore, in South India,⁵³ and a 1987 estimate of one death every thirty-six hours in Delhi. In 1987, the women's unit of the New Delhi police received thirty-seven hundred dowry-related complaints, ranging from harassment to murder.⁵⁴ Although they are on the increase—and, from all accounts, this is a rapid increase—dowry deaths are not merely a phenomenon of the 1980s.⁵⁵ According to Katherine Sreedhar, the situation in 1991 is not any better.⁵⁶ The state of Gujarat set up a commission in 1962 because of the high incidence of "suicide" among young brides, but only after 1975 did the practice seem to be widespread.⁵⁷ Among those writing about the late nineteenth century, no mention is made of dowry deaths.⁵⁸

The victims are mostly young women, some even pregnant, occasionally in the advanced stages of pregnancy. Shakti Shalini reported that, in September 1987, one young bride who had been married before puberty was harassed by her husband's relatives for not having a child within the first year and not bringing enough dowry.⁵⁹ We might wonder about the connection between so-called insufficient dowry and the pregnancy in the bride's death. In addition to the anger over dowry size, it may be that pregnant women are being killed because "if the child was born, it may have been difficult for the man to contract a second marriage or receive another dowry."⁶⁰

The majority of victims are among the middle class, followed by the poor, while the upper classes are less affected. This may have to do with status and economic power. Since the upper classes already have money,

⁵¹ Personal communication to the author from I. Julie Leslie, 28 April 1988.

⁵² Awasthi and Lal, 4.

⁵³ Murthy, 26.

⁵⁴ "Bride Burnings over Dowries," *The Telegraph* (Nashua, New Hampshire), 22 February 1988.

⁵⁵ Shakti Shalini, New Delhi, *Statement of Purpose*. *The Telegraph* (Nashua, N.H.) reported this figure to be two bride burning deaths per day in New Delhi (*The Telegraph*, 22 February 1988.)

⁵⁶ Conversation, 9 February 1991.

⁵⁷ D'Souza and Natarajan, 373.

⁵⁸ For instance, Cornelia Sorabji, in "The Position of Hindu Women Fifty Years Ago," in *Our Cause, A Symposium by Indian Women*, ed. Shyam Kumari Nehru (Allahabad: Allahabad Law Journal Press, undated), speaks of women's rights, the limitations Hindu women experienced because of the laws of Manu and other Indian sages, as well as the effects of *purdah* on women in India, but makes no mention of dowry abuses.

⁵⁹ Shakti Shalini, *Progress Report*, September 1987, 6. Report courtesy of Katherine Sreedhar of the Holdeen India Fund, National Women's Law Center in Washington, D.C.

⁶⁰ As speculated by Sheela Murthy in the dowry death of Shashibala Chaddha, who was eight months pregnant. See Murthy, 34–45.

they are not seeking “upward mobility” as are those from middle and lower classes. It is those seeking to climb the social ladder who become victims in this life-threatening game of economic exploitation. Murthy contends that illiterate women, followed by semi-literate women are the most frequent victims.⁶¹

Families of victims despair at the unending demands made by the son-in-law's family. The mother of one dowry-death victim reported that the dowry had been two sets of kitchen utensils, clothes for the bride and groom, a radio, watch, sewing machine, gold and silver jewelry, and money for each of the groom's close relatives. Less than three months later, the daughter returned to her mother with demands from the in-laws for an imported watch and a woolen suit for the groom. The mother said, “I had married her into a family whose demands I could not fulfill.”⁶²

This statement encapsulates the whole dowry problem: women are being married into families whose demands tax the economic capacity of their birth families. No matter how much is given, more is asked for. The fact of greed mixed with cruelty, with the women the pawn and mere chattel in the marriage “transaction,” creates the groundwork on which a murder can take place.

Add insatiable greed to a system in which women's lives are devalued and trouble for those women is not a surprising outcome. “As long as women have their images and roles enunciated for them by the traditions and values of a male-dominated society, these practices [dowry deaths] will increase.”⁶³ The key elements in this mixture are material lust, social dissatisfaction, a caste/class system with huge power and wealth differentials, male dominance, and the (socially and religiously sanctioned) inferior status of women.

The Dowry Prohibition Act and subsequent amendments have tried to address the problem of greed. But women's status in the social system as a whole must be subjected to careful scrutiny and appropriate change. The fact that the social system is not only complex, but is rooted in historical tradition and religious custom merely complicates an already difficult task. Sushila Mehta directs our attention to this.

