Comparative Study on Dowry System

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Chapter 1

Introduction

1.1 Prelude

Of all the problems faced by the women in our society, Dowry becomes first and firmest as a social challenge. Because though the other problems like rape, childmarriage, murder and kidnapping are happening in the society, they will not affect as strong as the dowry system has its influence.

Though in the beginning the word dowry was not used in the marriage, gifts were exchanged as the symbol of love, prestige. People used to give and take dowry due to social custom, tradition and pressures of the caste system. Dowry system did not start as an impediment to a daughter's marriage in ancient time. But in the medieval time the brides family was forced to give dowry because of the bridegrooms family expectation and compulsion. Today almost throughout the length and breadth of the country the dowry negotiations have become direct and open.

1.2 Research Objective

The specific objectives of the study are;

a. To study the existing system of dowry.
b. To know the causes of dowry.
c. To assess the consequence of dowry.
d. To explore the preventive measures of dowry.

1.3 Scope and Limitation

a. Lack of sufficient research knowledge to complete the research work properly.
b. There is a limitation of availability of source of data and documents.
c. The study in fact was a part of our academic curriculum. For this tip, frame was limited. Consequently; it was felt difficult to make this study more accurate and fruitful.
d. The study was conducted on the basis of secondary data of the dowry system. So there is a lacking to presenting the originality of incident.

Chapter 2

2.1 Methodology

The methodology of the whole work is based on secondary data. For preparing this research paper, basically used books, Journals, some case references and websites, newspaper and publish reports and websites and internet. It would be better, if I could be visit relevant practical field and take interview of concern person. I wanted to do that, I was not possible for me within the stipulated time.

Though this research works has been conducted by analyzing documents.

Chapter 3

Concept and Development of Dowry System

3.1 Concept of Dowry

A dowry is a transfer of parental property, gifts or money at the marriage of a daughter. Dowry contrasts with the related concepts of bride price and dower. While bride price or bride service is a payment by the groom or his family to the bride's parents, dowry is the wealth transferred from the bride's family to the groom or his family, ostensibly for the bride. Similarly, dower is the property settled on the bride herself, by the groom at the time of marriage, and which remains under her ownership and control. Dowry is an ancient custom, and its existence may well predate records of it. Dowries continue to be expected, and demanded as a condition to accept a marriage proposal, in some parts of the world, mainly in parts of Asia, Northern Africa and the Balkans. In some parts of the world, disputes related to dowry sometimes result in acts of violence against women, including killings and acid attacks. The custom of dowry is most common in cultures that are strongly matrilineal and that expect women to reside with or near their husband's family. Dowries have a long history in Europe, South Asia, Africa and other parts of the world. According to Merriam-Webster dictionary, dowry is the money or property that a wife or wife’s family gives to her husband when the wife and husband marry in some cultures. The Oxford Dictionary defines dowry as the amount of property or money brought by a bride to her husband on their marriage.

3.2 Development of Dowry System

Babylon

Even in the oldest available records, such as the Code of Hammurabi in ancient Babylon, the dowry is described as an
already-existing custom. Daughters did not normally inherit anything from their father’s estate. Instead, with marriage, they got a dowry from her parents, which were intended to offer as much lifetime security to the bride as her family could afford. In Babylonia, both bride price and dowry were practiced. However, bride price almost always became part of the dowry. In case of divorce without reason, a man was required to give his wife the dowry she brought as well as the bride price the husband gave. The return of dowry could be disputed, if the divorce was for a reason allowed under Babylonian law.

A wife’s dowry was administered by her husband as part of the family assets. He had no say, however, in its ultimate disposal; and legally, the dowry had to be kept separate for it was expected to support the wife and her children. The wife was entitled to her dowry at her husband’s death. If she died childless, her dowry reverted to her family, that is her father if he was alive, otherwise her brothers. If she had sons, they would share it equally.

**Ancient Greece**

In archaic Greece, the usual practice was to give a bride price. Dowries were exchanged by the later classical period (5th century B.C.). A husband had certain property rights in his wife's dowry. In addition, the wife might bring to the marriage property of her own, which was not included in the dowry and which was, as a result, hers alone. This property was "beyond the dowry" and is referred to as paraphernalia property or extra-total property.

