

Chattels of Society

Domestic Violence in India

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This article discusses the issue of domestic violence in India. It highlights how patriarchy, in the name of "family values" and "tradition," is reflected in the recent parliamentary act and the legal system pertaining to domestic violence. Male privilege as a cause in the perpetuation of domestic violence is discussed through both men's and women's life cycles. The article highlights possible solutions to the crisis of domestic violence with reference to men's organizations in some countries that are trying innovative approaches to counter the crisis, and where India can culturally create the space for sensitizing men to the current crisis.

Keywords: *domestic violence; India; legislation*

On International Women's Day, 2002, the Indian Parliament unveiled its version of the Protection from Domestic Violence Act 2002 to the public in India. Changes made to the version submitted by the Lawyers Collective¹ were so drastic that the women's movement has been galvanized to reject this act in its entirety. In its current form, the act upholds the sanctity of marriage, protects the husband, and even justifies occasional beatings of the wife. The act does not at any level protect women in their natal or marital home. The legal and parliamentary institutions are set up in a manner that their hegemonizing nature further reinforces the patriarchal system rather than challenges it. As this article will highlight, laws are a necessary condition to counter issues of domestic violence but are not a sufficient condition within the Indian cultural setup. Since the 1980s, domestic violence has become a contentious issue, and women from all walks of life and in various professions with diverse skills and sensitivities have

VIOLENCE AGAINST WOMEN, Vol. 10 No. 1, January 2004 94-118

DOI: 10.1177/1077801203256019

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launched a multipronged attack to confront this problem. Lawyers, academics, nongovernment organizations (NGOs), government agencies, and various women's groups are banding together in their efforts to better understand domestic violence in attempts to grapple with the enormity of this crisis.

Domestic violence is not unique to India, nor is it a recent phenomenon. But in India what is unusual is the resistance to its elimination by society at large and society's lack of recognition of it as a serious issue. What is recent is the courage of women to face up to domestic violence—not just women in organized groups but also female victims who are well aware of the adverse consequences that “going public” will have on their lives. With the backdrop of the patriarchal social structure, the tradition of familial piety, and the asymmetrical gender expectations in India, this defiant movement to expose domestic violence has created the space for a national debate on the issue.

This article will focus on the privileged position of men in the household and in society to implicate men as perpetrators in the debate on domestic violence. The focus is on men because it is men in India who define the household, the society, and the nation; women's status in India is purely relational (daughter, wife, and mother of father, husband, and son). This article will discuss how the status of Indian women is determined primarily by patriarchy, thus drawing women into a traditional gender hierarchy. Through a discussion of men's exalted position in Indian society, I want to delineate how the woman's very existence is created to cater to the patriarchy, which has “mastered the craft” of creating a social order that ensures that service is provided not just with efficiency but also with devotion, silence, subjugation, and tolerance, even at the expense of glorifying such oppression through religion and mythology (e.g., Sita and Savitri, mythological Hindu figures whose chastity and devotion to their husbands make them role models for all Hindu women).

In the debate on the issue of domestic violence, the grip of patriarchy in the name of family values and tradition is very well explicated in government statements and the legal system. This article will discuss how the legal system and the current domestic violence bill in Parliament is a reflection of male privilege and control. In conclusion, the article will highlight possible solutions to the crisis of domestic violence with reference to men's organiza-

tions in some countries that are trying innovative approaches to counter the crisis, and where India can culturally create the space for sensitizing men to the current crisis.²

LEGISLATION: MASCULINITY AND PROTECTION OF WOMEN

Familial ideology naturalizes and universalizes the construction of women as wives and mothers, as economically dependent, as passive, dutiful and self-sacrificing, across a broad range of personal laws. It is an example of the often-homogenizing nature of legal discourse, which obscures the multiplicity of differences between and among women, and the very different ways in which women live in and experience their families. (Kapur & Cossman, 1996, p. 101)

The above quote encapsulates the basis for legislation in India that reflects the patriarchy that controls women's lives in society. In 2000, the Lawyers Collective spearheaded the women's movement and lobbied for laws to prevent domestic violence.

The ensuing responses of the Indian Parliament to the domestic violence bill proposed by the Lawyers Collective are symptomatic of the dominance and the resistance of the patriarchy to a challenge to the status quo. The Lawyers Collective is an NGO that was formed by women lawyers in 1980 in New Delhi and Bombay. It is composed of lawyers, law students, and "people committed to the rule of law" (Lawyer's Collective, 2000). The main objectives of the Lawyers Collective are legal education; research; documentation and literacy; the running of free legal aid centers for poor women; organization of workshops for NGOs, police officials, lawyers, and magistrates; and campaigns for law reform.

The domestic violence against women bill drafted by the Lawyers Collective aimed at introducing new clauses to the already existing laws. These additions were intended to broaden the definition of domestic violence and to further create increased protection for victims of domestic violence. Because domestic violence is usually viewed as violence occurring only in a marital household, the Lawyers Collective expanded the range of domestic violence to include violence against aged parents, abuse of female children, and violence against domestic help. Thus, the house-

hold in the Lawyers Collective document is referred to as the “shared household” rather than the “matrimonial home.” The bill defined domestic violence as any violence that is sexual, verbal, physical, mental, or economic. The bill delineated four main additions to the preexisting laws:

- (a) the civil wrong of domestic violence (expanding it beyond the criminal law);
- (b) the right to protection against domestic violence by obtaining protection orders, residence orders, and monetary relief orders;
- (c) the right of access to such orders and to service providers; and
- (d) the right to reside in the shared household. (Lawyers Collective, 2000, p. 8)

The first critical issue of the government-sponsored Parliament act arises from its definition of violence. The United Nations Declaration on the Elimination of Violence Against Women in 1993 defines violence against women as

any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or deprivations of liberty, whether occurring in public or private life.

