



## GENDER RELATIONS AND THE DOWRY SYSTEM IN INDIA

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### KEYWORDS

### INTRODUCTION

The Indian Constitution provides for gender equality. In 1990, the Parliament set up the National Commission for Women in order to protect and advance women's rights. The 73<sup>th</sup> and 74<sup>th</sup> Amendments to the Indian Constitution reserved political seats for women. Furthermore, the country has been ratifying some conventions in order to eliminate discrimination against women. This was the case with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in 1993. Notwithstanding all these actions, the status of Indian women continues to be inferior to men's (Chowdhury and Patnaik, 2010; Savvasi and Varre, 2013). Economic, cultural and social barriers continue to deny the most basic rights to women (CSSS, 2011; World Bank, 2011). There is a wealth of evidence that Indian society is male dominated: the disproportionate gender ratio, female infanticide<sup>ii</sup> and the belief that the primary role of women is to serve men from their birth until their death. Starting by serving their fathers and brother/s, at the time of marriage women perpetuate their subservient role towards their husbands. Currently, arranged marriages prevail. Matrimonial rights, such as rights to property, adoption, divorce or rights for widows to remarry, have been denied to women for a longtime. The low status that women have in Indian society is one of the causes of the crimes perpetrated against them (CSSS, 2011).

The Indian Constitution of 1950 declared the universal nature of elementary education. In 1993, the Supreme Court declared that education up to 14 years of age was to be considered as a fundamental right of children in India (Shirname, 2007). The country has launched several programs, either at a national or a State level, in order to extend and improve the educational system (Shirname, 2007). However, gender asymmetries persist and have several causes: the gender division of labor, the patrilineal heritage system and the patriarchal norms, as well as the marriages characterized by patrilocality<sup>iii</sup>, exogamy<sup>iv</sup>, hypergamy<sup>v</sup> and the dowry system<sup>vi</sup> (Sen and Drèze, 1995); early marriages (UNESCO, 2003); personal security<sup>vii</sup> (OECD, 2012); the preference for sons and a labor market that favors men. Other causes are the parents' level of education and their economic-financial situation. Therefore, girls are more likely to attend school when their mothers also went to school and when the household has good economic conditions. However, among poor social classes, mothers' work may also negatively influence the girls' schooling, due to the increase in the domestic chores delegated to daughters (Kingdon, 2002). In this regard, it is worthwhile noting that according to the report about the MDGs, in 2011, prepared by the Indian government, women's participation in the labor market remained low. Many women do not have control over the money they earn, handing it to their fathers, husbands or in-laws (CSSS, 2011). Virilocality<sup>viii</sup> increases the control exerted over the woman and the potential for violence, many times associated with the dowry (Johnson and Johnson, 2001).

According to Longwe (1998), the change in women's status implies a transformation in the patriarchal society, which requires an education that goes beyond the conventional and conservative schooling that teaches girls to accept the patriarchal authority and contributes to the perpetuation of women's subordination role. In

an educational system geared towards women's empowerment, participants (men and women) would be encouraged to identify the main structures of gender inequality and discriminatory practices, either in the society itself or in their own personal experience to critically reflect upon norms and practices traditionally assumed as natural or normal, and to be engaged in collective action aiming at producing social transformation. In this process, the involvement of boys and men is seen as fundamental for promoting gender equality and improvement in the status of women (Chowdhury and Patnaik, 2010).

### THE DOWRY SYSTEM

The dowry system was established in India during the 13<sup>th</sup> and 14<sup>th</sup> centuries (Rao, 1982, cited in Dalmia and Lawrence, 2005, 73). Gupta (2003) argues, however, that the way in which the dowry is practiced today is a modern custom. The dowry is mostly associated with the Hindu religion, but it ended up crossing the religious barriers and expanding into other religious communities (Gupta, 2003, 102), despite having been banned in 1961. *The Dowry Prohibition Act* defined the dowry as any property or value given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage, before or after the marriage. The document referred to the exclusion of *mahr* (dowry given by the grooms to the brides in the Muslim religion)<sup>x</sup>. The document itself ends up making it possible to circumvent the law, adding that any gifts at any moment of the marriage to one of the parties, in the form of money, ornaments, clothes or any other articles, should not be considered as dowry, unless when previously established as a (pre)condition for the realization of the marriage<sup>x</sup>. Another contradictory example can be found in section 6, where it is stated that the dowry should only be used for the benefit of the woman or her heirs<sup>xi</sup>. By prohibiting the dowry, this normative Act determined a punishment not only for the person who receives the dowry but also for the person who gives it. This prohibition was not effective and became the subject of two amendments, in 1984 and 1986 (Johnson and Johnson, 2001, 1064).

