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WOAYEE HAK LENE/THERE SHE COMES. TO TAKE HER RIGHTS. INDIAN WOMEN.
PROPERTY AND PROPRIETY.

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of the Ohio State University

By

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*****

The Ohio State University

1996

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ABSTRACT

Women's access to property transmission in India is analyzed on the basis of data from interviews with 60 New Delhi women of various classes plus recent legal cases dealing with gender and property. While few women got any natal family property, some older women and especially widows had control over marital property. Poor women were the most disadvantaged as compared to other women and to men of their own class, having neither profitable educational/occupational resources nor formal ownership of property. Despite legal provisions for women's inheritance, this inequitable distribution was maintained by cultural invocations of women's duties and entitlements. This study analyzes some of these cultural justifications, such as ideas that sons got property in return for eldercare or that brotherless women could get property, revealing them to be screens hiding intransigent male entitlements. Thus, even supposedly alternate paths for women to own property established them as surrogate or temporary heirs. Dowry was not equivalent to inheritance shares, being meant for the bride's affinal family rather than the bride, and above all a display of status for both families. The commonest reason influencing women's refusals of natal inheritance was that by taking natal property women would incur their brothers' wrath and lose a precious connection with their natal families; several family disputes showed that this fear was justified, to the extent of brothers taking sisters to court despite the prevailing apathy for legal solutions. The legal realm was surprisingly useful for women, even though judges often invoked extra-legal criteria reinforcing women's disentitlement to property, and narrowly interpreted religion and gendered identity. This
study emphasizes that women did not passively accept the dominant ideology, but resisted notions of severance from the natal family, and were keenly aware of the importance of financial and property resources and of their economic difficulties and social subordination related to their gender. The conclusion is that legal change is a dubious basis for transforming property relations, but that these moments of resistance from women provide some hope for contesting the strong patriarchal bases of property transmission.
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CHAPTER I

INTRODUCTION: WOMEN, LAW AND PROPERTY IN INDIA

Traditionally, Indian letters or documents start with a word or symbol at the top meant to insure divine benevolence to those involved in the reading and writing of the piece. Let me begin in this vein, though wary as ever of infallible deities, with an invocation to that most sacred feminist trope: a room of one’s own. Placed at the head of a study of Indian women and property, Woolf’s luminous metaphor for female self-determination spills a brilliant umbra showing both the power and the poverty of that image. Having one’s own space, one’s own property, and enough economic resources to be able to be immersed in creative self-development, is a delicious dream for women in any milieu. But in muting the image by looking at its bourgeois case, at how the fruits of capitalism and colonialism were supposed to bring freedom from patriarchal pressures and heterosexual mandates, a crowd of other mocking vignettes about women, room/land and ownership become visible: slave women, who could not even "own" themselves or their wombs, or choose to live with

1 Throughout this dissertation, I use “feminist” not in any particularized “Western” sense or with reference to a specific social movement but to mean, generally, a consciousness of women’s oppression within varied patriarchal structures and a commitment to strive towards removing hegemonic, and particularly gender-based, inequalities.
their families: refugee and immigrant women who have been forced to relearn home, kinship and images of self; "tribal" women e.g. in India for whom the price of a distant "nation"'s "development" is displacement and loss of communal rights. Do a cardboard box of one's own on a U.S. city sidewalk and ten panhandled dollars constitute a room/private space of one's own? Yet despite these shadows, the idea of women owning room and property remains alluring. As in this study, the beneficent possibilities of women owning property continue to seduce, even while there is a clamor from other parameters of well-being expressed by women living lives beyond the bounds of Woolf's imagination. A room of one's own, reflecting notions of both private/personal space and the economic resources/opportunities to acquire that space (a duality redolent in Woolf's metaphor), thus functions both as an embarrassingly nearsighted and as a profoundly farsighted, visionary trope.

