History Compass 2 (2004) AS 096, 1–9

Understanding Marriage Dowry

Rochona Majumdar
University of Chicago

Abstract

The dowry problem has not been known to produce suicides elsewhere in the world. Women without dowries or adequate dowries often ended up in convents or religious homes in England or Italy. Suicides and murders of young women on account of their family's inability to gather the requisite amount of dowry is unique to South Asia. What then, one wonders, is the practice of dowry all about? Is it something that represents unremitting oppression to all women or are there aspects to the practice that can in fact be empowering to those who receive dowry? How do we begin to comprehend women's complicity in the giving and taking of dowry and what is the relationship between such actions and law? This review article is an attempt to answer some of these questions by surveying the existing literature on dowry.

Thanks to reformist efforts over the long nineteenth century (spilling over into the twentieth), many aspects of women's reform in India – female education, the remarriage of widows, abolition of *sati*, polygamy, and child marriage – have gained general acceptance among most sections of society. The single most glaring exception to this is the phenomenon of marriage-dowry, a practice that continues unabated among most Indian communities both at home and abroad. Despite legal censure of the practice, dowry continues to be practiced by most sections of the populace and is often tacitly supported by the would-be brides as the only share they receive of parental property.[1] The effort to understand the dowry phenomenon has become all the more pressing recently in the context of a renewed national debate about the politics of dowry inaugurated by the Nisha Sharma case.

Sharma, a twenty-one year old engineering student in Noida, New Delhi became an overnight cause célèbre as the young woman's face featured in every single leading Indian as well as in some international newspapers in the weeks following May 13, 2003.[2] Crowned as India's "Miss Anti-Dowry" this new status came in the wake of Sharma's decision to call off her marriage on her wedding day (May 13), allegedly because her fiancé Munish Dalal's family were demanding an additional twelve lakh rupees ($25,000) over and above the gifts and money that had already

© Blackwell Publishing 2004

been decided upon by the two families. Since then dowry has made it back into Indian newspapers and magazines as the media began to unearth more and more cases of young women walking out or protesting against dowry demands. Within days of Sharma's allegations against the Dalal family, two other women – Anupama Singh and Farzana – have refused to accompany their husband's to their homes on the grounds that they demanded more dowry.

Interestingly, in all these episodes none of the women were averse to the idea of dowry being demanded. It was only when the groom's family went against their word, so to speak, by demanding sums in excess of what was decided and displayed force against the bride and her parents that the women rebelled and made an appeal to the law. Felicitating Sharma, Sudha Mallaya a member of the National Commission for Women argued that we ought to distinguish between "demanding dowry" and "taking gifts."[3] Parents of the bride, she argued, will give her whatever they want to as gifts but that should not be construed as dowry.

In one of the few "critical" pieces that have been published on the Nisha Sharma marriage, the writer Sudha Tilak drew attention to the peculiar anomaly that marked feminist positions on dowry.[4] She summarized Sharma's stance on dowry succinctly as follows: "As far as dowry is concerned, it is up to the bride and her family to refuse." In other words, "dowry is not an offense. It is an issue only when the bride's family is unable to meet the demands."[5] "The moral of the story," Tilak wrote, is that "we can expect young women to put up with dowry 'within limits.' Only ugly scenes over more dowry would make them take the extreme measure of a break-up of an impending marriage. It is another matter altogether that the modest families like the Sharmas and the Singhs, could even risk mortgage and rustle up hard earned life's savings for a grand wedding and the initial dowry that runs into hundreds of thousands of rupees so that their daughters are sent off with a 'proper' wedding."[6]

What then, one wonders, is the practice of dowry all about? Is it something that represents unremitting oppression to all women or are there aspects to the practice that can in fact be empowering to those who receive dowry? How do we begin to comprehend women's complicity in the giving and taking of dowry and what is the relationship between such actions and law? This essay is an attempt to answer some of these questions by surveying the existing literature on dowry.

Despite the Dowry Prohibition Act of 1961, and its subsequent revision in 1985, which officially outlawed the practice of marriage dowry in India, demanding and receiving dowry is still widely prevalent and is the most frequently cited cause of domestic violence against women.[7] Some, however, have read the rising incidence of violence against women attributed to the non-payment of dowry as a sign of women's empowerment. The argument in these writings runs as follows: the modern daughter in law unlike her earlier counterpart no longer remains silent in

© Blackwell Publishing 2004

the face of familial coercion in her marital household. The violence that ensues when she "answers back" is often cited as dowry-related by the victim's family because dowry is one of the few "heads" under which the Indian penal system recognizes or gives redress to abuses against women. While dowry has been simply condemned in journalistic and policy-oriented writings, historians have analyzed dowry, in ways that are far more complicated than would appear at the outset. While most are in agreement on the fact that dowry is reflective of unequal gender relations in Indian society, the need to understand the persistence of the practice is seen as critical for it is not for nothing that dowry's hold on Indian lives has been this tenacious.