If ‘Sati’ is a bizarre culmination of cultural values ramified by scriptures, religious beliefs and superstitions; dowry and deaths due to lack of dowry are the curious but terrible products of their interaction with a rigid social structure based on caste and sub caste groups integrated through joint families and kinship groups. If the scriptures propound that a woman is a man's property, it is axiomatic that a woman has less intrinsic value than a man. To compensate she must, therefore, bring something of value along with herself for her husband and his people for taking the trouble of marrying her! . . . Rich

⁶¹ Murthy, 29.

⁶² Shakti Shalini, *Two Sample Case Histories*, Preeta Law, 15.

⁶³ Mukhopadhyay, 18.

or poor, illiterate or educated, employed or not, high caste or low-caste, the girl must bring dowry on her marriage.⁶⁴

This, effectively, is a prescription for the devaluation of women. This devaluation reaches its lowest point in sati, when the women herself is to publicly acknowledge the derivative value of her life: without her husband, her own life has ceased to have meaning and she is as good as dead.

Dowry and Sati

Men should commit sati also, but they don't have the strength. They aren't committed to their wives as the wives are to their husbands. But women? They are emotional. Their hearts rule their lives. They are capable of any sacrifice.⁶⁵

Connections have been drawn between sati and dowry death. For instance, it has been asked how a sati is purer or more sacred than a dowry death, when the "only" difference is that one crime is committed outdoors, in view of the world, the other behind closed doors.⁶⁶ On the one hand, there are laws against sati in India, as there are laws against both dowry and dowry-related murder. On the other hand, there has been a consistent reluctance on the part of the police, the government, and the courts to stop these practices. In the recent case of Roop Kanwar's celebrated sati and resulting glorification, the government not only failed to intervene before the woman's death, but tolerated a twelve-day ceremony around the funeral pyre that drew thousands. Reality has turned into myth; the victim has become the object of goddess-worship.

Minister Gulab Singh Shaktavat of Rajasthan made two statements justifying his government's failure to stop the *chunri mahotsav* (public festival to honor the sati) being held despite the high court ban. First, "the right to worship is a fundamental right": linking sati with religious worship rather than social practice he limits governmental and legal authority (even in suicide/murder). In this view, sati is "basically a social and religious function, basically a function of the family"; so long as it remains within the confines of the family, the government "cannot declare it illegal."⁶⁷ Secondly, Shaktavat argued that the "*chunri mahotsav* could have been stopped only by bullets"—suggesting that governmental interference should be limited when public support is deemed formidable, even though a life is at stake. These are both serious claims.

⁶⁴ Sushila Mehta, 207–8.

⁶⁵ Hukum Sing, as quoted by Arvind Kala, "Roop Kahwar Now a 'Goddess,'" *The Statesman*, 18 September 1987.

⁶⁶ Shiraz Sidhava, "In Focus," *The Sunday Observer*, 20 September 1987.

⁶⁷ As quoted by *The Sunday Observer*, 20 September 1987. See also discussion in Vishal Mangalwadi, "Making a Carnival of Murder," *Indian Express*, 19 September 1987.

Tying the “fundamental right” of religious worship to sati is to argue that sati is some sort of act of worship. Presumably, the worship in this case is the worship of the husband as a god, with the ideal wife sacrificing herself for the soul of the husband and the good of the community. The values are steeped in a custom so powerful that “only bullets” could stop it. In a very real sense, this is also true of dowry.

Laws have not stopped the giving and receiving of dowry. In fact, it would surely be the case that the “ideal” wife is always—perhaps necessarily—accompanied by a large dowry. And just as there is glory—honor—for the woman and her family in committing sati, there is honor for the woman and her family when she has been accompanied by a large dowry. There is, on the other hand, shame and humiliation—dishonor—when she has an “inadequate” dowry. These links have been clearly drawn in Roop Kanwar’s case. Newspapers noted the “substantial dowry, including a TV set, modern household goods and a lot of gold ornaments” given to Mal Singh (her husband) by Roop Kanwar’s family.⁶⁸

Tambiah remarks that “the ‘gift of a virgin’ accompanied by a dowry appears to be associated with the ideal of monogamy, an ideal that is symbolized in the notion of husband and wife being a united and inseparable pair which reached its ultimate elaboration in the institution of *suttee*.”⁶⁹ The “ideal of monogamy,” however, is being polluted by some twisted ideal of material wealth. A corrupting material aggrandizement enters the marital and family domain. By all accounts, dowry demands are increasing at an alarming rate in India and spreading among the lower castes and even among Muslim weavers where the practice had not been prevalent⁷⁰ or relevant.⁷¹