Ignoring both the United Nations’s and the Lawyers Collective’s definitions of domestic violence, the new parliamentary act, although mentioning mental and sexual trauma, aims at leaving the definition open ended, thus leading to a plethora of judicial interpretations. The act also avoids mention of violence inflicted by those who are not “relatives.” The act defines an “aggrieved person” as “any woman who is or has been a relative of the respondent and who alleges to have been subjected to acts of domestic violence by the respondent in a marital situation” (Protection From Domestic Violence Act, 2002, chap. 1).

Another handicap in the act’s definition of domestic violence is that it has added a caveat of “habitual” abuse or repeated assaults to qualify as an instance of violence. According to the act, domestic violence occurs when any male “habitually assaults or makes the life of the aggrieved person miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment” (Protection From Domestic Violence Act, 2002, chap. 2). A loophole states that if a person indulges in violence in an act of self-

defense to protect his life or property, then it cannot be interpreted as domestic violence. "Nothing contained in clause (c) of subsection (1) shall amount to domestic violence if the pursuit of course of conduct by the respondent was reasonable for his own protection or for the protection of his or another's property" (Protection From Domestic Violence Act, 2002, chap. 2). Such clauses limit and prohibit women from filing complaints because the testimony of the husband is essential to corroborate the charge of domestic violence. He can take protection under these clauses and in an environment of patriarchal law-enforcing institutions make a case for acquittal for himself.

Another example of failure of the parliamentary act to provide protection to abused women is the interpretation of residential privileges. The Lawyers Collective had stipulated rights for women in a "shared household" arrangement. One of the principal reasons abused women are deterred from reporting domestic violence is the fear that they could be rendered homeless. The assumption is that the perpetrator of the abuse would have to move out of his home until the problem was resolved. The parliamentary act does not grant the abused woman rights to her marital home and thus does not provide for protection within the home on the grounds that the abused woman herself would not want to reside in the home of the abuser.³ Thus, domestic violence is a very effective tool to get rid of a woman, to dispossess her of her property, and, in some cases, to even take the children away from her. The parliamentary act once again reinforces the "sanctity of marriage," and in the process is unable to look at domestic violence as a human rights issue or an issue that through its very nature challenges the cultural institution of Indian marriages. As stated by Brinda Karat (2002), a leading feminist-activist in India, "The present Bill legalizes the ideas . . . that in the ideal Hindu *parivar* [family] the woman must adjust." It is this "adjustment" into which a woman is enculturated since childhood. It is seen as a virtue and thus exalted through obedience, service, and servility.

Yet another problem with the parliament act is the clause that makes counseling mandatory for the accused and the victim. In addition, this act insists that the counseling should involve both people simultaneously. Under such circumstances, a woman would want to avoid situations in which she has to face her husband, the perpetrator, to establish the abuse. In making such a

clause mandatory, we get another glimpse of how this act is another “marriage law,” emphasizing the location of woman in her marital residence as being the defining marker of her status. By introducing a clause that requires professional service providers to be the only people who can intervene in cases of domestic violence, the act has excluded neighbors, friends, and family members who would be the most likely resources to whom the abused woman would turn for help. It is the community and family that need to be sensitized to such issues so they can create a more receptive and supportive environment in which an abused woman can seek recourse.

The parliamentary act thus is reflective of the overriding patriarchal ideology in India. Domestic violence is not recognized as a crime, an issue of abuse, or an act involving cultural oppression of women. It continues to be seen, even in the highest legislative body, as an internal family issue that should be resolved by the concerned parties to maintain family harmony and dignity.

Mitra (2000), in her exhaustive report on domestic violence in India conducted by the Tata Institute of Social Sciences, concluded that as long as there is tolerance of domestic violence toward women in cultural, legal, and political institutions, laws in themselves will not change the situation. She continued that what is required is “appropriate behavioral and social changes” along with efficient enforcement of laws. If laws are created to “protect” women, they are done “within” the system. This, in turn, reinforces culturally legitimized social hierarchies.

It was not until 1983 that domestic violence was recognized as a criminal act in India. Under Section 498A of the Indian Penal Code, physical and mental violence inflicted on a woman by her husband and in-laws was recognized as a cognizable offense and punishable under the act. The Indian Penal Code was amended twice, first in 1983 and then in 1986. Section 498A is one of the few legal provisions that has recognized the fact that male members of a family can perpetrate violence against women. It brought under the purview of the law what had been considered to be a private matter. Section 498A defined a new cognizable offense, cruelty by the husband or relatives of the husband. It prescribed imprisonment for a term that may extend to 3 years and also included a fine. The definition of cruelty is not just confined to causing grave injury, bodily harm, or danger to life, limb, or physical health but

also includes mental health, harassment, and emotional torture through verbal abuse.

However, as Mitra (2000) pointed out,

there is a wide divergence between the legal provision and the perception of those associated with its implementation. The legal system gives pre-eminence to the notion of homogeneous family, thus disregarding the subordinate status of women within the family, and of her experiences of violence that this entails. (p. 11)

The emphasis for police, lawyers, and counselors whose services are sought for intervention is toward reconciliation and preservation of the ideal family.