For neoclassical economists, an effective amount or "price" given to the potential husband/wife can be found in contexts where two people combine different attributes and roles. The purpose is to search for the partner that allows him/her to maximize his/her utility (Becker, 1991). Obstacles to an effective price arise when the gains resulting from the marriage cannot be immediately divided or when one of the spouses holds more power than the other. Bride-prices, dowries, divorce agreements and other types of capital transfer exist to overcome these obstacles. The bride price can be paid, for instance, when the bride has a superior socio-economic status to the groom. When the reverse happens, the dowry is paid.

Botticini and Siow (2003) studied how the dowry system works, distinguishing it from the bride-price<sup>xii</sup>. According to the authors, when brides are scarce, grooms pay the bride-price to the brides and, when grooms are scarce, brides pay the dowry to the grooms, which can also be called groom-price. In spite of the fact that, in contemporary times, India is a country where the dowry system prevails, the authors state its absence in the Dravidian kinship

region. As opposed to the Hindu marriage tradition, virilocality is not part of marriages between cousins in the Dravidian region (Karve, 1993, cited in Botticini and Siow, 2003, 1390). Rajaraman (1983) explains the reasons for the prevalence of the dowry in detriment to the bride-price. The last is defined as a compensation given to the bride's family by the decrease in family production as a result of her departure. The author claims there are two elements that contribute to the payment in question: the woman's economic contribution and her role in the children's education and in other domestic activities. On the contrary, the cost of maintaining the woman is seen as a penalty. In this scenario, the dowry acts as a compensation for the costs inherent in the woman's maintenance. The dowry must be seen, therefore, as a compulsory element in a daughter's marriage, regardless of her contribution to the family's income.

Dalmia and Lawrence (2005) analyzed the dowry system by distinguishing between the North and the South of India. The study relied on data provided by the National Council of Applied Economic Research (NCAER), based on research conducted in some cities in the States of Uttar Pradesh (North) and Karnataka (South), in 1995, relating to kinship and marriage relationships. The North is characterized, mostly, by: a patrilineal inheritance and patrilocal residency system, prohibition of marriages between close relatives, women's exclusion from property rights, unilateral flow of gifts from the bride's family to the groom's family, marriages with men of the same social status or of a higher social status (hypergamy) and marriages between people of different villages (Trautmann, 1993, cited in Dalmia and Lawrence, 2005, 74). The South (where our study was carried out), on the contrary, is characterized by marriages between close relatives or, more concretely, between cousins, marriages between grooms and brides of the same social status (isogamy), recognition of land property rights for women, and short term migrations after the marriages (Dyson and Moore, 1983; Miller, 1981, cited in Dalmia and Lawrence, 2005, 74).

According to Dalmia and Lawrence (2005), the value of the dowry is influenced by factors such as the groom's education (especially in the North), age (especially in the South) and height. The higher the groom's level of education, the older and taller he is, the higher is the dowry he receives. In the brides' case, in both regions, but particularly in the South, the higher their education, the higher is the dowry paid. The relationship between the bride's superior education and the payment of a higher dowry might be due to the fact that education is related to financial prosperity<sup>iii</sup>. A higher dowry can also be used to compensate the groom for the possible risks associated with a marriage to a woman with a higher level of education<sup>iv</sup>. Male education, on the contrary, has influence on the dowry, increasing the payment to the grooms with a higher level of education<sup>v</sup> (Munshi, 2012). Returning to the results obtained by Dalmia and Lawrence (2005), the higher the groom's financial prosperity, the lower is the dowry he gets. On the contrary, the higher the groom's social position<sup>vi</sup>, the higher is the dowry paid. The difficulty in finding an educated man, with a good monthly salary, leads the parents to pay the dowry in order to guarantee a good marriage for their daughters (Caldwell, 1983, cited in Botticini and Siow, 2003, 1395). This way, the expansion and intensification of the dowry system in India in the last decades can be explained by hypergamy (Botticini and Siow, 2003).

It is worth stressing that the dowry causes the death of over 9500 Indian women per year (CSSS, 2011). The *dowry burning* is also known as *dowry death*, *dowry murder* and *bride burning*. It happens particularly when the additional requests for dowry are not met (Johnson and Johnson, 2001). The most common form of occurrence is the husband or his relatives pouring kerosene on the woman and setting her on fire (Stein, 1988, cited in Johnson and Johnson, 2001, 1060). In the case of a police investigation, it might be justified as a domestic accident that has occurred in the kitchen (Miller, 1992, cited in Johnson and Johnson, 2001, 1060).