Perspectives on room and ownership are fleshed out in this work through the voices of some Indian women, a Babel/babble of contradictory and interlaced subject-positions. They are women I talked with in New Delhi between October 1991 and February 1993, a sample consisting of equal numbers of middle-class and poor women of various ages and ethnicities, both rural and urban in upbringing but living in New Delhi. They appear in the context of talking about the most mundane and yet universal and fundamental concerns of their lives: the business of weddings, family relationships, the distribution of property and access to wealth, daily problems and dreamed-of solutions. The focus of these interview-conversations is the issue of property, the distribution of family assets and related gender-specific roles and class-differentiated interests. In this study, both the legal and sociocultural operations of property are examined: in addition to information gleaned from the above interviews, recent legal cases showing the construction of gender and authority are also analyzed.
Based on this Indian data, this dissertation maps issues surrounding property transmission, revealing mechanisms by which socioeconomic and ideological power is consolidated and redefined. It demonstrates that hegemonic ideas may be contested in individual or collective ways, but that they are extremely flexible in incorporating contradictions and appearing as optimal cultural choices. Notions of property distribution are tied to ideas of economic survival and social status, to duties and entitlements within a culture: bequeathal of family property marks a privileged position for family members, whereas failure to bequeath might indicate either severed entitlements or other networks of resource distribution. Actual property divisions, as well as attitudes to resource distribution, thus provide a portrait of family hierarchies and gender-based expectations and rewards, a picture of the dominant myths which ostensibly guide property transmission. Yet, as this dissertation also reveals, dominant belief systems are not absolute and different cultural locations (including cultural subalternity\(^2\)) can be the sites of discursive negotiation and even critique within these systems: women in various social positions pointed out the causes of their subordinate status and the paths to overcome them, as well as identifying the myths versus practices surrounding property. However, they still used ideological screens to characterize their economic and emotional/social needs, lacking the tools to transform the worlds of work, kin relationships and resource distribution into the radical new shape where problems and solutions would be perfectly matched, thereby showing the recuperative strength of hegemonic beliefs. The role played by the postcolonial nation-state in this negotiation process is also significant because it affects the impact of legal change and the reconstitution of hierarchies: the state plays a strongly ambivalent role in fashioning ideology, with

\(^2\) "Subaltern" is used here and elsewhere in this document in the sense popularized by the Subaltern Studies historians (e.g. Guha and Spivak 1988), denoting a social positionality and consciousness invisible and inexpressible in the hegemonic discourse of a system.
its overt commitment to agendas of equity constantly undercut by contradictory socio-eco-political alliances fundamental to its core of privileges. Thus, property relations both reflect and help construct diffuse webs of power.

The symbolic power and danger underlying images of the property-owning Indian woman were vividly brought home to me early in the interviewing process, in the highly charged reaction from one of the respondents, Kamla, a 59 year-old retired schoolteacher originally from ex-West Pakistan. Even before I had settled down and unpacked my gear, while we were still chatting casually about who I was and what I was doing there, Kamla said vehemently as soon as she heard of my interest in property issues:

Women should not have any property in their name, or own their home, or maintain very close connections with their natal family. Otherwise, women are too eager to go back to their own parents; as soon as there is any trouble they want to put on their slippers and leave, and that is very hard on the children. So, if there is anything to own, it should be in the man's name first and after him in the children's [meaning sons'] names. The woman should just take care of her own home. The only thing is that the husband should not be bad (bura). As a result of making laws [about women getting property], all that happens is that quarrels and disputes increase.

Kamla herself had no property; her husband owned the flat they lived in, and her brothers shared her natal family house, from which she had got no share. Her delineation of women's property rights, coded in the self-abnegating discourse of femininity, represented an extreme form of a prevalent mode of describing women's rights to property. But it typified fears about profound social transformation resulting from women's equal access to material resources, which could fundamentally alter the perpetuation of a patriarchal system. An abundance of property-owning women would affect not just formal ownership patterns, but would also be likely to change existent notions of family relations, domestic work, marital success, and most of all, "feminine" acquiescence based on

---

1 Interview 1.13, KE, 12/16/91.
economic subservience. In Kamla’s family, for instance, her two sons, who were much older than her daughter, had ostensibly decided to remain bachelors until their sister was married, so that their wives would not lay jealous claim to wedding gifts for their sister purchased by their parents. After she was out of their lives, the wives could “have” everything through their husbands. In place of this alleged gesture of fondness and generosity that naturalized male entitlement to property and women’s dependence, a radical reconceptualization of property relations would mean not just changing wills and adjusting dowry, but finding new scripts for love and duty, indeed for the simplest of social gestures.

As Renee Hirschon points out in her introduction to Women And Property, Women As Property, property has usually been conceptualized in line with the historical experience of “the West”:

Broadly speaking, our attitudes to property are associated with the development of capitalism and with the notion of the commodity. Property for us is based on the idea of ‘private ownership’ which confers on the individual the right to use and disposal. Property is thus seen as valued goods/objects which can be transferred between legally-constructed individuals (1984, 2).