Police and lawyers are part of the same patriarchy that tolerates domestic violence. Unless it is dowry related, these agencies do not necessarily consider physical, and especially mental, abuse crimes. These are seen as attempts on the part of the husbands to "discipline" their wives. Abuse may also be seen as something that was caused by drunkenness or induced by stress. Under such circumstances, according to the police and lawyers, these issues are not serious enough to cause disruption of families, and certainly not valid grounds for conviction of husbands. It therefore becomes very frustrating for women to try to win justice from such institutions. The difficulty for women in reporting domestic violence cases is compounded by the callousness and machismo they encounter from the police and lawyers when a case is registered. Furthermore, the insistence on evidence of domestic violence clouds the case for battered women because witnesses are hard to come by. It should also be kept in mind that those women who usually try to access these legal services are those who cannot take the abuse any longer and are desperate for help. Even though bruised and battered women have approached the police, there have been many instances when doctors have refused to write up appropriate reports. If physical proof is not available, there has been an added problem of trying to get family members, servants, or neighbors to corroborate women's accounts. According to Chikarmane (2000), in her work on police responses to domestic violence, the general perception among the police was that these days young women have "become too big for their boots," the "tolerance level among young women had gone down" and, most notably, "there are no laws to protect men."

Given the socioeconomic relationships within households, between neighbors, and between servants and employers, no one who is cognizant of domestic abuse is willing to risk their relationships and jobs to defend the victim. One has to keep in mind that due to the exogamous nature of marriages, the bride is transported to a location and family that is alien to her. She is married to a family in many instances that may not even live in the same town. Most family members who are witnesses to battering belong to the husband's family and, hence, will not speak up. Servants, too, do not support the woman for fear of losing their jobs. For neighbors who have to live in the same neighborhood, domestic violence is perceived as an internal family issue and none of their business, thereby tacitly condoning the phenomenon.

According to Flavia Agnes (in Kishwar, 2000), a prominent women's rights leader in India, abused women have two choices: one is to file a criminal case against the perpetrator and face the system head on in the hope of getting some justice; the second is to file for divorce in a civil court and hope to get maintenance, child support, and an injunction against harassment. An abusive husband will usually accede to divorce if the woman is willing to drop charges of violence against him. Also, if the divorce is granted before the criminal hearings, charges are automatically dropped. Thus, in many cases lawyers will advise the husband to file for divorce before the wife files a criminal case against him so it looks like a "malafide retaliation" case (Agnes in Kishwar, 2000). Unfortunately, many lawyers and the police themselves push women who are registering a case of domestic violence to include dowry harassment to strengthen the case. This misuse of the law has led to it being discredited, and so when genuine cases do occur, they are not given the credibility they deserve. Section 498A deals with mental and physical torture, while Section 406 of the Indian Penal Code deals with illegal withholding of *streedhan* (women's wealth, or dowry).

Law reform in the women's movement gained momentum in the 1970s with issues pertaining to rape and dowry. Kapur and Cossman (1996) explained, "Politicians spoke with outrage of the increasing attacks on women and the shame and dishonor brought on women and their families. The discourse was one of patriarchy and protectionism" (p. 61). Although laws pertaining

to rape have been strengthened, laws protecting women from domestic violence are not crafted with great consideration and thought. The rape of a woman is seen, ironically, as her dishonoring the family and not as a crime or an attack on her, nor as an extension of abuse. Thus, we see a discrepancy in the dispensation of laws for women, which are based on the honor of the household, not on the rights of women as individuals outside of familial relationships.

Kapur and Cossman (1996) opined that despite the enactment of laws, not much has changed for women in India. They ascribe the failure of laws to bring about change within a patriarchal structure to the concept of the family, which is seen as a "basic sacred unit in society," and "women's roles as wives and mothers as natural and immutable." These strictures form the guiding ideology underlying the laws. According to Kapur and Cossman (1996), another problem with the Indian legal system is the "protectionist" stance taken by laws pertaining to women that may end up "reinforcing relations of subordination."

DOWRY: A MAJOR CULPRIT

Domestic violence is not just confined to India but is experienced throughout the world. However, a number of factors complicate the issue in India, as in other Third World countries. First, women lack and are denied access to economic, political, and social resources. Second, they are vulnerable to indigenous oppressive institutions of caste, religion, traditional family structures and strictures, and nondemocratic political systems. Third, India stands apart in terms of heightened domestic violence due to dowry, a major reason for harassment and domestic violence.

Domestic violence exists for myriad reasons but gets associated mainly with the institution of dowry to the extent that the Indian penal system fails to look at the issue beyond dowry. Although the intent here is not to overstate the importance of dowry, it is necessary to discuss its cultural significance in relation to women's status. Dowry is one of the principal social evils of India and is a perfect reflection of women's secondary status in society. It remains the leading cause of death among young brides in marital households. It is one of the most intractable societal problems that despite legislation, protests, and demonstrations refuses to

be eradicated. According to the *Rashtriya Mahila* (February 2000), a young married woman is being beaten, burnt to death, or pushed to commit suicide every 6 hours. *Manushi* reports that in 1997, 64% of unnatural deaths of women were the result of burning, reported as stove bursts or kitchen accidents. Three fourths of all unnatural deaths of married women were of women between the ages of 18 and 30 (Geethadevi et al., 2000). This statistic does not include the rising number of women reporting torture and harassment over dowry demands.

The practice of dowry or gift giving by the bride's family to the groom's family dates back to the second century BCE. This practice, referred to as *streedhan* (women's wealth), was a woman's share of her father's moveable property that was given to her at the time of her marriage. *Streedhan* was part of the bride's wealth that was meant for her to keep and over which she was to exercise control. Through a combination of increased hypergamous marriages and the onset of colonialism and modernization, dowry changed to an institution that involved bargaining and deal making in marriage negotiations instead of a father's voluntary gift to his daughter. The evils of this institution, which drained households financially and rendered young brides vulnerable to murder because of insufficient dowry, resulted in the passing of the Dowry Prohibition Act of 1961. But implementation of this act failed. Dowry demands rose with India's economic liberalization and increased consumerism. The Dowry Prohibition (Amendment) Acts were passed in 1984 and 1986. Their impact on the Indian social system has been as negligible as the 1961 act. Kirti Singh (2002), head of the All-India Legal Cell, concluded, "the lack of political will by the state to actually curb the practice of dowry could even be seen in the fact that hardly any Dowry Prohibition Officers were appointed in the states" (p. 276). Singh continues that the deteriorating status of women, coupled with rising unemployment and mounting consumerism, has also led to an increase in the amount of dowry that is demanded.