## 2.1 RESEARCH METHOD

Priority was given to a qualitative approach. The one-on-one

interviewing process consisted of semi-structured interviews and took place in the first half of 2013. The interviews were held with 32 Hindu women, aged between 18 and 40, with different civil statuses, occupations and levels of education. The Hindu population was targeted due to the predominance of the dowry system in this religious group. Most of the population speaks the language of the State, Telugu, but there is also a high prevalence of the national language, Hindi, and Urdu is also spoken by the Muslim population. English is spoken by a large proportion of the population, but fluency in language is limited to the population with higher levels of education and/or formal education. Due to the linguistic barrier, in some occasions the support of a non-professional interpreter was needed. Although the topics were highly sensitive, particularly the questions on the dowry system (illegal practice), the interviews were anonymously voice recorded, and followed by the respective content analysis.

The field work was undertaken in the city of Hyderabad, in the State of Andhra Pradesh<sup>vii</sup> (South), due to the connection to the city of one of the authors, who worked as a teacher at a local college for women in 2009-10. The interviewees were selected randomly, mostly in their working places: a language institute, companies, shops in shopping malls, a salon, a market, a building with a caretaker, a college, and a household with a domestic employee. One of the interviews took place in a slum area<sup>viii</sup>. Some of the interviews were also undertaken in a cultural center and in a catering zone.

For analytical purposes, the group was divided into three subgroups, according to the level of education: a group of ten women with a level of education lower than the secondary; a group of eleven women with a secondary level of education, who had dropped out or were attending higher education; a group of eleven women with higher education, including the attendance, at the moment, of masters and MBAs. The research focus was on their social representations in relation to the dowry system and to gender relations.

## 2.2 THE FIELDWORK

India, formed by 28 States<sup>ix</sup> and seven union territories, is a country of contrasts and divisions, based on caste, social class, gender, religion and geography. Hyderabad is the sixth demographically biggest city, with more than seven million inhabitants<sup>x</sup>. Hyderabad, with a Muslim tradition, reflected in a population with more than 20% of Muslims, is characterized by a mixture of cultures and religions. It was in this city that the fieldwork took place.

The first group of women, with an education lower than the secondary level (including uncompleted secondary education), is made up of ten interviewees. They are women aged between 18 and 40 years, most of them aged between 25 and 35 years old. Concerning their education, there is an illiterate woman among those who had between the 5<sup>th</sup> grade and uncompleted secondary education, some of them having 10 years of schooling. Regarding the autonomy to choose their studies, this group is the one where most of the interviewees dropped out of school due to their families' decision, mainly to get married. This group presents the highest number of married women (five married, two widows and three singles).

The second group consists of 11 interviewees, aged between 18 and 31. Half of them were attending higher education (one gave up to help the family) and five completed the secondary school. Some of them said that they had decided to drop out of school because their families were having financial problems. In this group, only three women were married. The third group is composed of eleven interviewees. Nine completed higher education<sup>xi</sup> and two were attending MBAs. The decision concerning the choice of studies was up to them. This segment presents the highest number of single women. Only two interviewees were married, and two others were about to get married.

Regarding their occupations, there is some variety, but most of the interviewees were working in the retail sector, particularly in shopping malls. The first group is quite homogeneous considering that, of the ten interviewees, five were working as auxiliary college staff.

Most of the married interviewees (including two widows) married when they were aged between 12 and 20. Thus, the youngest, from a rural area, married at the age of 12, and she never went to school. The second youngest married when she was 13/14 years old (she did not specify); and at the age of 20 she already had a six-year-old son. Both of the interviewees belong to the first group, in which the highest age at marriage was 20. In the second and third groups, the youngest marriage occurred at the age of 17 and 15, and the oldest at 23 and 25, respectively. Considering all the interviewees, the overwhelming majority of cases, marriages were arranged. However, three of the single interviewees (the second and third groups) stated that they were going to have a marriage based on love.

Most of the interviewees stated that they had not paid or were not going to pay the dowry (of the twelve married, seven paid for it). In the first group, however, of the seven interviewees (including the widows), four paid the dowry, although the amount was not very high. None of them mentioned having received an additional request for the dowry. Those who did not pay said the reason for not doing so was that it had not been asked for.

Of the three single women, two said that they were going to pay it and one of them was not directly asked to do so. On the contrary, in the second group, none of the interviewees mentioned the payment of the dowry, and in the third group, only one paid it. The reasons presented for not having paid the dowry were: marriage to a relative and the husband did not ask for the dowry. Among the single interviewees, four stated not wanting to pay the dowry and one of them said that she was going to pay it if it was asked for. The three interviewees that were going to have a marriage based on love were not going to pay it, as well as one that was going to marry a relative. One interviewee said she was going to refuse to pay the dowry due to her high level of studies. In general, the women interviewed mentioned having been treated equally in comparison with their brothers. Two of them (the first group) stated that their brothers were preferred by their parents in detriment to them, and one admitted this had clearly prejudiced her studies.

