

Dowry and Inheritance Rights

Madhu Kishwar

IT is puzzling that *EPW* should think fit to publish such a confused diatribe as C S Lakshmi's 'On Kidneys and Dowry' (January 28).

Nowhere in any of my writings have I argued that "dowry and dowry items are the girl's share of the property" as Lakshmi fantasises I have argued. On the contrary, the thrust of my argument was that it is women's lack of inheritance rights which forces them mistakenly to continue viewing dowry as some sort of inadequate compensation for the denial to them of an equal share in parental property.

My article in *Manushi* (No 48, 1988) was an inquiry into why anti-dowry campaigns, despite their stridency, have been so ineffective. Dowry continues to be practised near-universally and most women continue to participate in it. Is this because most women are fools, or is it possible that our approach leads us away from comprehending their limited alternatives?

Reflecting on my experience of actively participating in anti-dowry campaigns for 10 years, of having personally implemented a strict boycott of all dowry weddings, and of providing legal aid through *Manushi* to hundreds of women in distress, besides reading the narratives of hundreds more that came to us from different parts of the country, I came to the conclusion that one of the key reasons anti-dowry campaigns have been ineffective is that they were not accompanied by concerted efforts to make effective women's legal right to equal inheritance.

Lakshmi pompously misses the point when she declaims: "A woman inherits property by being the child of parents who own property. Whether married or unmarried, she has a right to this property. Whether divorced or widowed, she has a right to this property." If, instead of relying on the deceptive authority of paper laws which bestow such rights (although only partially) on women, Lakshmi were to look at actual women's lives, she would find it far more accurate to say that most women do not inherit property, even if they belong to propertied families. Whether married or unmarried, most women have not been able to establish their right to parental property. Whether widowed or divorced, women have not obtained rights to this property. Income generating assets, whether in the form of land, house, apartment, shop, factory or vehicle are almost always passed from father to son. When there are no sons, land is often passed to brothers' sons rather than to daughters. Women are made to sign away their rights in favour of their brothers in the overwhelming number of cases where any question arises about who are to be the rightful inheritors.

Having no secure foothold in her natal home, no economic base she can call her own, and for other reasons, most women

have little choice but to see their marital home as the only place where they must try to belong, and to see their status as deriving from their husbands'. These are not "notions" as Lakshmi would have it, not myths deriving from false consciousness, but unfortunate actualities deriving from women's disinherited, dependent position in our society.

In this situation, dowry is the crumb given to the slave deprived of choice. Given a choice between a piece of land in her own name versus saris or furniture, few women would choose the latter. But to expect her to refuse the latter when the former is not on the agenda, is to ask her to become a martyr to a cause invented by social reformers, which will bring her no real advantage. How would it alter her powerless position in the marital home to marry dowryless when she will get nothing else either? It is like asking slaves to refrain from eating the only food provided by the master because accepting it would be degrading. Campaigners who suggest such a method of fighting slavery should not be surprised if their campaigns prove ineffective because slaves want to eat in order to stay alive. Unless they see some way of obtaining their freedom by effective actions to overturn the system, they will take what they can get. Some women do choose not to marry at all. But this society has a multitude of ways to discourage free choice of that option, as I have discussed in many other articles.

Lakshmi makes the sweeping statement that "women who get burnt or young girls who hang themselves are not those who come from families where there is any property that a girl can demand as her share". Anyone who has worked with women victims of marital violence and their families will confirm that this is an absurd and false generalisation. A large number of women who are murdered or driven to suicide in their marital homes are daughters of businessmen, shopkeepers, landed peasants. Many of them die because their fathers and brothers, despite having adequate means to support them, despite owning a house or other property, refuse to give them shelter when they seek protection from a violent marriage. The men fear that the daughter will become a 'burden' on them, that is, will become, or make some sort of, claim on the property.

The culture of disinheritance of daughters, bred by hegemonic groups who own income generating assets, spreads to other groups as well. However, when we talk of dowry we are not primarily talking of the destitute poor but of those who have some economic assets or creditworthiness to encash.

Lakshmi has nothing but contempt for "women who want their parents to give dowry... in the mistaken notion that it ensures a comfortable future". She dismisses

"these women" as "influenced by material values". Unfortunately, I cannot be as loftily dismissive of "material values" after listening to scores of women narrate how they were denied a new blouse or a pair of slippers or even busfare for years after marriage, and had to go through the humiliation of drawing on what their parental family had given or continued to give them. The humiliation of asking either natal or marital family for personal expenses can only be obviated when women have an independent survival base which includes not just an independent income but the right to decide how it is spent.