Karlekar (1998) confirmed that "in the Indian context, the preference for structural asymmetry between the two families and the consequent burden of gift-giving on the bride's family strengthens inequality" (p. 1746). The institution of dowry is also reflected in the preference to marry a daughter into a family of higher standing than that of the bride. Where domestic violence is associ-

ated with dowry, it is not only reflective of her devalued status in her marital household but also in her natal household, where her parents agree to stakes that are too high for them to pay—all in a desperate attempt to get rid of her. Thus, when she does experience harassment (emotional and physical), she is also unable to get sympathy and support from her natal family to ease her stressful situation. *Kanyadaan* (giving away of the bride by the father) has been performed and debts have been incurred to pay the dowry, so now there is no looking back; she belongs to her husband's household. Besides, public shame is also attached to the return of a married daughter and threatens the chances of marriage of younger siblings. She becomes an economic burden and a social liability for her parents.

The new bride in such households is not seen as a new member of the family but rather is measured by the dowry she brings and her potential to bear sons. She is just a puppet in the hands of her husband, who is looking for instant wealth, household help, and services. He defines her marital status. If he is a "good man," she will lead a good life, his goodness being based on her uncomplaining compliance to his and his family's wishes and demands. Once again, it is an institution that is beneficial economically and politically to the groom and his family. The groom's family, indicating its exalted status in the whole marriage equation, usually dictates the amount of dowry to be extracted at marriage. Dowry mainly works to increase the bride's dependency on her marital household. Her worth in the household is measured by how much dowry she brings with her, and if it is perceived that the amount is inadequate, it is seen as justifiable grounds for violence against her.

Under the circumstances of such prevailing abuse, there is a move to recognize domestic violence as a crime, a human rights abuse, and a health issue. Unfortunately, domestic violence is seen as a way of life and justified through the institution of dowry. It is seen as a family issue that should stay within the family and as an issue that is an outcome of women's deviant behavior. Thus, domestic violence is seen "not as an aberration, but an extension and continuum of beliefs that men have the right to control women's behavior and life" (Center for Social Research, 2000b, p. 17).

What is apparent from this discussion of dowry, and from the Indian legal and parliamentary edicts on domestic violence, is

that patriarchy is the defining factor in determining women's subservient status and position in society. A cultural understanding of such deep-rooted gender hierarchy becomes imperative to understanding the power of patriarchy on India's legal system and the acceptance of such norms by the populace at large. In the following section, I elaborate on the cultural privileges of men by discussing their life cycle and how women's role in society is derived from that of men.

PRIVILEGED SONS AND SERVING DAUGHTERS⁴

In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent. (Laws of Manu, 1969, p. 195)

If Manu, the third century BCE lawgiver, had known of gender selection and amniocentesis, it would be interesting to speculate on how his treatise, the *Manu Smriti*, would have read. It is generally assumed that the main reason for most women's existence in India is to perpetuate the genealogy of the patrilineal household through male progeny. Such perpetuation is considered socially and economically essential, as sons provide for the family, uphold and maintain the male lineage and inheritance, attend to the welfare of aging parents, and perform the father's funeral rites. Thus, sons are desired and valued, and this value is celebrated from the moment of birth through rituals and sacrifices. By the mere fate of being born male, a son is born entitled. When resources are limited, even in the middle and upper classes, boys are accorded preferential treatment. Boys will be sent to school and girls will stay home to help with housework and care of younger siblings. Boys also eat separately with the men of the family, who are served by women of the household. Girls eat with the women after the men have eaten, and if the family cannot afford enough food, girls and women eat less nutritious food. This situation is mirrored in health care, where sons are given priority over daughters in treatment of sickness. Boys are not expected to do any housework, can go out to play, and are encouraged to grow into men with power, expectations, and a sense of privilege. Where economic resources permit, these physically discriminatory practices do not exist in the upbringing of boys and girls, but cultural

discrepancies do contribute to the gender hierarchy in the process of socialization.

According to Hindu doctrines, ideal life for men is laid out in four stages (as *ramas*). The first stage is *brahmacharya*, during which boys are supposed to focus on acquiring knowledge. The second stage, *grahasthya*, requires men to marry and fulfill their responsibilities as householders. The third stage of *vanaprasthaya* is the first step in material renunciation and loosening of family bonds. During this stage, men are supposed to leave their families and retreat to the forest to start meditation. The final stage is *sanyasa*, the life of a hermit in pursuit of *moksha* (freedom from reincarnation). Although most men in India do not follow these stages in actuality, this philosophy is the guiding principle behind the enunciation of women's roles in society; women are supposed to assist men in fulfilling these stages.