This simply exacerbates women’s inferior social status. Furthermore, “the prime importance of marriage for women and viewing them as dependent, and their income as supplemental, result in such degrading practices which reinforce women’s low self-image.”⁷² Sati, to Western eyes, testifies to that lowered position. For Hindus, sati, rooted in the religious and social attitudes about women’s worth, offers the woman “spiritual power.” That is, it is held in some areas that only virtuous women having spiritual power can become sati.⁷³

These factors intersect in the response to the death of the sati victim, Roop Kanwar. There the “logic” of the religious and social status of women are expressed by a local farmer, “Her husband was her God. She thought there was no life without her husband so if she doesn’t live without her

⁶⁸ Times of India News Service, “Sati Glorified As Cash Pours In,” *The Statesman*, 14 October 1987.

⁶⁹ Tambiah, 65.

⁷⁰ Sharma, Hussain and Saharya, 66.

⁷¹ As noted by I. Julie Leslie, personal communication to author.

⁷² Ibid.

⁷³ Ibid.

husband what harm is there?"⁷⁴ If your life has value only in relationship to a man, what harm is there in choosing not to live after your husband dies?

However much it can be called a "misinterpretation" of religion⁷⁵ or "a moment of misjudged religious values,"⁷⁶ the fact remains that the practice of sati is still socially sanctioned in most parts of traditional India. In addition, Hindu women who need ever-increasing amounts of money and consumer goods to negotiate—and this term is not inappropriate—a marriage cannot help but make a connection with dowry. The link is between the dowry payments (possibly extending for years) and the woman's own sense of herself as an economic liability. Against this background, there are few, if any, channels of power or affirmation of her worth, other than in complete subservience to her husband and his family. In his absence she has nothing to live for.⁷⁷

The Dowry Prohibition Act

The Dowry Prohibition Act was passed in 1961 and has been amended since then (most recently in 1985), because the earlier provision did not work. The act came out of a movement to halt the practice of bride burning and was enacted to check the dowry system prevalent throughout India. As stated in the act itself, "The object of this Bill is to prohibit the evil practice of giving and taking of dowry" with the recognition that "the increasing number of dowry deaths is a matter of serious concern."⁷⁸ Under the act, cruelty to a woman by her husband or his relatives is made punishable by fine and imprisonment up to three years. What constitutes such cruelty is explained in the Dowry Prohibition Act as:

Willful conduct of such a nature by the husband or his relations as is likely to drive the woman to commit suicide or cause grave physical or moral injury to her, and harassment of a woman by her husband or by any relatives of her husband with a view to coercing her or any of her relatives to meet any unlawful demand for property would be punishable as cruelty.⁷⁹

The amended act requires police to investigate any case involving a suspicious death or "suicide" of a woman within seven years of her marriage, or a death of a woman within seven years of marriage in which one of her relatives has made a request for investigation. On the surface, it looks like the government is serious about tackling the problem and certainly some

⁷⁴ Arvind Kala, "Sati Village a Pilgrim Spot," *The Statesman*, 17 September 1987.

⁷⁵ Ibid.

⁷⁶ *The Statesman*, 14 October 1987.

⁷⁷ This view is demonstrated not only in the glorification of sati, but in the grim plight of widows in India.

⁷⁸ Dowry Prohibition Act, "Statement Objects and Reasons" 1(i) and 1(ii).

⁷⁹ Dowry Prohibition Act, 1985 ed., Amendment 2(i). See Awasthi and Lal, 36.

arrests have been made, but the limited punitive measure of a maximum three-year imprisonment does not put much bite into the law.

In addressing the problem of dowry death, the act states that, "In circumstances where it is possible to record the dying declaration of the victim, it would be more conducive to securing the truth if the victim made the declaration in the presence of a female police officer who can be expected to inspire confidence in the victim."⁸⁰ However well-intended this section may be, there are questions about the number of female police officers, whether a female officer is available to "inspire confidence" and whether women police officers, do, in fact, inspire more confidence in victims than do male officers.

We might also ask whether such declaration would even be recognized by the courts. The evidence is that courts reject such police reports. There is probably greater concern by the legislature that police officers will be bribed and, hence, their reports not be in accordance with the facts. Corruption in police officials or simply discrediting either the dying woman or her relatives, has made enforcement and court action a sham.