Broadly, there are two identifiable strands in the literature on dowry produced during the 1970s and 80s. The first (and more compendious) was an attempt to grasp the emergence and escalation of dowry demands in terms of political economy. These works have variously explored the relationship between women's paid work, the structure of family, law, dowry, and domestic violence. The second strand is an effort to grasp the escalation of dowry in terms of the changes in the caste system under the colonial state.

Under the rubric of the first category are scholarly monographs as well as governmental and policy-oriented writings. It includes the well-known *Towards Equality* report commissioned by the Government of India that highlighted the relationship between dowry and women's property rights in India. While documenting the historical and legal background to the Hindu Marriage Act of 1955–56 which, among other things, sanctioned Hindu women's rights to inherit paternal property, scholars pointed to the relative absence of such rights from Hindu legal codes and deduced therefrom that it encouraged the practice of dowry exchange.[8] Dowry in these tracts was viewed as a kind of premortem inheritance of the daughter who had to leave her natal family to join another.[9]

A careful reading poses an interesting contradiction in these accounts. While dowry, according to these authors stressed the notion of female property and the female right to property, it was also simultaneously admitted that in recent times dowry,

> is demanded and given without relation to the actual wealth of the girl's father; it is also not equal for all daughters and its payment often plunges the girl's family and brothers into debt. Its extent depends on the socio-economic status of the bridegroom and differs in different regions and in different caste groups. Although, in the context of the family, dowry may appear to give a certain status to the woman, who is fortunate enough to be able to bring more of it, the custom reflects upon and helps in perpetuating the inferior status of women in society.[10]

The discussion pointed to the inherent opposition between dowry as a symbol of women's rights to property and the element of coercion in dowry demands that rendered women into targets of familial oppression.

© Blackwell Publishing 2004

But, the link between the escalation of dowry demands and the violence that resulted upon failure to meet them is not elaborated fully in such works. Furthermore, these writings did not historically explain how an argument for women's rights to property was in fact used to deprive women of direct control over property and became instrumental in outbreaks of aggression against girls and brides both before and after marriage.

The arguments about property and dowry were given an interesting twist in the mid-80s by Madhu Kishwar. In a series of articles that were published in *Manushi* variously titled, "Dowry – to insure her happiness or to disinherit her?" or "Rethinking dowry boycott," she explored the question of whether there were factors intrinsic to the social organization of the domestic and social space, rather than dowry per se, that caused violence against women.[11] Dowry, she argued, could in fact operate as a beneficent tool, favoring women's self interest. The lopsided nature of family structures working to the detriment of newly-married women's interests was taken up in studies made by Lionel Kaplan and Ursula Sharma.[12] Dowry emerged in their treatment as a relatively new phenomenon and the suicides and killings of young women around dowry-related issues were seen as a product of changes in family structure in the recent past.

Feminist histories of labor in India traced the evolution of dowry and the corresponding erosion of brideprice to women's increasing marginalization from the cash economy.[13] The argument in such works runs as follows – as urbanization increased and a new ideology of domesticity was elaborated in numerous manuals, which flourished from the mid to the late nineteenth century, there was a dissociation of production and consumption, family and economy, with women placed in the realm of consumption and family and men in the sphere of production and economy. Dowry, it was argued, was compensation paid by the bridal family for the divestment of women from paid work. Commenting on this change in the context of colonial Bengal for instance, Samita Sen has argued that it was the devaluation of women's labor in the overall employment structure that caused this shift. As long as women's work in the home and outside was deemed economically productive, her natal family had to be compensated by her conjugal family at the time of marriage through payment of brideprice. Also, parents were likely to leave the girl unmarried for a longer period if her labor was valuable to the family in economic terms.[14]

Sen related the opposition to the Sarda (Child Marriage Restraint) Act of 1929–30 to the financial pressure faced by families at the time of their daughter's weddings. Most fathers did not want to bear the dual burden of raising a daughter as well as paying a big dowry at the time of her marriage. Hence the preference for child marriages even among those groups that had hitherto practiced adult marriage. For Sen, it was the depreciation of women's labor, rather than a concern for chastity or desire to improve their ritual caste status that impelled the lower castes/classes

© Blackwell Publishing 2004

to abandon brideprice in favor of dowry and practice child marriage.[15] Neither was it a premortem inheritance, as dowry was not paid to the woman but to the husband's family.