Among Hindu families, daughters are desired by the father to fulfill the ultimate sacrifice to the god Indra through *kanyadaan* (giving away of the daughter in marriage). As stated by Karlekar (1998), "control of her sexuality and its safe transference into the hands of her husband is of primary importance" (p. 1745). However, the family does not necessarily cherish girls; from birth they are viewed as a burden. In her natal residence, the daughter is seen merely as the person who is nurtured to ultimately serve another household and another lineage. From birth, worries about providing her dowry plague the parents; the daughter has no ritual status in her family, her labor is lost at marriage, and in her parent's old age she will not be responsible for their welfare.⁵

Because woman's primary goal is to cater to the men in her life from birth until death, these are the roles for which she is groomed beginning in childhood. Even before birth, thanks to the technology of amniocentesis, her arrival is a dreaded event. For tradition-bound, conservative families who have the resources, foeticide is an option. It is not just about not wanting a girl; it is also about her taking away resources from her brothers, and about opening up possibilities for repeated pregnancies to ensure the birth of sons. Not having a daughter means not having to save and pay a dowry and, most important, not having to provide services and spend resources on *paraya dhan* (other's wealth). From the moment of her birth, parents of daughters feel the economic and social pressure of the daughter's impending marriage and

departure from the natal home. This is manifested in a relationship in which the daughter is seen as an unwelcome responsibility to her family. In most cases, especially in rural households, it has been found that parents will resort to foeticide after the second daughter is born, but in towns and cities it seems to be the first pregnancy that is under scrutiny. If resources do not exist for foeticide, then in extreme cases the parents resort to female infanticide or, if not outright infanticide, then a cultural and material neglect to the extent that it could qualify as infanticide. Daughters are trained to serve their brothers and help their mothers with household chores. They lack leisure or play time and are socialized into a subservient, second-class role. Such servility is ingrained into girls from childhood to ensure that they become *pativrata* (treating husband as lord) wives. In essence, such deprivations and discrimination could be viewed as violence against the girl child. In some instances it is not enough for a young girl to serve her family members in housework and childcare; she also becomes more and more vulnerable to sexual advances and abuse by family men. Her male siblings, in the meantime, grow up learning to treat their sisters and other girls and women as subservient and powerless. Boys express power through dominating behavior, by demanding services from women who must cater to their physical, sexual, and emotional needs. This leads to a mindset on the part of boys and men to perceive women as objects with no will, desire, or life of their own. Denial of rights and resources to girls, as well as sexual abuse and physical mistreatment, are assumed to be the natural order of things.

Marriage in India is considered important for all men and women. Besides fulfilling the second requirement of the life cycle of being a householder, marriage is essential for men because it will provide future caretakers. Fathering children ensures continuation of the family name, sons to inherit the family property, and sons to perform the father's funeral rites. For women, marriage marks the transition from girlhood to womanhood. It is through marriage that a woman can claim her identity as a legitimate adult whose status is determined by her husband's standing in society. Noted anthropologist Leela Dube (1997) confirmed that "cultural emphasis is on marriage as the destiny of a girl. A daughter's transfer to another home upon marriage is inevitable" (p. 34). This transfer provides an opportunity for the woman to display

her skills and talents as a “good wife.” For women in India, the marital home is her “real” home, where she legitimizes her membership by giving birth to sons. Even today, most marriages in India are arranged, and the patrilineal and patrilocal residence is the norm. The very shift for the bride into her husband’s extended household is an expression of the power of the patrician (her husband). Here the new bride is powerless in the midst of strangers and is alienated from her family and friends. While she is rendered powerless, her husband and his family members exercise authority over the relationship and the new bride. In an extended family, the monetary contributions to the functioning of the household will determine the husband’s status and, thus, the woman’s position (Ahmed-Ghosh, 1998). Kishwar (2000) explained that this residential arrangement

is part of a strategy to make women accept a subordinate position within the family and feel grateful for being allowed to survive at all. . . . The retraining of the daughter-in-law into total subordination is an essential part of her transition from the natal to the marital home. (p. 10)

Kishwar (2000) further pointed out that this power is enhanced by the ability of men to remain among their people throughout their lives. The birth of a son immediately leads to an elevation of the wife’s status within the household. Through the birth of a son, the woman fulfills her prime requirement: the perpetuation of her husband’s lineage (Ahmed-Ghosh, 1998). It is through the birth of a male child that the woman can favorably alter her status. Conversely, giving birth to only daughters would make her vulnerable to neglect and abuse and result in a lower status within the household.

In her marital home, the bride is seen as the one who will perpetuate the family and family name through children, preferably sons, and labor in domestic tasks to serve her marital household. Later in life, as the mother of a married son whose husband is still the head of the household, a higher status is accorded to her by her children and daughters-in-law. Patrilocality, extended family residence, and loyalty to the marital household all combine to consolidate the mother-in-law’s power. She now exercises the same formidable authority over her daughter-in-law that her mother-in-law wielded over her when she was a new bride.

Through her son, she is now not only part of the patrilocal residence but also part of the patriarchy. But this power that is vested in her through her husband and son is short lived. On the husband's death she loses all power, as her eldest son becomes the head of the household and his wife becomes the new mother-in-law (Ahmed-Ghosh, 1998). In old age she becomes an added burden to her family. Men do not need her. She is not a reproducing person and so is of no value to her marital family. Her eldest daughter-in-law will now replace her in providing care-giving services to the family. Given this scenario, we can see how her role, life, and status are controlled by men, *their* needs and *their* life cycles.

Set gender roles and expectations for the division of labor in the household reinforce each other to serve as an excuse for violence. Women are expected to be dutiful daughters, loyal wives, sacrificing mothers, and obedient daughters-in-law. Thus, asymmetrical relationships are maintained within the family, wherein women assume and internalize their subordinate roles in an attempt to ensure harmony in the household. This subordination is a reflection of men's power and authority within household and kin arrangements that define the woman's status. As will be discussed in the following section, this internalization complicates the debate on domestic violence because of women's own self-perception as upholders of family honor, unity, and harmony.