As long as women continue to be in this powerless position in the marital family, a position which is crucially linked to their disinheritance in the natal family, doing without dowry will certainly not empower women. To ask for abolition of dowry is to start at the wrong end. Instead, we should single-mindedly work to ensure effective inheritance rights for women as well as to ensure that women are not made mere vehicles for transfer of property. Once inheritance rights become a reality, dowry in its present form is almost certain to disappear.

Lakshmi accuses me of accepting that "status within a marital system has nothing to do with the individuals, it has to do with goods and property". She, on the contrary, thinks that only "love, warmth, understanding, sharing and empathy make a marriage work". She will find many supporters of this Hindi filmi, or rather Mills and Boon, view of marriage in all those who advise women to reform their husbands by 'love' and 'understanding' to 'empathise' with the problems that lead men to batter their wives and to make the marriage work by sharing the husband's problems. I have no hesitation in differing from this view of the marriage and family system. Why Lakshmi deserts her presumed Marxist orientation for romantic idealism is not clear. Perhaps she can afford to do so because she may have arranged other supports in her marital life that are not available to most women. Suggesting that married women and those considering marriage should ignore their economic survival interests in favour of total reliance on "love, understanding, sharing and empathy" seems very much at variance with any sensible woman's analysis of her options. Most women who act on such self-denying premises increase their chances of being victimised.

This is because men control decision-making and own most of the income generating property in our society and have owned it for generations; they are the decision-makers not only for themselves but for women and children too. Men's economic, social and political power tilts the balance overwhelmingly in their favour in marriage and leads to their dominance over women's lives. And this is no new phenomenon. It is certainly not the "corrupt values of a consumer society that has turned marriage into a market place", as Lakshmi moralistically

claims. Marriage was not a romantic idyll before the advent of the consumer society. As an institution, marriage is a social and economic arrangement which has inequality built into it because of the unequal property control and power distribution between men and women. Lakshmi need not trouble herself to read Engels to understand this. Nineteenth century Indian literature, eighteenth century European literature, even ancient Greek drama, will make it clear to her, if she can manage to look beyond the 'goodness' and 'badness', the 'material' and 'non-material' values of individuals to the power relations between them, determined not by their 'notions' but by their actual situation.

Since Lakshmi concludes by accusing me of not wanting to "question or alter" anything in our society or to "take a stand on anything", she naturally cannot afford to address my stand on inheritance rights, which is central to my argument and which she chooses to ignore. I had concluded my article by stressing the need to empower women by giving them an independent base. I reproduce that conclusion here:

"I Any will which disinherits daughters should be considered invalid.

Unarmed Reviewer as Combatant

Alok Das

"THERE is a large class of persons, including some who appear in print as historians, who regard any censure upon or criticism of a great person as a breach of intellectual norm, as an act of wanton iconoclasm, or even as a sort of cultural hoodlumism", said Benoy Ghose while analysing the role of a great figure of nineteenth century Bengal. But such a statement does not hold good today. Gone are the days of the 'myth-makers'. 'Iconoclasm' is the order of the day, at least when it gives the iconoclast a proud place in the academic establishment. Poromesh Acharya's review of *Anustup, Samar Sen Bishes Sankhya* (Vol 22, Nos 2 and 3, 1988) in (*EPW*, December, 24-31) seems to be a veiled denigration of Samar Sen's historical role even though Acharya, in a subtle way, gives it a semblance of objectivity.

"You raise the dust and then complain you cannot see", said philosopher Berkeley to one of his critics. the same is true in the case of Acharya who is out to explode the myth of a 'revolutionary Samar Sen' in spite of the fact that Sen never considered himself to be so. In fact Sen was fully aware of his middle-class limitations and declared in no uncertain terms that "without a unity of thought and practice one can at best publish a revolutionary weekly, but can never be a revolutionary".¹

Acharya has raked up the old debate between Samar Sen and Saraj Dutta justifying Dutta's charge against modern Bengali poetry for 'its uprooted character'. Thus, Dutta's arguments have been reverberated in Acharya's review. Dutta scathingly criticised the lack of communicativeness in modern Bengali poetry meant for an 'intellectual clique'. Dutta attributed this lack of com-

"2 All land, property, and succession related laws, including land ceiling laws, should be amended to ensure equal rights to women, particularly over immoveable property such as housing and land.

"3 Any document whereby a woman surrenders her right in favour of her brothers, husband or in-laws, should be considered invalid.