In the second school of writing I mentioned earlier, belong scholars like Ranjana Sheel, who in her study of the expansion of dowry in North India, regarded the escalation of the practice as the result of the rigidification of the caste system under the colonial state. She wrote,

> The colonial state's insistence on the reinvented Brahmanical tradition along with the promotion of the *Brahma* form of marriage thus played an important role in the institutionalization and expansion of the dowry system especially among the large number of subcaste/classes emerging out of the social, political and economic consequences of colonial rule . . . what made the Brahma form of marriage along with dowry so pervasive especially among the emerging socially mobile subcastes and classes was that it was accepted as legally the most approved form the Court took into consideration while deciding on issues of inheritance and division of property.[16]

The most recent contribution to the corpus of works devoted to study of dowry is Veena Talwar Oldenburg's impressively researched monograph *Dowry Murder: The Imperial Origins of a Cultural Crime*, a remarkable attempt to both understand and unravel the causality behind the occurrence and persistence of the violence – physical abuse, often culminating in murder – perpetrated against women in the name of dowry in colonial Punjab and post-colonial Delhi.[17] Oldenburg's work *Dowry Murder* takes off from an attempt to understand the genealogy of the spate of dowry deaths that occurred in Delhi in the mid-80s. To do so she traces back the pre-history of dowry to colonial Punjab, only to find that instead of "the murder of brides" dowry in colonial records was "categorically indicted as the cause of female infanticide."[18] For Oldenburg, therefore, dowry and female infanticide were parts of the "many-headed hydra of female oppression" and must be understood as such. In making a claim like this, she successfully critiques and synthesizes much of the existing literature on dowry to arrive at some startlingly new conclusions.

The central question of the book is: why in the decades when the colonial state sought to legislate and control the problem of female infanticide did the numbers of deaths of female children go on increasing? The answer given readily by the colonial state as well as the bulk of contemporary Indian reformers was that since the marriage of girls was an expensive proposition for most Punjabi families, and the pressure of dowry and other wedding expenditure proved ruinous to most families, infanticide was a pre-emptive step to protect most families from financial doom. Marriages could take place only within the restrictive circles of particular castes. The dual pressure of caste and social respectability, it was argued in the colonial accounts of Edwardes, Thorburn, Brayne, and Darling made dowry the "cultural culprit" responsible for the death of baby girls.[19]

© Blackwell Publishing 2004

Oldenburg offers a far more radical and challenging reading of her sources. It was colonial political economy she argues, "that produced ever more skewed gender relations", (p. 168) leading to the production of "gender targeted families" (p. 171) an act in which both Punjabi men and women were equally complicit. Colonial land revenue policies in the shape of the *ryotwari* settlement was responsible for the birth of a breed of vicious moneylenders with a voracious appetite for their debtors' land. The latter in turn were forced by the compulsions of state to enter a cycle of chronic indebtedness. "Occasionally," she writes, "the peasant would need a further loan to marry off his daughter – an event that could in no event wait past her puberty for reasons of chastity – because the profits of the harvest had already been pledged to the moneylender."[20] In addition to revenue policies, other policy judgments by the state such as withdrawal of all customary financial allowances to villages also indirectly compounded the costs of a daughter's wedding. Now the burden fell on individual families to make provisions for the bridegroom's party whose lodging and entertainment costs would often be met with from the state's endowments to villages. Finally, and this was especially significant for the Punjab, the new employment structure created by the colonial state in the shape of jobs in the British Indian army and the building of canals and railways made a preference for sons the most pragmatic choice for most families. All these factors together, rather than dowry demands made the female infant a casualty in the colonial history of Punjab.

The trajectory of how dowry became vulnerable to the new market economy is now clear. It was originally a "material resource over which a woman has had at least partial control, and her natal family has viewed it as providing her not only with goods for her use and pleasure but also with recourse in an emergency."[21] In the changed circumstances of British rule it slowly attained its status as the key indicator of the subjugation of north Indian women and became ready to undergo quantitative changes to match inflation, the increasing availability of consumer goods, and the growing commercialization of everyday life."[22]

It was the overall state policy creating a male-oriented structure of property ownership and not dowry that led to the oppression of women. This trend is true of postcolonial India too, argues Oldenburg where the Hindu Succession Act of 1956 that gave women a share in their paternal property actually left out agricultural land from within its ambit. Oldenburg concludes that in a society where the natural telos of a women's life culminates in marriage, her precarious rights to immovable property renders dowry into a resource.