Examples abound. Take, for instance, the case of Shanni Kaur, who died of dowry burning in a Delhi hospital. Before dying she gave her statement three times, once to the police and again to two different doctors, stating that her husband had poured kerosene on her and set her on fire. All three declarations were discounted in court.⁸¹ There is also the case of Manjushree Sarda who is reported to have been suffocated and given poison (potassium cyanide) by her husband, Sharad Birdichand Sarda. Here not only did the woman's sisters and friends supply written statements, but her father, mother, sister and friend testified about the husband's abusive behavior—all of which the court discounted.⁸²

The act itself seems to be concerned that men are protected: "it is the duty of Court to interpret words of ambiguous meaning in the broad and liberal sense, so they will not become traps for honest men and men unlearned in the law and unwary."⁸³ Presumably, this is to protect innocent

⁸⁰ Noted in both Dowry Prohibition Act, 1984 ed. and 1985 ed., Section 2 "Dowry Death—Murder or Suicide"; see Awasthi and Lal, 94.

⁸¹ The first dying declaration was discounted in court on the grounds that the doctor had taken down her statement before medically examining her and determining if she was competent. The second declaration was discounted because the court held that the police "do not inspire confidence" and may have recorded the statement hoping to get a reward. The third dying declaration was discounted because, though the doctor found the patient fit to make the statement, the court asserted that Shanni Kaur was "crying with pain [and] . . . it is difficult to believe that Shani Kaur was in a fit state of mind to make a statement." See discussion and further examples in Nandita Haksar, *Demystification of Law for Women* (New Delhi: Lancer Press, 1986), 98–100.

⁸² Haksar, 99.

⁸³ Dowry Prohibition Act, 1984 ed., sec. 2 "Penal Statutes." See Awasthi and Lal, 36. As Julie Leslie remarked, this protective move seems reminiscent of rape cases.

men from being accused unfairly, but, in light of a court system stacked against women, this seems an unlikely occurrence.

It is ironic that the Dowry Prohibition Act in attempting to abolish dowry, only regulates it in a limited fashion and, consequently it is, as Murthy observes, a misnomer.⁸⁴ She notes that, even if the act could be enforced, it would not solve the dowry problem. The problem itself is multidimensional in a way yet to be recognized by legislators.

The act defines "dowry" as "the property which a woman brings to her husband at marriage, sometimes used for a dower, sometimes a gift . . . given to or for a wife at marriage, a natural endowment."⁸⁵ As it is, the act does not actually confront the dowry problem because of the linguistic slipperiness in prohibiting dowry, but not "gifts" to the groom's family. Section 3 of the act, which provides a penalty for giving or taking of dowry, exempts "such presents as are of a customary nature," thereby vitiating the purpose of the act, since anyone could argue that the gifts are "customary."⁸⁶ What this effectively does is make matters worse. By calling what is actually dowry a "gift," it completely removes any possible power from the hands of the woman or her relatives—for "gifts" are to be given, with no strings attached, and their return, under any circumstances, would be uncalled for.

Some opponents of dowry recommend the banning of any public exhibition of the "gifts" accompanying the wife. Given that dowry is associated with status and prestige, such a prohibition, as Murthy argues, would cut to the heart of the matter. However, it is by no means clear that driving "gift" giving underground will eliminate or lessen the lust for material wealth. In fact, it may only result in changing the pressure for consumer goods into pressure for more cash to be put at the disposal of family members. It is not obvious that hiding the "gift" giving will make it go away.

In fact, Section 6 of the Dowry Prohibition Act makes no provisions for the return of presents to the bride or her family. This is a potentially significant problem. It has already been used as a ploy by the groom's family. For example, "a similar ingenious argument is resorted to by the husband's family in the *Satish Chawla Case*, where the family refused to return the dowry articles by referring to them as gifts."⁸⁷

Regarding the investigation of dowry deaths, the act states that, "in the ugly market of marriage, a cut-throat competition goes on and dumb girls are being freely treated as chattel or cattle. This has led to large numbers of cases of murder which are often reported as deaths or suicides."⁸⁸

⁸⁴ Murthy, 72.

⁸⁵ Dowry Prohibition Act, 1984 ed., Sec. 2, no. 3. See Awasthi and Lal, 94.

⁸⁶ As noted by Murthy, 73.

⁸⁷ Murthy, 75.

⁸⁸ Dowry Prohibition Act, 1985 ed., Sec. 8, no. 16. See Awasthi and Lal, 291. There are some serious questions about the language of the act: references to women as "dumb girls" can hardly be said to further their status. Such language makes them sound more like cattle than human beings.