DOMESTIC VIOLENCE: CONSENTING WOMEN AND FAMILY HONOR

What makes domestic violence different from any other form of violence against women is that an intimate partner or his family members living together in a joint family relationship commit the violence. The implication of such violence for women is that they are reluctant to complain about those whom they consider to be part of their own family (Lawyers Collective, 2000). It is no wonder that in a 2001 survey of violence against women, women thought that they deserved the beatings and considered a moderate amount of abuse as justifiable for disciplining the wife.⁶ According to the survey, 56% of the women interviewed felt that neglecting the house or children was a valid reason for a beating. Other situations that they felt could cause anger on the part of

husbands were food that was not cooked well or served on time, talking disrespectfully to the husband or to the in-laws, complaining about the in-laws, excessive socializing, infertility or the inability to bear sons, inadequate dowry, and essentially not making the husband the priority and center of attention at all times. The types of violence include various punitive actions: physical beatings, marital rape, mental torture, withdrawal of money, abandonment, starvation, threats to kill, suspicion of the wife's fidelity, confinement to the house or room, threats to take the children away, denial of permission to visit the natal home, locked phones, or the husband's visit to prostitutes to torment the wife. Violence against women is variously situated. It can be physical, sexual, psychological, community centered, or work-place centered.

Wife beating as an act "to keep them in line" was condoned by women as young as 15 years old. The socialization of girls and women has been so powerful that women feel they deserve the abuse and consent to subservient roles. In a familial setting, the mothers-in-law and older sisters-in-law also "consent" to perpetrating violence against other women, mainly the younger daughters-in-law, because they are part of not just the patriarchy but are also privileged by being part of the patrilocal residence.

Sangari (1999, 2002) brilliantly laid out the parameters for such consent:

In order to understand consent [we] need to work with the notion of materiality; consent to class, caste, and patriarchies can enable some women to exercise power over other women and men. Consent to patriarchies has and still does empower women for selected forms of social agency, that this consent works through appropriating available hegemonic or legitimating languages, and that in the present conjuncture this includes a partial appropriation of the language of feminism. (1999, p. 365)

Patriarchal structures locate the family in a way that the interdependencies are hierarchical. Women's role within the family is located in relation to men; she is supposed to be grateful for the privileges granted to (or bestowed upon) her. Sangari (1999) continued that when "consenting, not just to patriarchy, but to class, caste, self-identification with custom, tradition and religion" women are controlled through these manipulations of patriarchy.

Women, while raising daughters, comply with patriarchal familial ideologies because their multilayered identities are rooted in their class, caste, and the family's notion of status. Where the family subsumes women's identities and the status of the family defines her position in society, acquiescing to such ideologies becomes for many women their only way of justifying their sense of self-worth. When the rhetoric of protection is layered atop, women willingly choose to be an integral part of a system that guarantees them not just security but also economic benefits and social status. The combination of these institutions, in turn, shapes the essence of her self-identity. Women are rewarded for their compliance by being referred to in almost reverential terms, such as *ghar ki devi* (goddess of the house), the foundation of the family, and the light of the family. A woman is transposed into a false consciousness whereby conforming to patriarchal norms is sought by investing the honor of the family in her being, her behavior, and her sense of duty and sacrifice. According to a report published by the Center for Social Research (2000a), of those women who remained silent about their abuse, 75% emphasized concern for the honor of the husband, and 30% who sought refuge in their natal home did not ever mention their abuse. The main reason cited by all for this silence was their children. Abraham (2000), in her work on domestic violence among South Asian immigrants, summed up the basic expectations of all Indian families, irrespective of location, by stating that "South Asian women are expected to sacrifice their individual identity to the priorities of their fathers, husbands, in-laws, children and community." She continued,

While a woman's cultural and economic roles are constantly being shaped and shifted by economic and structural forces such as colonization, urbanization, capitalism and globalization, the monolith image is one that cuts across class, religion, and material specificity to define women in cultural terms and in relation to men. (p. 20)

Women within the familial setting, who have been socialized and trained to serve and consider housework their duty, are also exploited in terms of their labor power. As pointed out by Sangari (1999), household labor, which is free labor, is extracted from women under the guise of "lasting personal relationships," "love nurture and sexuality," and "ideologies of selfless devotion."

Dube (1997) further elaborated, "Kinship systems are an important context within which gender relations are located, important to the allocation of resources, to the constitution for production relations, to the immediate context of women's lives and to sustaining a specific gender ideology" (p. 1).

Two broad distinctions in the definition of the status of women can be made: status derived from autonomy, power, and control over resources and status derived from prestige, respect, and honor (Ahmed-Ghosh, 1995). In India, the former construct is the privilege of a small minority of women. The latter is highly valued, as it is in the conduct, actions, and social performance of the women that the family invests their *izzat* (honor and prestige). In a caste-ridden and closed community of extended households, the prestige of the group and the family is considered paramount. Hence, this safeguarding of family *izzat* can be interpreted as a method of social control over women's behavior. A family's *izzat* must be preserved at all costs to the extent that family interests take precedence over individual interests (Ahmed-Ghosh, 1995). Consent to patriarchal norms, caste, religion, and class is glorified and is reflected in the manner in which the woman is perceived by her marital family. But Sangari (1999) warned that "careful analytical distinctions need to be made between consent resting on material arrangements which guarantee women rights, compensation, or protection and consent resting on forms of coercion which push women towards normative behavior" (p. 373). Indeed, it is this latter distinction that underlies the vulnerability that renders women susceptible to abuse, servility, and voicelessness.

IT IS MAINLY ABOUT MEN

Domestic violence is not just about women; it is about men, too. In fact, it is mainly about men. But the way the debates have unfolded, the focus tends to be on women. Although there is a feminist understanding of the power dynamics that lead to domestic violence, significant research and theorizing have not been conducted on how to educate and affect men and patriarchal institutions. Even as the issue of domestic violence has to be dealt with on numerous fronts, the primary focus has to be on men.