From the above survey it is possible to draw certain conclusions about dowry as it was/is practiced in India. First, it is clear that dowry is not a timeless practice. Nor is it something that has any scriptural (*sastric*) sanction behind it. From all accounts, it can be dated back to the late colonial period and is something intrinsically linked to women's social worth in

© Blackwell Publishing 2004

the rapidly commercializing "marriage market" that was developing in India from this time.[23] The scholarly works discussed above also help in dissociating dowry from its caste moorings and hypergamy and relate it to certain colonial political-economic developments and their social and cultural fallouts. Finally, in postcolonial India arguments presented by scholars like Kishwar and Oldenburg about the adjective dowry in the phenomenon referred to as dowry deaths as being too "restrictive a qualifier and too unproven a motive for such tragedies" is also persuasive and convincing. Recent case studies of dowry deaths by authors like Subhadra Butalia, or the collection of essays compiled by Werner Menski tracking the incidence of dowry in India and among Indians in the diaspora clarify that dowry shrouds a much thicker web of problems that characterize gender relations in post-colonial India, whose roots I have argued can be traced back to the late nineteenth century.[24]

Notes

Rochona Majumdar is Collegiate Assistant Professor and Harper Fellow in the Society of Fellows in the Liberal Arts at the University of Chicago.

[1] For a fascinating ethnographic study of women's relationship to parental property at the time of marriage see S. Basu, *She Comes to Take her Rights: Indian Women, Property, and Propriety* (Albany, State University of New York Press, 1999).

[2] For a few examples see, "Dowry too high. Lose bride and go to jail", *The New York Times*, Saturday, May 17, 2003; "Nisha case", *The Telegraph*, May 16, 2003; "Dowry daredevils yes, but what next", *The Telegraph*, May 19, 2003; "Nisha Sharma, several others honored by AIATF", *Outlook*, May 21, 2003.

[3] "Difference between demanding dowry and taking gifts", outlookindia.com, May 21, 2003.

[4] S. G.Tilak, "Unlikely heroine", outlookindia.com, May 20, 2003.

[5] Ibid.

[6] Ibid.

[7] For statistical details on dowry related deaths see R. Kumari, *Brides are Not for Burning* (New Delhi, Radiant Publishers, 1989); W. Menski (ed.), *South Asians and the Dowry Problem* (New Delhi, Vistaar Publications, 1999). Two recent books also give detailed case studies of dowry victims from the 1980s. See S. Butalia, *The Gift of A Daughter: Encounters with Victims of Dowry* (New Delhi, Penguin Books, 2002); S. Sirohi, *Sita's Curse* (New Delhi, Harper Collins, 2003).

[8] *Towards Equality: Report Of The Committee On The Status Of Women*, Government of India, Ministry of Education and Social Welfare, 1974.

[9] This position is similar to that taken by Stanley Tambiah. See S. Tambiah, "Dowry and bridewealth, and the property rights of women in South Asia", in *Bridewealth and Dowry*, eds. J. Goody and S. Tambiah (Cambridge, Cambridge University Press, 1973), pp. 59–169.

[10] *Report* 1974, pp. 71–5.

[11] M. Kishwar, "Dowry – to insure her happiness or to disinherit her?", *Manushi*, 34, 1986, pp. 2–13; Kishwar, "Rethinking dowry boycott", *Manushi*, 48, 1988, pp. 10–13.

[12] U. Sharma, "Dowry in North India: its consequences for women" and L. Caplan, "Bridegroom price in urban India: caste, class and 'dowry evil' among Christians in Madras", in *Family, Kinship and Marriage in India*, ed. P. Uberoi (Delhi, Oxford University Press, 1993), pp. 341–57, 357–83.

[13] S. Sen, *Women and Labour in Colonial India: The Bengal Jute Industry*, Cambridge Studies in Society and History (Cambridge, Cambridge University Press. 1999).

[14] Sen concludes that, "In the Bengal context, dowry can be related more to the relative devaluation of women's productive capacity than to the daughter's pre-mortem share in the

© Blackwell Publishing 2004

parental property. The dowry was not paid to her but to the husband's family. More interestingly, dowry was spreading to poorer classes who had little property to leave. By the same token, dowry cannot be regarded as a contribution to the girl's maintenance since it was paid increasingly for women who made an active contribution to the income of the conjugal household . . . The system of brideprice recognised if not respected, women's productive contribution to the conjugal family. By that token brideprice could also be paid for widows . . . The perception, however, of a widening gap between men's and women's earning capacities and their material contribution to the conjugal household that led to the spread of dowry." (Ibid., p. 87)

[15] Ibid., pp. 85–8.