In such cases, the government decrees that there must be:⁸⁹

1. Compulsory investigation and post-mortem of cases of married women dying under unnatural circumstances during the first five years of marriage;
2. "Serious notice" taken by police of all cases of "attempted suicide" or death in suspicious circumstances of young married women;
3. Investigation by officers not below the rank of Deputy Superintendent of Police;
4. A team of doctors should hold the autopsy;
5. Disposal of bodies should not be permitted without a "no objection" certificate by police;
6. The police cannot issue a "no objection" certificate until the body has been seen by parents, guardians or other relatives on the woman's side.

These directives cover the handling of dowry deaths by police officers and doctors. They do not, perhaps cannot, direct attention to the way in which cases are handled once they reach the courts, however few of those there may be. The very fact that, of thirty-seven hundred dowry-related complaints in New Delhi in 1987, only 358 were *investigated* by the police, demonstrates the seriousness of the problem. Only a fraction of those would likely reach the courts, due, for instance, to lack of evidence.⁹⁰ In other words, police action and medical investigation is not enough, though they could certainly be improved.

The courts must change their handling of dowry murder. For example, Murthy cites a comment made on January 15, 1987 by the Justices M. P. Thakkar and B. C. Ray that, "the widespread belief that dowry deaths are even now treated with some casualness at all levels seems to be well grounded."⁹¹

The act itself has some serious enforcement problems. Most notable is the fact that the act makes both the giving and the taking of dowry equally liable. This may be "the only legislation where both the plaintiff and the defendant are treated as equally guilty."⁹² If the giver of dowry and the recipient of dowry are both guilty of an offense, we might well wonder who will undertake legal proceedings. The bride is unlikely to do so and, because both families are liable for violation of the act, they certainly would not press charges. Since the society as a whole seems caught up in the dowry system, it would, therefore, be unlikely that a member of the community would complain.

That is not to say that complaints are not being made, for certainly

⁸⁹ Dowry Prohibition Act, 1985 ed., Sec. 8, no. 16. See Awasthi and Lal, 292.

⁹⁰ Cf. "Bride Burnings over Dowries," *The Telegraph* (Nashua, N.H.) 22 February 1988.

⁹¹ As quoted by Murthy, 76 n.

⁹² Murthy, 72-73.

individual women and women's organizations are taking action. The wording of the act, however, needs closer examination. By trying to catch all participating parties in its net, it is less likely to succeed than if it had focused only on dowry recipients. We might see an analogy in business and governmental ethics. Employees of most businesses and governmental agencies are forbidden from *accepting* gifts from clients, as it could be considered a bribe or could compromise the relationship between the business and the giving party. Overall, this prohibition works pretty well, even though it focuses almost exclusively upon the recipients, rather than those offering gifts.

Current Action

The greed for dowry, and indeed the dowry system as an institution calls for the severest condemnation. It is evident that legislative measures such as the Dowry Prohibition Act have [not] met with the success for which they were designed. Perhaps legislation in itself cannot succeed in stamping out such an evil, and the solution must ultimately be found in the conscience and will of the social community and its active expression through legal and constitutional methods.⁹³

The dowry problem is being addressed both within and outside the government. One concern is how the lives of girls and women are being touched, not only by the dowry system, but by the entire social context in which the problem has arisen and festered. In speaking of the Anti-Dowry and Anti-Atrocity Front, Roopa Kulkarni observes that, "This front believes in dowry prohibition not only by law but by social awakening and determined action."⁹⁴ Legal action is but one component of addressing social wrongs. Changes must occur in the social fabric itself, along with shifts in attitudes, beliefs, and the sense of individual self-worth.

Given the fact that women are committing suicide, either because of the oppressive family situation they have married into or from a sense of being a burden to their birth family, it might help to look at self-hate as a manifestation of the problem. There are a number of social factors that contribute to female self-hate in India. Foremost are (1) the customs, traditions and religious texts which set forth a view that women are inferior to men (for example, the rural saying by men that a woman is "a shoe of my left foot") or downright evil (Hindu philosopher Adi Shankara Charva calls women "the gateway to hell");⁹⁵ (2) the fact of dowry itself—that is, that payments must be made because of the woman's economic dependence on the husband's

⁹³ Supreme Court statement in the case of Shri Bhagwan Singh (1983), 2 SCWR, 164 at 175, 178 (SC). As noted in "Definition of Dowry" Section 2: Evils of Dowry—Dowry Deaths—Murder or Suicide, in Awasthi and Lal, 52–53.