A dowry may also have served as a form of protection for the wife against the possibility of ill treatment by her husband and his family, providing an incentive for the husband not to harm his wife. This would apply in cultures where a dowry was expected to be returned to the bride's family if she died soon after marrying.

In contemporary Greece, dowry was removed from family law through legal reforms in 1983.

**Roman Empire**

The Romans practiced dowry (dos). The dowry was property transferred by the bride or on her behalf by anyone else, to the groom or groom’s father, at their marriage. Dowry was a very common institution in Roman times, and it began out of a desire to get the bride’s family to contribute a share of the costs involved in setting up a new household. Dos were given for the purpose of enabling the husband to sustain the charges of the marriage state. All the property of the wife which was not dowry, or was not a donation proper nuptial, continued to be her own property, and was called Paraphernalia. The dowry could include any form of property, given or promised at the time of marriage, but only what remained after deducting the debts. Not only the bride's family, any person could donate his property as dowry for the woman.

Two types of dowry were known—dos profectitia and dos adventitia. That dos is profectitia which was given by the father or father’s father of the bride. All other dos are adventitia. Roman law also allowed for a species of dowry, called dos receptitia, which was given by some other person than the father or father's father of the bride, in consideration of marriage, but on the condition that it should be restored back to the dowry giver, on the death of the wife. The bride’s family were expected to give a dowry when a girl married, and in proportion to their means. It was customary for the bride's family and friends to pay promised dowries in instalments over three years, and some Romans won great praise by delivering the dowry in one lump sum.

**India**

The practice of dowry in South Asia is a controversial subject. Some scholars believe dowry was practiced in antiquity, but some do not. Historical eyewitness reports, (discussed below), suggest dowry in ancient India was insignificant, and daughters had inheritance rights, which by custom were exercised at the time of her marriage. Documentary evidence suggests that at the beginning of 20th century bride price, rather than dowry was the common custom, which often resulted in poor boys remaining unmarried.

Stanley J. Tambiah claims the ancient Code of Manu sanctioned dowry and bridewealth in ancient India (typically in Rohtak) and especially in Kadian family, but dowry was the more prestigious form and associated with the Brahmanic (priestly) caste. Bride wealth was restricted to the lower castes, who were not allowed to give dowry. He cites two studies from the early 20th century with data to suggest that this pattern of dowry in upper castes and bride wealth in lower castes has persisted through the first half of the 20th century. However, it is more likely that marriages involved both reciprocal gifts between the two families, claims Tambiah, so that insofar as the groom's family gives the bridewealth, it tends to be given back as the culturally validated dowry to the bride as part of her conjugal estate.

Michael Wetzel, in contrast, claims the ancient Indian literature suggests dowry practices were not significant during the Vedic period. Wetzel also notes that women in ancient India had property inheritance rights either by appointment or when they had no brothers.

The findings of MacDonell and Keith are similar to Wetzel, and differ from Tambiah; they cite ancient Indian literature suggesting bride wealth was paid even in brahmas- and daiva types of marriage associated with the Brahmanic (priestly) upper caste. Dowry was not infrequent, when the girl suffered from some bodily defect. Property rights for women increased in ancient India, suggest MacDonell and Keith, over the Epics era (200 BC to 700 AD). Kane claims ancient literature suggests bride wealth was paid only in the asura-type of marriage that was considered reprehensible and forbidden by Manu and other ancient Indian scribes. Lochtefeld suggests that religious duties listed by Manu and others, such as 'the bride be richly adorned to celebrate marriage' were ceremonial dress and jewellery along with gifts that were her property, not property demanded by or meant for the groom; Lochtefeld further notes that bridal adornment is not currently considered as dowry in most people's mind.

Above analysis by various scholars is based on interpreting verses of ancient Sanskrit fiction and inconsistent smiths from...
India, not eyewitness accounts. Available eyewitness observations from ancient India give a different picture. One of these are the eyewitness records from Alexander the Great's conquest (ca. 300 BC), as recorded by Arrian and Megasthenes. Arrian first book mentions a lack of dowry.