[16] R. Sheel, *The Political Economy of Dowry, Institutionalization and Expansion in North India* (New Delhi, Manohar, 1999). Explaining why dowry became normative for most social groups in North India, Sheel writes, "During the colonial period, the characteristic rigidity and openness in the restructuring of the caste system had its impact on the marriage practices and dowry. The *Brahma* form of marriage with its integral component dowry was further reinforced by newly emerging caste rigidities . . . It is generally agreed that there was a constant process of several lower and lower-middle castes to model themselves in the fashion of upper castes due to increased opportunities of social mobility. Yet this modeling, unlike the pre-colonial period did not change their caste affixation or labels. What did change however or strove to change was usually their status within the caste-based local hierarchical social ladder through the process of Sanskritization . . . Opportunities to throw off caste labels or create new caste categories were no longer available to the emerging upwardly mobile social groups which claimed their higher status by adopting customs and rituals of upper castes and made their own subcastes distinct from their *bahyut* ones. This to a great extent was the result of the grand colonial project of defining the castes and rank them in accordance to social precedence which was carried out during various census operations, most notably the one of 1901" (pp. 89–98).

[17] V. Oldenburg, *Dowry Murder: The Imperial Origins of a Cultural Crime* (New York, Oxford University Press, 2002).

[18] Ibid., p. 5.

[19] Ibid., pp. 41–73.

[20] Ibid., p. 169.

[21] Ibid., p. 9.

[22] Ibid., p. 170.

[23] For more details about the historical origins of a market in marriages, particularly in Bengal see R. Majumdar, "Marriage, modernity and sources of the self: Bengali women, c.1870–1956" (PhD dissertation, University of Chicago, 2003).

[24] W. Menski, *South Asians and the Dowry Problem* (Stoke-on-Trent, Trentham Books/School of Oriental and African Studies, 1998); Butalia, *Gift of A Daughter*, p. XX.

Bibliography

Government reports:

Government of India, Ministry of Education and Social Welfare, *Towards Equality: Report Of The Committee On The Status Of Women*, 1974.

Books:

Basu. S., *She Comes to Take her Rights: Indian Women, Property, and Propriety* (Albany, State University of New York Press, 1999)

Butalia, S., *The Gift of A Daughter: Encounters with Victims of Dowry* (New Delhi, Penguin Books, 2002)

Caplan, L., "Bridegroom price in urban India: caste, class and 'dowry evil' among Christians in Madras", in *Family, Kinship and Marriage in India*, ed. P. Uberoi (Delhi, Oxford University Press, 1993), pp. 357–83

© Blackwell Publishing 2004

Kishwar, M., "Dowry – to insure her happiness or to disinherit her?", *Manushi*, 34, 1986, pp. 2–13
Kishwar, M., "Rethinking dowry boycott", *Manushi*, 48, 1988, pp. 10–13
Kumari, R., *Brides are Not for Burning* (New Delhi, Radiant Publishers, 1989)
Majumdar, R., *Marriage, Modernity and Sources of the Self: Bengali Women, c.1870–1956* (Unpublished PhD dissertation, University of Chicago, 2003)
Menski, W., *South Asians and the Dowry Problem* (Stoke-on-Trent, Trentham Books/School of Oriental and African Studies, 1998)
Menski, W. (ed.), *South Asians and the Dowry Problem* (New Delhi, Vistaar Publications, 1999)
Oldenburg, V., *Dowry Murder: The Imperial Origins of a Cultural Crime* (New York, Oxford University Press, 2002)
Sen, S., *Women and Labour in Colonial India: The Bengal Jute Industry*, Cambridge Studies in Society and History (Cambridge, Cambridge University Press, 1999)
Sharma, U., "Dowry in North India: its consequences for women", in *Family, Kinship and Marriage in India*, ed. P. Uberoi (Delhi, Oxford University Press, 1993), pp. 341–57
Sheel, R., *The Political Economy of Dowry, Institutionalization and Expansion in North India* (New Delhi, Manohar, 1999)
Sirohi, S., *Sita's Curse* (New Delhi, Harper Collins, 2003)
Tambiah, S. and Goody, J. (eds.), *Bridewealth and Dowry* (Cambridge, Cambridge University Press, 1973)

© Blackwell Publishing 2004