⁹⁴ Kulkarni, 4 (see n. 19).

⁹⁵ As noted by Sushila Mehta, 10, 13.

family; (3) the fact that female infants are unwanted and seen as a liability; (4) the knowledge that midwives continue to get only half the "salary" for delivering girls that they get for delivering boys; (5) women's restricted access to education and employment in India, resulting in tenuous prospects for a girl's future; (6) the continuing social elevation of the male's position and worth; and (7) the perpetuation of the view that a woman without a man has no meaningful life.

These factors all contribute to females being devalued in the Hindu world. The internalization of that devaluation is evidenced by the numbers of mothers-in-law and sisters-in-law who actively participate in dowry murder. It is evidenced by the large numbers of women among the approximately two hundred thousand people who came to the place of Roop Kanwar's sati funeral pyre. It is evidenced by the mothers who continue to favor boy children over girl children. It is evidenced by the use of amniocentesis to eliminate females before they can become a liability.⁹⁶

Unfortunately, the oppressed tend to adopt societal attitudes and values regarding their own worth. India is no different. When a woman is abused by her husband and his relatives, and her own family turns her away, she faces two strong communal sources both rejecting her and reinforcing her low social status. By internalizing such degradation and low self-esteem, she may take responsibility for their assessment of her. Thus we find women committing dowry suicides. These suicides occur *before* as well as after the marriage. There is a 1988 report that three sisters in Kanpur committed suicide because their family could not supply the dowry cash demands of the prospective husbands' families.⁹⁷

In January 1987 the Parents Association of Dowry Victims, now called Shakti Shalini, was formed in Delhi. Initially, the group was concerned with helping parents gain access to legal aid, but it has expanded to working with exploited women. In July 1987 Shakti Shalini opened the first shelter in India to take in victims and their children for stays up to ninety days (longer,

⁹⁶ Amniocentesis is on the rise in India, though currently it is an option only for those with enough wealth or power to have access to medical centers. It is, nevertheless, a significant issue. A gynecologist in Jodhpur recently reported that 80 percent of her patients were only interested in sex-determination tests of the fetus so that females could be aborted. With the legality of abortion in India and the low status of women, there simply does not appear to be a strong enough counterforce to discourage abuse of amniocentesis. It is a horrific indictment of Indian society to hear reports that, though steps are being taken to ban such tests, women themselves suggest that, "perhaps it would be better to be killed off while still a foetus than to be born to parents who did not want a girl child." See discussion in "No Reason to Celebrate," *Hindustani Times*, 6 March 1988.

⁹⁷ See Kuldeep Kumar, "The Way to Dowry Deaths," *Sunday 21*, 27 February 1988. In this case, the family had six daughters. The eldest were well-educated and the father said he never mentioned the dowry problem to his daughters but "as the family lived in a small house the girls might have overheard him telling something to his wife." He felt they committed suicide to "free me from the clutches of this problem."

if necessary).⁹⁸ With the police regularly referring women to the shelter, it is hoped that not only will the numbers of such shelters increase but, more importantly, the increased attention to the dowry problem will help bring about social change. In addition to working in community education and networking with other women's groups, Indian feminists and human rights activists are working toward legislation that favors the victims of dowry death and harassment.

India has a large number of nongovernmental organizations working on women's rights. Although they have been accused of having a "middle class bias"⁹⁹ or of being extremist and militant,¹⁰⁰ such organizations and women's shelters nonetheless act as watchdogs for women's rights. They can provide "the vigilance necessary to ensure that women's interests are adequately represented in public policies,"¹⁰¹ in addition to helping mobilize women to resist exploitation and violence.

Some consider the joint family arrangement (when the married couple lives with the husband's relative) and the marriage age of the bride to be basic to the dowry problem. In this respect, the Western model of the independent living arrangement of the husband and (not quite-as-young) wife is thought to be a desirable alternative:

If the girl or the boy finds a suitable partner for marriage, they should also be ready, economically and otherwise, to set-up a new household without any fetters from the in-laws of either side. In the western society when a boy or a girl proposes to get married, the first thing they try to do is to find a flat for their independent life without any interference from boy's parents or girl's parents. . . This means that a man or a girl marries only when they are able to earn enough to have their own flat and maintain an independent household and raise a family.¹⁰²

Mehta is not alone in this view. Murthy also points to the economic dependence of women and the joint family system as the two most important factors in dowry deaths.¹⁰³

It is interesting that the desire to move away from a joint family system should be considered a possible solution, given the amount of wife abuse in the West. Indeed, in some circumstances, the very isolation of the husband and wife contributes to the problem. That is, behind closed doors there is no

⁹⁸ Shakti Shalini, *Progress Report*, September 1987. Shakti Shalini provides legal services, counselling and support to women for police and other investigations. To do so, the shelter has two full-time and one part-time case worker, is open twenty-four hours a day, provides three meals a day and is accessible to women "of all classes."