**Bangladesh**

The original custom in Bangladesh was the bride price, called pawn, where the groom's family make a payment to the bride parents this has gradually been replaced the dowry called Joutuk. This transaction in custom began in the 1960s. By the early 21st century; the bride price has been supplanted by the dowry. Joutuk, sometime spelled joutuk, like elsewhere in South Asia is a serious and growing problem in Bangladesh. Between 0.6 to 2.8 brides per year per 100000 women are reported to die because of dowry related violence.

Bangladesh has seen a rise in the expected size of dowries in recent decades, as it middle class has grown and there has been accompanying rise in the rate of “dowry death”. In Bangladesh, dowry killing are more frequently done by stabbing or poison rather than burning. Dowry is also a problem of Bangladesh. From January to October 2009, more than 3,413 complaints were made to the police in Bangladesh concerning beatings and other abuses related to dowries. One of the methods used by families who are unhappy with dowry includes acid throwing, in which concentrated acid is thrown on the bride face to cause this disfiguration and social isolation. From 1995/1998, 15 women reported dowry disputes as the motivation behind acid attack, though that number may be low due to under reporting. Bangladesh is combating the problem with legislation largely copied from that of India. Laws as prohibiting dowry in Bangladesh include Dowry Prohibition Act, 1980.

**Europe**

Dowry was widely practiced in Europe until the early modern era. Folklorists often interpret the folk tale Cinderella as the competition between the stepmother and the stepdaughter for resources, which may include the need to provide a dowry. Gioachino Rossini's opera La Cenerentola makes this economic basis explicit: Don Magnifico wishes to make his own daughters’ dowry larger, to attract a grander match, which is impossible if he must provide a third dowry.

One common penalty for the kidnapping and rape of an unmarried woman was that the abductor or rapist had to provide the woman's dowry. Until the late 20th century this was sometimes called wreath money, or the breach of promise. The dowry for the three virgins, the St. Nicholas legend. Providing dowries for poor women was regarded as a form of charity by wealthy parishioners. The custom of Christmas stockings springs from a legend of St. Nicholas, in which he threw gold in the stockings of three poor sisters, thus providing for their dowries. St. Elizabeth of Portugal and St. Martin de Porres were particularly noted for providing such dowries, and the Archconfraternity of the Annunciation, a Roman charity dedicated to providing dowries, received the entire estate of Pope Urban VII. Vast inheritances were standard as dowries for aristocratic and royal brides in Europe during the Middle Ages. The Portuguese crown gave two cities in India and Morocco as dowry to the British Crown in 1661 when King Charles II of England married Catherine of Braganza, a princess of Portugal. In some cases, nuns were required to bring a dowry when joining a convent. At some times, such as Ancient Regime France, convents were also used by some parents to put less attractive daughters, so that the more marriageable daughters could have larger dowries. Ancien Regime families that could not provide proper dowries also used the convents as places to put their daughters.

In the County of Bentheim, for instance, parents who had no sons might give a land dowry to their new son-in-law. It was commonly given with the condition that he takes the surname of his bride, in order to continue the family name.

**England**

Dowry was used in England; however, the right of daughters to inherit and of women to hold property and other rights in their own name made it a different instrument than on the Continent. The Salic law, which required females to be disinherited and disenfranchised from land ownership, did not apply in England. Single women held many rights men did. The most famous example of this English female inheritance and agency right is perhaps Elizabeth I of England, who held all rights a male monarch did.

While single women held rights to hold property equivalent to those of men, marriage and married women were affected by the Norman Conquest changes to the law in the 12th Century. Coverture was introduced to the common law in some jurisdictions, requiring property of a wife to be held in the husband's name, custody and control. The Normans also introduced the dowry in England replacing the earlier custom of the new husband giving a morning gift to his bride. At first the husband publicly gave or received? the dowry at the church door at the wedding.

If the husband died, which was frequent, there was a Widows dowry of one third of the husband's lands at the time of his marriage; the income, and in some cases, the management, of the lands, was assigned to her for the rest of her life. This concept is included in the Great Charter, and along with the recognition of female inheritance and absence of the Salic law, and women, particularly single women, holding many rights equivalent to those men held, manifests English law differing fundamentally from the law of the Continent, especially the law of the Holy Roman Empire. 13th-century court records are filled with disputes over dowries, and the law became increasingly complex.