"4 A woman should not be able to pass on to her husband or in-laws any property inherited from her parents. If she dies childless or under suspicious circumstances, the property should revert to her natal family. This will ensure that her inheritance does not become an incentive for her husband and in-laws to kill her. Her inherited property should be inherited by her adult children or, if she is childless and dies a natural death many years after marriage, it may be inherited by her husband, as his would be inherited by her under the same circumstances... "We should work to equip women with the resources and abilities to define, control and guard their own interests and their own lives. Whether or not they are given dowry will then become irrelevant to their essential well being".

municativeness to the lack of 'subjective initiative' on the part of Samar Sen and the poets of his genre. But the problem of 'communicativeness' cannot be tackled so easily. As Malini Bhattacharya in an evaluation of Samar Sen in the volume reviewed argues, there is no easy way by which a poet can master the language of the masses to bridge this communication gap and reach wider sections of the people. The problem of communicativeness is thus not simply an ethical problem as Dutta's use of the words 'subjective initiative' suggested, it is a problem of language. In this respect Acharya would have done better not to compare Sen with the 'three Banerjees', Tarasankar, Bibhuti Bhusan and Manik who were, as Acharya himself admits, essentially prose writers. Comparison could be made with Subhas Mukhopadhyay and Sukanta Bhattacharya, the two much-vaunted people's poets of the forties and Acharya does that at one place by vaguely labelling them as "surely more popular than Samar Sen". But the extent of their popularity can be questioned.

Acharya, however, finds Sen in the late sixties as "an altogether different person, uncompromising radical journalist" championing the cause of democratic rights. But surprisingly enough, he dwells on this 'different person' only in one paragraph and the major part of his review analyses the role of the not-so-revolutionary, not-so-radical Samar Sen, simply a 'poet with communist leanings'. This tendency to project Samar Sen more as a poet and less as a journalist and editor of *Now* and *Frontier* is common among the established poets and journalists. And as Debabrata Panda argues in the volume reviewed, it is an attempt on the part of these people to belittle Sen's historical role

as a firebrand, uncompromising journalist exposing the state terror on democratic rights and of course, getting brickbats both from the right and left establishments.² Sen has been portrayed in the same fashion in the analysis of a reviewer "with Marxist leanings". Acharya would like to go even further pointing out the blemishes in Sen's role as a journalist. Thus, following Dipendu Chakraborty he draws our attention to Sen's maintaining good relation with the big press, even though doubts remain whether Chakraborty meant to say that. Curiously enough Sen's uncompromising role in the *Hindusthan Standard* or as the editor of *Now* eludes his attention, nor even the fact that Sen never compromised even when *Frontier* ran through heavy financial hardship.

Acharya would rather like to lean on the darker side of things and argues following Arun Dasgupta, that *Frontier* was the 'projection' of Sen's "own personality—a sanctuary where he could nurture both his loneliness as well as his individual protest". Little does Acharya realise the dynamics, the *modus operandi* of the modern bourgeois democratic system which turns every protest into an individual protest 'segregating' the dissenting opinion from the greater society. E P Thompson nicely points out this aspect of the bourgeois liberal democracy quoting from the work of one of its protagonists, J S Mill who observed more than a hundred years ago that in such a system "heretical opinions do not perceptibly gain or even lose ground in each decade or generation; they never blaze out far and wide but continue to smoulder in the narrow circle of thinking...".³

Still such 'heretical opinion' is of great value, as Lukacs argues, in the struggle against systemic 'manipulation' and integration. In the entire review Acharya tries to find out Sen's revolutionaries, his involvement with the masses, his commitment to Marxism and so on. The problem is that some self-styled Marxists consider protest to be their monopoly. What is thereby ignored is the role of that section of the intelligentsia, "those forces which duly remonstrate against manipulation, even if they proceed from quite different ideological starting points."⁴

Notes

1 Samar Sen, *Babu Britanta*, Dey's Publishing, Calcutta, 1988, p 52.

2 *Anustup, Samar Sen Bishes Sankhya*, Vol 22, Nos 2 and 3, 1988, pp 117-36.

3 E P Thompson, *Writing by Candlelight*, pp 1-10, Merlin Press, London, 1980.

4 *Conversation with Lukacs* by Hans Heinz Holz, Leo Kofler, Wolfgang Abendroth, The Merlin Press London, 1974. See the conversation with Abendroth, p 95. (Even though the conversation is in the context of capitalist and late-capitalist societies, it is pertinent to India, especially in the light of the state terror on democratic rights in the 70s, declaration of emergency by the slogan of, what Lukacs calls, 'state-in-danger' and the role of *Frontier* in that period.)