In the first group, two of the interviewees said that the dowry was given to their in-laws, and they were not opposed to this. Another one did not know how the money was spent. Another one, on the contrary, made a bank deposit with her husband to guarantee their children's future. In the third group, contrary to the first one, the only interviewee that paid the dowry stated that her husband was spending the money only on her – for instance, by buying her gold.

Most of them answered unanimously that the dowry should be eliminated. In the first group, however, we found some more traditional positions. For example, one interviewee, although she admitted not having paid the dowry, ended up stating that it should not be eliminated because it is part of the cultural tradition. Another interviewee claimed that the dowry should be paid only by whoever is financially able to do so. Another one expressed some ambivalence: if on the one hand, it penalizes the bride's family, on the other, if it is not given, the groom is socially frowned upon. Other statement stressed the security element underlying marriage and prestige for women, leading her in-laws to take care of her. In the second group, the opinions against the dowry practice were expressed more vehemently. One woman, for instance, saw the dowry as unfair, cruel and a burden, and she did not find any justification for its practice. Another one went further and considered the dowry a crime. Others, in a critical tone, mentioned that the dowry is like purchasing the woman, as an object that men therefore possess. Finally, in the third group, the opinions were similar, advocating doing away with the dowry. One

interviewee saw the dowry as one of the worst evils in society, another stated that the dowry should not exist because women are similar to men, can study and be independent. Those interviewees in favour of the elimination of the dowry clearly saw the investment in formal education as a very strong supportive measure.

When encouraged to pronounce themselves in relation to the dowry payment regarding their respective daughters, most of the interviewees declared not wanting to pay it. The third group is the one where most answers pointed in this direction (only two were willing to pay it). In the first group, on the contrary, some of them said they were ready to pay it, if asked. Others said that they were investing in their daughters' education so they could have a good future and, therefore, they were not intending to pay the dowry. Their position in relation to the dowry in the event of having sons was also examined. Most of the interviewees stated that they were not going to request the dowry for their sons. In the first group, one interviewee was considering requesting the dowry for her son if he had a good social position when grown up. Another one is planning to request the dowry for her son so that she is able to pay her daughter's dowry. Another one will let her son, at that time aged 12, decide this issue later on. Another woman was considering doing so but only if her son needed it.

We tried to discover if the interviewees were treating (or planning to treat) the sons and daughters in the same way in regard to education. The majority were in favor of equal treatment. One interviewee (the first group), the mother of two daughters and one son, even admitted to be giving priority to her daughters due to the fact that her parents invested more in her male siblings than in her. Thus, while her son was attending a state school, her daughters were attending a private one.

We also tried to assess their perceptions about the role of education in women's lives.

Most of them attributed positive effects to getting a higher education, namely: the possibility of getting a better job and better wages, running their own businesses, paying a smaller dowry, and having a better future in general. Education is also seen as a means of contributing to the development of the country. Few women said they had equal rights in relation to men. They mentioned insecurity, the domination exercised by men and most of them expressed the wish for more education, more freedom, more security, more institutional support to fight for their rights, more protection and support from their husbands, more respect by men in general, more empowerment (including in the households), the eradication of female infanticide and the separation between men and women when travelling in buses and trains (for safety reasons).

## CONCLUSION

This article is based on a qualitative study whose main aim was to contribute to a more comprehensive understanding of the gender relations and the dowry system in India. The fieldwork involved interviews with women from different educational backgrounds living in the city of Hyderabad (South of the country). This is the sixth demographically biggest city, with over seven million inhabitants. The Hindu population was targeted due to the predominance of the dowry system in this religious group. Therefore, 32 women were interviewed, aged between 18 and 40, from different civil statuses, occupations and levels of education. Women with higher levels of education were more critical in relation to: the dowry system as a mechanism of reproduction of the low status of women and of the persistent asymmetries in gender relations. They also wish to educate sons and daughters under equal conditions and tend to value marriages based on love at the expense of arranged ones. On the contrary, the most conservative positions were found among the interviewees with a lower level of education. Still, all the interviewees gave great importance to formal education, including those from the first group (education given to their children, either daughters or sons), and considered education as a way of enhancing women's contribution to the development of the country. Such findings give

support to the argument that education may be seen as a driver of change in terms of women's status, opening up prospects for a more gender-equal society. However, if this is to happen, the education system (programs and curricula) needs to be congruent with gender equality, targeting both women and men in the project of challenging the predominant patriarchal structure.

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