The English dowry system permitted most noble families to marry off their daughters and thereby gain extended kin and patronage ties. Marryable daughters were a valuable commodity to ambitious fathers, and the English aristocracy sent few of their eligible daughters to convents.

Failure to provide a customary, or agreed-upon, dowry could cause a marriage to be called off. William Shakespeare made use of such an event in King Lear: one of Cordelia's suitors gives up his suit upon hearing that King Lear will give her no dowry. In Measure for Measure, Claudio and Juliet's premarital
Dowry System in Different Religion

4.1 In Islam:
In Muslim society, the marital union is denoted by the Arabic word Nikah (marriage). According to Muslim ideals Nikah in the contract of husband and wife legalize their sexual intercourse and imposes certain duties and right between them it is socially and legally recognised therefore it is sacred. Dowry and dower is totally different concept in Muslim religion. Whilst, dower is accepted, dowry is prohibited. Dowler plays a very important role in the marriage relations of Muslim community. Among all Muslims it is considered to be the fundamental right of a Muslim woman to get dowler from her husband. It may be in the form of money, property which is given to the wife as a mark of respect. Apart from this, marriage among Muslims is a social contract. Therefore, payment of dower to the women is indispensable. In order to safeguard the economic position of women after the marriage, Islam has made it legally obligatory on the husband to pay her a reasonable amount as dower. The amount to be fixed as dower depends on the agreement between the two parties, but in any case the object is to strengthen the financial position of the wife, so that she not prevented, for lack of money from defending her rights.

4.2 In Hinduism:
Dowry system was generally unknown in early Hindu society, in rich and royal families some gifts were given to the bridegroom at time of marriage. "Athravaveda once incidentally refers to royal recognized eight from of marriage, GL Brahma, Daiva, Arsha, Prajapata, which were approved forms like Asura, Gandharva, Rakshasa, and Pistachio which were unapproved forms. It is only in the Brahma from of marriage which was peculiar to upper class that marriage meant the gift of daughter wide some ornaments and articles father of the bride could accord to a most suited groom learned in Veda and of god conduct, which he voluntarily invited and respectfully received. However, these present can hardly be called dowries, for they were voluntary made after marriage out of pure affection and presented no impediment in the settlement of daughter's marriage. In Vedic period, dowries were given by present, to attract suitable bridegroom for their daughters.

4.3 In Christianity:
The dowry system assumed frightening proportions among the Christians who have for centuries absorbed many of the traditions of Hindu community, from which they originally came and who have inherited the Latin tradition of heavy dowry giving. Even though social intermingling among religious communities here in almost non existent. The Hindu dowry tradition is firmly entrenched among the Roman Catholics. The bridge among this not only expected to bridge with her strewed an of jeweller, clothes and cash, but also furniture, car, television and others luxuries. A man who paid the bride price but looked for another bride would not get a refund but he would if the father of the bride refused the match. If a wife died without sons her father was entitled to the return her dowry, minus the values of the bride price. Bride and Talmud mention the practice of paying a bride price to the father of a minor girl. The practice of the price is found in the bride, in the Old Testament.

Chapter 5
Reason of Dowry System

5.1 Social Custom and Tradition
Custom in anthropology and sociology is a way of thinking or acting that is characteristic of a group of people. Customs influence the way people dress, eat and in general behave; they may take on the force of moral or statute laws. The social custom and tradition is one of the reasons for dowry.

5.2 Security:
Dowry is the bride parents gifts of love to ensure that she is provided for financially when she left her parental home. In a materialistic society, there are constant pressures on individuals and families for having more and more money not only to provide more comfort to themselves and family members, but also to have some future security.

5.3 Gift:
Gift is a voluntary transfer of property from one person to another during the time of marriage the friends and family members will provide some valuable things as a remembrance of them.