As a first step, India can culturally tailor programs adopted in other countries to work with male perpetrators. Examples of such programs are STOP (Start Treating Others Positively) and HALT (Help, Advice, and the Law Team) in England. STOP mainly focuses on anger management and is a 14-week course, but men are encouraged to attend for at least a year. HALT stresses that just concentrating on anger management is not sufficient; a program should also “address issues of power and control, gender relations, masculinity, types of violence and abuse.” For HALT, domestic violence is a product of control (Sen, 2001). In the United States, the Ending Men’s Violence Network (EMV-net), created by the National Organization for Men Against Sexism (NOMAS), provides an umbrella organization to support domestic violence, sexual assault, and victim assistance groups working in their individual communities. EMV-net offers resources, training, and support that would otherwise be unavailable to local organizations. Composed of both men’s and women’s anti-violence groups, EMV-net offers additional credibility to the efforts of both sides towards the common cause of ending men’s violence (see www.nomas.org).

In India, too, while working on legislation and parliamentary acts, space has to be created to provide counseling and other services to men. Social conditioning has to start early for a male child to respect women, and a message has to be sent out that violence in any form is unacceptable and abhorrent. Violence against women has to be framed within the power dynamics of gender and a patriarchy that condones it. Following are some of the strategies that need to be implemented.

- (a) Importantly, school textbooks should be the foundation for inculcating such awareness, as attempts at consciousness raising succeed when begun from a young age. As discussed in this article, because it is the men’s life cycle that determines women’s status and the patriarchy that concretizes such privileges through law, education of men becomes the cornerstone to usher in any change in attitudinal and behavioral patterns.
- (b) Consciousness-raising groups need to be organized by men. A critique of patriarchy needs to be framed not just around gender hierarchies but also other institutions of oppression such as caste, religion, and class issues.
- (c) The police, courts, and doctors have to be sensitized to the magnitude of the issue of domestic violence. For these guardians of soci-

ety, a sense of duty toward all citizens has to be instilled to counter their personal biases and patriarchal indoctrinations.

- (d) It is essential to advocate stricter punishment and greater publicity for the consequences of domestic violence. To convey the gravity of the problem of domestic violence and the state's determination to combat this phenomenon, laws have to be strengthened and greater exposure of the public to such a commitment has to be made.
- (e) The media have to take the lead in creating gender-sensitive films and advertisements that are critical of violence and sexism. Hindi and regional cinemas have to refrain from constantly representing women in subordinate and sexualized roles. Television serials and the cinema are the only sources of entertainment for most Indians; hence, these could be powerful vehicles for disseminating social messages to educate the masses.
- (f) Counseling, therapy, and social services aimed primarily at abusive men to provide assistance in preventing aggression and violence are vital. The system needs to create appropriate role models from history and the community for men.

CONCLUSION

For many women reporting domestic violence, divorce is not necessarily what they are seeking. Their interest lies in preserving their marriages and a cessation of the abuse. Marriage is what grants a woman her status, privileges, and, through her children, social security for the future. Regrettably, the very institution that ascribes and defines status for women through intimate relationships is structured to abuse and exploit her. Thus, the critical objectives that should be targeted vis-à-vis the institution of marriage in India are the social and economic empowerment of women, to the extent that she does not perceive marriage as the only "career" available to her.

There needs to be a paradigm shift to a more proactive role for the state and civil society to confront domestic violence. Rehabilitation of the victim is the first step, but preventive measures do not address the root of the issue. They only create situations in which cases are reported, but the enforcement and legal remedies are overburdened to the extent that effective solutions are never forthcoming. This only serves to increase the helplessness of the victim, and the subsequent increased aggression of the perpetrators continues the cycle of violence (Guild of Service and Lawyers

Collective, 2001, p. 12). Domestic violence must not only be recognized as a crime but also as an issue of human rights. A human rights approach would implicate men as perpetrators of a criminal act in cases of domestic violence.

Many women do not perceive domestic violence as a human rights issue. The merit of a rights approach is that it identifies the different protagonists who are involved in the violation of the right. By branding it a social problem or a criminal offense, the focus is on punishing the offender. When women in the Sangha (women's collective in Bangalore, South India) program told researchers that "the husband has the right to beat his wife," that violence then becomes a part of the institution of marriage. The understanding that domestic violence is a violation of rights helped women in the Sangha to significantly reduce the incidents of domestic violence by merely informing the men that they would be branded as criminals. For these women, domestic violence was not seen as an issue that stemmed from men's right to control them but was seen as a case of violence perpetrated by one person on another (Rao et al., circa 1995).

The fact that many women do not have access to resources or are not acculturated in systems in which human rights for women are recognized as individual rights does pose some hurdles when domestic violence is categorized just as a human rights issue. But as part of a multipronged attack on the problem of domestic violence, the human rights approach opens another avenue for women to pursue justice and for men to be held accountable. The difficult dilemma that is raised by this strategy is whether one can safeguard human rights of women without challenging the institution of the Indian family system itself.

In India, as in other countries, help for the victim is deemed a necessity but little is done about the victimizer, the perpetrator of the violence. It is imperative that there be a push not just for stricter legislation but also a higher level of accountability on the part of the men. This necessitates reinforced social analysis to craft different policy recommendations and to usher in social changes that would lead to a readaptation of men's lives, expectations, and ultimately gender roles.