⁹⁹ Mukhopadhyay, 88.

¹⁰⁰ Murthy, 64.

¹⁰¹ Mukhopadhyay, 88.

¹⁰² Sushila Mehta, 212.

¹⁰³ Murthy, 29.

community support or potentially countervailing forces other individuals could provide for potential victims of domestic violence.

It simply is not clear the degree to which dowry abuse and murder might be reduced if the joint family situation did not exist. However, the issues of marriage age and economic dependence seem to be crucial elements in the woman's powerlessness. In conjunction with an oppressive joint family situation, these may be co-factors in the current large numbers of dowry deaths. Behind all of these factors lies the inferior status of women.

A concerted effort is now being made both by individual women and by women's organizations, to empower Hindu women and to see that empowerment in their rights and status in the society. Chandrika Kenia, the Indian Minister of State for Law, Judiciary, Sports and Education, was questioned about government steps to counter the atrocities of dowry deaths and wife battering. She felt that, "atrocities can really be countered by the propaganda and work of women's organizations and other social organizations" and has been holding "many meetings" to encourage this.¹⁰⁴

Women themselves have been turning to the courts to address some of the social problems they face. C. B. Muthamma successfully challenged the rules of the Indian Foreign Service decreeing that a woman member of the service must get written permission from the government to marry and could be fired if the government subsequently felt that her family duties interfered with her work.¹⁰⁵ In 1983, the Supreme Court upheld the right of a young unmarried woman to live independently of her family if that gave her happiness.¹⁰⁶ The 1987 acquittal of Kannamal in the killing of her husband after he tried to rape his fourteen-year-old daughter was considered a significant victory for women's rights.¹⁰⁷ With court actions such as these, people are having some success working within the system to effect positive changes in the lives of Hindu women.

Dowry and Education

Such efforts at change raise the issue of education as it affects dowry deaths. Education has two distinct roles in the dowry problem. The first is the role of education in addressing the dowry problem and the second is the

¹⁰⁴ Haazir Hai, "Chandrika Kenia," *The Lawyers Collective*, July–August 1987, 35.

¹⁰⁵ D'Souza and Natarjan, 371.

¹⁰⁶ D'Souza and Natarjan, 374. The authors note that this verdict was a blow to Manu's *Dharmasatra*: "In childhood a female must be subjected to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent."

¹⁰⁷ Though the court convicted the mother and son for killing him, the high court of Madras overturned the conviction. The high court noted that it would be uncharitable to ask the accused to wait until the act was committed and then go to the child's defense. See discussion in Kathleen Behan "Acquitted for Killing in Self-Defense," *The Lawyers Collective*, December 1987, 21.

role of education in creating dowry problems for individual women in India.

Individuals and groups have recognized the need for educating for social change and heightened awareness on the part of women regarding their status and power. Sharma, Hussain and Saharya write about work done in this area.

In the last couple of years efforts have been made to evaluate school books, develop instructional material and aids for teachers' training and prepare guidelines for "Teacher Orientation Courses on Sexism" aimed to develop among teachers an awareness of the existing influence of sexism in society. Some of the pilot projects on teacher orientation programmes have highlighted the limitations of these efforts, as teachers alone cannot counteract and modify the powerful influences of the family and the community on the socialization of girls and boys.¹⁰⁸

It is not clear how effective these efforts have been. Katherine Sreedhar has spent years working on the situation of women and the poor within Indian society. She feels that no strategy has worked.¹⁰⁹ Nevertheless, those human rights activists who continue to educate on these issues may yet see the fruits of their labor, as such change is likely to be of a gradual nature.

Meanwhile, the entire issue of education and marriage is a pressing concern. "These days one has to make a choice between a big dowry and a good education for girls. The two together are impossible."¹¹⁰ There certainly seems to be limited access to education for most females in India, as the disproportionately low literacy rates demonstrate.¹¹¹ Moreover, "while 40 percent of urban women are literate, only 1 percent of them are either graduates or post-graduates," with 50 percent of the educated women in India employed as elementary school teachers.¹¹²

This comes across as particularly grim if it is the case, as Srinivas claims, that, "an intimate link exists between female education, marriage and caste."¹¹³ Given that a Hindu woman is not supposed to be more highly educated than her husband, parents want their daughters to be educated

¹⁰⁸ Sharma, Hussain, and Saharya, 82.