5.4 Pressures of the Caste System:
Caste is static exclusive social class membership which is determined by birth and involves particular customary restrictions and privileged. Among Hindus, marriage, in the system caste and sub caste has been prescribed by the social and religious practices with the result that choice of selecting a mate is always restricted.

5.5 Rising of Prices:
The pressure for larger dowries is due to the general rise in prices and the current obsession with gold and silver, the prices of which are rising almost every day When the grooms family sees the situation of the economy they are tempted to demand dowry from the brides family in order to face economic crises.

5.6. Income to Groom’s Family
The parents will give the best education to their sons in order to good bride. But while getting marriage settlement they will ask dowry because parents who spend a sizable part of their earning in educating their sons regard them as investments to yield returns; they except to realize the first and fattest dividend at their son’s marriage.
5.7 Caste System

Dowry system is related to the caste system, as it is paid in order to marry a girl to a boy of the same caste of. It is mainly practiced among the higher caste of the girl’s family. Because when the girl is married to another caste's boy means it is considered as prestige problems.

Chapter 6

Effect of Dowry System

The effects/impact of dowry system is discussed below:

6.1 Initiates gender imbalance:

When we speak of gender in equality in the nation, dowry system can be considered the catalyst for this issue. According to the social infrastructure of the nation, it is a common perception that a woman is able ability and is to be married off someday, with a dowry debt at disposal. Well, for the masses, the birth of a girl is an inception to long-term plans to pay off the dowry along with the child. Seemingly, this saving venture hampers the future of the girl and restricts her of equal opportunities for the mail child. The very future planning for a better marriage proposal ruins the prospects of a merrier life for the child. Well, dowry system can be accounted for atrocities on the masses. The plight of the girl child is initiated with her birth due to this particular infrastructure and continues to hamper her peace of mind and tranquility. According to the latest 2011 census stats, the number of females per 1000 males stands at an eager count of 943. Hence, this impacts the building blocks of the society and hampers the growth of the nation.

6.2 Social Effects:

Society owes its origins to masses and whenwe speak of the constituent evils of the segment in oursubcontinent, dowry system is one of the most leveragedone. Being widely practiced across the nation, every other family faces the brunt of it. If a demand is not met by the bride’s family, she suffers at the hands of her groom’s family leading to social imbalance and emotionalbreakdown. Seventy % of our population resides in the villages and this practice still holds its stance midst the economy and the society as a whole. The society seemingly judges the worth of a person on the basis of dowry accepted or received and this framework can be attributed to the detrimental status of woman in the society.

6.3 Decrements status of women:

When a girl is born, for particular individuals, the societal framework is dismayed. She is no longer happiness and her birth is no more anoccassion. She is deprived of basic rights to education, freedom and speech. However, owing to the basic structure, the dowry ideology, her ordeal doesn’t end with marriage. For a female individual, with little or no self-economic support, she exists at the assistance of her groom. Hence, when his demands aren’t met, it leads to the breakdown of the empathetic relation between the twoentities leading to disparity. After a period, this ordeal doesn’t come to conclusion, rather, it leads to domestic violence and poses a serious threat to the future of the family. The girl loses on her freedom once she is married and it yet again, comes at the cost of a dowry debt.

6.4 Promotes domestic violence and crime

Dowry system initiates the act of violence in the society. When demands are not meet by the bride’s family, the atrocities elevate proportionately. At times, extreme steps are undertaken to shell out financial grants or material benefits from the bride’s family. Well, yet again these steps can be attributed to the much debated domestic violence. The crimes against women take a surge owing to this structure of extortion.

6.5 Economic effects:

Economy is not just the financial stockpile of the nation. Rather, it is a deep-vested, mass effort to bring the platter for every individual. Dowry system, though it seems a minor social evil can affect the nation and its individuals alike. Owing to this setup, women aren’t granted equal rights and opportunities, leading to loss of economic workforce from the segment. Women are active participants in the development of the nation, and if their rights are hampered at the domestic level, it affects our economic build-up significantly. We lose the consistent workforce at the hands of a social evil and hamper the growth of our own home and the society.