Given the social structure in India, it is unlikely that this existing hierarchy will undergo a rapid transformation. Education and sensitization of men are not the only solutions that exist for the

transformation of Indian society. There has to be a more just and equitable distribution of resources along gender lines; the life cycles of both men and women have to be determined through equal relationships and not structural hierarchies. The issue of domestic violence is rooted in these hierarchies, and the crisis lies in the continuation of such hierarchical gender relationships. These relationships are ones of dependence and servitude. Women, by entering relationships through their parents, husbands, and sons as dependents, are seen as lesser, as the exploitable ones. Such relational identities define men, too. They are seen as obedient sons, protective brothers, domineering fathers, and controlling husbands. In each relation, though, they are in control; they have the power and exercise it to retain their superiority over women. This power is then legitimized through the legislature and parliamentary acts.

One cannot divorce the sociopolitical system in India from women's reality. It is ironic that in a country in which goddesses continue to be worshipped, abuse against women is condoned. The principle of respecting women has to be created among those male worshippers of Hindu goddesses and Muslim men who adhere to Quranic teachings that "paradise is at the mother's feet." The struggle against domestic violence is going to be an uphill task for the women's movement and Lawyers Collective in India, but its success can only be assured when equal attention is paid to the culpability and accountability of men.

NOTES

1. A group of women lawyers in New Delhi and Bombay, which is further discussed later in this article.

2. At this point, I do want to make clear that I am presenting a generalized picture of a dominant ideology that is pervasive in India. I am cognizant of differences between men and women due to differing castes, classes, religions, and individual achievements. I am also only discussing women who have been subjected to domestic violence within a heterosexual relationship. This article does not attempt to either contradict or downplay the changes or autonomy that women have achieved in their lives, nor do I want to over-generalize the participation of all men in an oppressive patriarchy.

3. Jayaprakash (2002) stated that "the court should have the power to pass protection orders, restrain the abuser from entering the shared household, order repossession and grant emergency monetary relief."

4. The discussion in this section is biased toward a north Indian Hindu ideal. For Hindus in south India, specifically, lower caste women who are primarily engaged in fishing

and rice cultivation, stringent Hindu traditions do not apply, as is the case with most lower caste women. Although Hindu precepts do not apply to Muslims in India, a combination of Islamic laws and Hindu cultural edicts bring about similar discriminations for Muslim women in India.

5. According to traditional Hindu family values, parents do not live with or even eat in their married daughter's home. The married daughter is part of her husband's household and of higher status than her parents following her marriage.

6. The National Family Health Survey on wife beating was released in 2001.

REFERENCES

- Abraham, T. (Ed.). (2002). *Women and the politics of violence*. New Delhi: Shakti Books.
- Ahmed-Ghosh, H. (1995). Women trapped in a web of hierarchy: Life cycle of women in India. *INSTRAW Newsletter*. New York: United Nations International Research and Training Institute for the Advancement of Women.
- Buhler, G. (Trans.). (1969). *The laws of Manu*. New York: Dover.
- Center for Social Research. (2000a). *Violence update*, (No.1). New Delhi, India: Author.
- Center for Social Research. (2000b). *Violence update*, (No.2). New Delhi, India: Author.
- Chikarmane, P. (2000). Too big for their boots? Women and the policing of violence against women. In N. Kabeer & R. Subrahmanian (Eds.), *Institutions, relations and outcomes: A framework and case studies for gender-aware planning*. London: Zed Books.
- Dube, L. (1997). *Women and kinship: Comparative perspectives on gender in South and Southeast Asia*. New Delhi, India: Vistaar.
- Geethadevi, Meghana, Raghunandan, Renuka, & Shobha from Vimochana. (2000, March-April). Getting away with murder: How law courts and police fail victims of domestic violence. [Report]. *Manushi*, 117, pp. 31-41.
- Guild of Service & Lawyers Collective. (2001). *Regional workshop on empowering women: Integrated approach to combating violence against women*. [Report]. New Delhi, India: Authors.
- Jayaprakash, S. (2002, March 10). Redefining shared spaces. *The Hindu*, p. 4.
- Kapur, R., & Cossman, B. (1996). *Subversive sites: Feminist engagements with law in India*. New Delhi: Sage.
- Karat, B. (2002, March 16). Domestic violence bill: Adding insult to injury. *Times of India*, p. 12.
- Karlekar, M. (1998, July 4-10). Domestic violence. *Economic and Political Weekly*, pp. 1741-1749.
- Kishwar, M. (2000). Law against domestic violence: Underused or abused. *Manushi*, No. 120.
- Lawyers Collective, Women's Rights Initiative. (2000). *Domestic Violence (Prevention Bill) 2000: A Lawyers Collective proposal*. New Delhi, India: Author.
- Mitra, N. (2000). *Domestic violence as a public issue: A review of responses* (Unit for women's studies). Mumbai, India: Tata Institute of Social Sciences.
- Protection From Domestic Violence Act. (2001). Lok Sabha, Government of India Publication.
- Rao, S., Sandhya, Ashima Chopra, Indú S., & Nagamani S. M. (circa 1995). *Domestic violence: A study of organizational data*. Bangalore, India: Hengasara Hakkina Sangha.
- Rashtriya Mahila. (2000, February). Publication of the National Commission for Women in India.
- Sangari, K. (1999). *Politics of the possible: Essays on gender, history, narratives, colonial English*. New Delhi, India: Tulika.

- Sangari, K. (2002). Consent and agency. In T. Abraham (Ed.), *Women and the politics of violence* (pp. 160-184). New Delhi, India: Shakti Books.
- Sen, M. (2001, May 27). Men in tears. *Telegraph Calcutta*, Section 2, p. 3-4.
- Singh, K. (2002). Dowry, violence and the law. In T. Abraham (Ed.), *Women and the politics of violence* (pp. 247-276). New Delhi, India: Shakti Books.

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