¹⁰⁹ Personal communication to the author, 21 April 1988.

¹¹⁰ As quoted by Rama Mehta, 133. The speaker goes on to say that education is the best choice, but it is not necessarily a view held by the majority, given the restrictions of caste and the monetary issues raised in finding a suitable husband for an educated woman.

¹¹¹ In 1951, 76 percent of Indian males were illiterate, compared to 92 percent of females. In 1981, 53 percent of males were illiterate, compared to 75 percent of females. In numbers that 1981 figure translates in 181.1 million illiterate males and 239.3 illiterate females in India. Cf. Mukhopadhyay's literacy table (Mukhopadhyay, 34). In 1985, the ratio of literate women to literate men in India was only 57 percent. (See Adult Literacy, "Gender Comparisons," in Ruth Leger Sivard, *Women . . . A World Survey* [Washington, D.C.: World Priorities, 1985], 40.)

¹¹² Srinivas, *Changing Position of Indian Women*, 21. Given this statistic, it is interesting to speculate about Srinivas's choice of title for this book.

¹¹³ Srinivas, 23.

only to the point of getting the best advantage in the marriage market open to their caste. Since educated women have better job opportunities, an educated woman is not likely to be such an economic liability to her birth family. The more education the woman has, however, the more limited her marriage options (the smaller the pool of prospective husbands). Consequently, she needs a larger dowry to marry either a man from a higher caste or one who is more educated.

This, in turn, puts a greater burden on the woman and her family members who tend to see her education as “ornamental.”¹¹⁴ As a result, education seems less desirable and so (as statistics support) females drop out of school at a much higher rate than do males. Those continuing onward do so in the face of the marriage limitations and an increased dowry burden.

Conclusion

Social, economic, and religious factors have created a situation very difficult to unravel, and, even though governmental and other organizations acknowledge the extent of the dowry problem, a solution is not in sight. Concerned feminists in the West wonder what our role should be.

There is a danger in reporting bride burnings from the so-called neutral stance of a “dispassionate” observer. And while we might pursue the “preferential option” for the oppressed and discuss dowry from the frame of reference of the bride/victim, we have the luxury of knowing that none of us can be a victim of dowry death in our society. Certainly, we can find seemingly parallel instances of domestic violence here, but a crucial gap should be noted.

On the one hand, the dowry problem is a problem of class/caste structure, religion and custom, greed, and disregard for human life. This combination would be poisonous in any culture. On the other hand, there is a strength of religion and culture, and a caste hierarchy that has no close analogy in the United States.

While it may not be the place of Western feminists to offer solutions, nevertheless, we can offer support, organizational skills and resources. Silence on our part would indicate either ignorance or complicity. We need not be ignorant, for civil rights activists both inside and outside of India are vocal in demanding change and in publicizing the abuses of the dowry system. We cannot be complacent if we care about women’s rights or the destructive aspects of tradition.

Ironically, Western values may be partially responsible for the dowry system turning into a violent mutation of consumerism. We certainly know about human greed and how dissatisfactions regarding money and power assume deadly proportions. We are not strangers to human cruelty. We have

¹¹⁴ Sushila Mehta, 211.

not yet found workable solutions to the violence and the devaluation of women in our society. Consequently, we should not assume moral superiority when assessing the current dowry situation in India. But that doesn't mean we must turn away either. It is important not to dismiss the dowry problem as a peculiar expression of cultural values which we, as outsiders, have no right to judge. Human rights violations, however far from home, are rarely justified.

We can help Indian feminists establish social and legal channels to transform the status quo. By voicing our concern and our awareness of the injustices in the dowry system, we can provide a community of support for those working for change.

This, in turn, can help provide a broader base of power to aid the victims, help change the situation regarding marriage and dowry in India, and break the cycle of violence against women. We can join our voices with the women in India who are working to break the ropes that tie women down, those who affirm women's rights, those like Indu Sena who say,

No, I have no desire
for the status of a sati, a suhagan,
no longing for false glory.
I want only to renew the quest
for what I am,
to recognize myself . . .¹¹⁵

¹¹⁵ Indu Sena, trans. from Hindi, *Manushi* 42–43.