6.6 Deteriorating financial status of bride’s family:

Dowry doesn’t affect the bride alone. Rather, its ordeal extends to bride’s parents and they have to bear the financial demands of their counterparts to ensure well-being of their child. With regular demands from the groom’s family, reports of suicides are yet again common in the country. Needless to say, this social evil should necessarily be eradicated for the society and the nation.

6.7 Loss of self-esteem among the women:

The demands being met for the welfare of the bride comes at a cost. Out of concern for her parents, she loses on self-esteem by believing she is a burden on her family. It costs her peace of mind, and her right to a better life. Dowry system has imposed an invisible chain upon the freedom and self-respect of women and continues to haunt them since time eternal. Observing the problem closely, the greed of an individual ruins the peace of a beautiful brain.

Chapter 7

Law against Dowry System in Bangladesh

7.1 The Dowry Prohibition Act, 1980

a. Penalty for giving or taking dowry

As per section 3 of this Act, “If any person after the commencement of this Act, gives or takes or abets the giving or taking dowry, he shall be punishable with imprisonment which may extend to five years and shall no less than one years or with fine or with both.

b. Penalty for demanding dowry

As per section 4 of this Act, If any person after the
The primary reason behind dowry system is the existence of a patriarchal society. Owing to such a social infrastructure, the dowry system still finds its takers and propagators. To ensure removal of dowry system from the nerves of our system, gender equality is the second step. Educating children about the drawbacks of dowry systems and making sure that they inculcate the spirit to avoid it, is the long-term solution to the issue. To eradicate this evil, we need to learn and educate others about the ill-effects of it and it can be achieved by providing equal rights to both genders. Well, granting equal employment opportunities won’t be enough. Rather, altering the mindset of the masses, and making them realize that a girl child is an entity, not a liability is the long-term solution to the issue.

d. Initiating Mass Media Campaigning:

Media is the propagator of knowledge and the janitor of information interchange. Well, almost every single revolution owes its origins to media campaigns. Yet again, the dowry system asks for a revolution. The legislation has been in the stock for the past few decades, but they have been ineffective to deal with the case. However, media holds the potential to remove dowry system from the mainstream Indian society. By publishing related news and making the authorities aware of any reported case of dowry related crime, they can keep an effective check upon the prospects. Enhancing information interchange is the first step to a well-aware community and media is the perfect medium for the task.

e. Government Initiatives:

Government is the body which holds the key to development of a nation. It is the formulator of laws and executes them to make sure people follow them for the betterment of the society. Dowry system has been a part of the society since time eternal. The government has made legislation to limit the dowry exchange. However, it has turned out to be ineffective. Well, to ensure the people follow the laws, proper implementation should be carried out. It should monitor the sentiments of the community and ensure that no dowry exchange exercises are carried out.

e. Social Awareness Campaigns:

When we speak of awareness and revolution, we have to recall that it cannot be brought about by the legislation or the government alone. We as individuals make up the society, and the first step for change is to be initiated by the society itself. Dowry system has long been exploiting the weak and hampering the right to peaceful existence of a woman. Well, government can formulate rules, it depends upon the community to follow it or not. Hence, social awareness is the necessity to ensure robust annihilation of dowry system from the nation. It is a feat which cannot be achieved by the government alone. Active community participation is the primary requisite to make people aware of their rights and hence, in the long term, garner women their rights, and grant them apodictic freedom.

8.2 Conclusion
When a girl is accepted not from her virtues but for the money she brings and when the dowry she brings is the be all and end all of the transaction, the marriage looses all sanctity and sublimity. The sooner the dowry becomes the thing of the past, the better for our society. The problem of dowry demand is not merely one of the family demanding cash and goods beyond the capacity and desire of another family to give but rather a question of the inter relatedness of psychological, social and economical factors. As one reads the shocking story of individual women and families, one notice that there is very little and often no awareness among them of the roots of the problem or any motivations to curb the practice and bring about a much needed social change. This can be attributed to an internalization of prevailing particular values which view women as inferior and having only themselves to blame for their predicament. It seldom sees them as victims of a particular form of oppression or of socially prevalent sex biases. The burden of tradition, a prevailing ideology of male superiority, an insensitive police force, and archaic judicial system and a society that condones violence creates a chamber of horror where even angels would fear to tread.