Anthropological and historical research shows that property has not always been conceptualized in terms of individual entitlement, that property is sometimes non-monetary but tied into systems of gift-giving and ritual obligations. Yet, Engels’ notion in The Origin of the Family, Private Property and the State ([1940] 1985) that women’s subordination is connected to men’s accumulation of private property at the cost of women’s labor, and that the solution lies in women accumulating resources with exchange value, should still be considered very important. In a world where few people live outside capitalist relations, women have a lot to gain if they control their own labor and own or have access to financial resources on par with other family members.
However, in cases where it appears that women are going against their economic self-interest and perpetuating their economically disadvantageous status by their own actions of refusing family property, it is vital to remember that various class- and gender-based dynamics relying on seemingly supplementary schemes of entitlement could be in operation. Stringent property divisions might not entirely satisfy women’s long term needs. Refusing property might be a mechanism for retaining lifelong economic and ritual entitlements, or might satisfy emotional commitments to the natal family; such situations may be articulated explicitly with capitalist relations, or may be bound to the political economy in more subtle ways through realms of feeling and noneconomic recompense.

The Indian scenario is a particularly good example of legal rights to property being constrained by ideological structures. Though inheritance rights of women vary widely according to religion and region and there is no complete parity between genders for any group, Hindu women are the best off: since 1956, they have been legally able to get equal shares of parents’ self-acquired property (as opposed to ancestral family land where they only get a minuscule portion). However, as scholars such as U. Sharma (1980), Hershman (1981) and Agarwal (1994) have shown, and as I confirm in this study, hardly any north Indian women take their shares of natal family property. The exceptions are usually widows, families without sons, women in matrilineal communities and in some cases, single or divorced women.

During interviews, I found that women conceptualized their entitlement to family property and their gendered subjectivity in complex and sometimes even contradictory ways. Some of the issues that repeatedly appeared in their constructions of property were: the perception that dowry is pre-mortem property and that the natal family gives daughters ritual gifts all their lives; that sons have the overwhelming responsibilities for eldercare, housing parents and all parental crises; that women do receive property in a way from their in-laws even if they do not own it. Other attitudes put
women in positions of greater agency, such as feelings that they were contributing to the prosperity of their natal home or to their brothers' well-being by refusing property.

Because the above concepts need to be unpacked further to reveal social dynamics, property issues are considered in this study in their broad cultural context, along with other systems of exchange and payment like marriage, divorce, and eldercare. Marriage expenses of sons and daughters are compared to examine whether the daughter's wedding is really a much greater expense, and if so, how these expenses compare with the property the sons receive. If dowry is believed to be the woman's share of inheritance, it is important to know what share of the typical dowry goes to the woman herself, and whether that functions as a substantial resource for her. Marriage breakdowns are also important in this context because they allow one to study the permanence of economic responsibilities of the affinal family versus the reinstatement of natal rights in the absence of marriage. Elder care and other financial responsibilities for parents such as funeral or medical costs are other significant issues; here the relationship between the actual person providing such help and the resultant distribution of property are traced.

Besides exploring these issues in terms of actual experiences with marriage, divorce, family property and elder care, attitudes on related topics are also drawn into the analysis. For instance, how do women themselves rate the importance of resources like land or cash? Do they really believe in the customary notion that jewelry is the ideal form of property for women? What would an ideal distribution of property look like? At an even broader level, the problems that these women themselves perceived to be urgent are discussed to evaluate the significance of property to the reality of their lives. In considering how they framed solutions to these problems, the significance of legal solutions and the relevance of law to their lives can also be explored.
Laws are typically studied either for their originary history or for their statutory interpretations. The former studies, which often deal with the encoding of law in colonial and post-colonial settings, have been used effectively to understand the mechanisms of state control and the manipulation of elite and subaltern groups. But in this work I examine the decoding of laws within particular cultural frameworks. The two different settings and methodologies within this study correspond to the two primary realms in which laws are decoded: the legal and the social. By examining women’s attitudes to property and wealth, including attitudes to property laws (through the interviews), in comparison with the law’s attitudes to women and property (through the legal cases), it is possible to understand the play of discourse determining both formal judicial limits as well as women’s own perceptions of ideological boundaries, and to evaluate the law as a hegemonic and/or an emancipatory structure.

In the last decade in India, the challenges posed to the legal structure by certain women with basic needs have taken on the dimensions of national crises, polarized people across religion and gender, and determined the terms of discourse/dissension about religion, ethnicity, civil and constitutional rights. Significantly, the cases that have generated such passionate reactions, e.g. the Shah Bano case concerning maintenance for destitute Muslim divorcees and the Mary Roy case about Christian inheritance, have been in the area of family law, particularly personal laws dealing with marriage, maintenance and property. This study probes that area of intense dissension further, examining the delineation of family law tropes in legal settings, and contrasting those images with everyday cultural constructions.

These legal-political furors in India also illumine some of the central ambiguities of situating women within legal processes. Like the infamous afterthought addition of the “sex” clause to the U.S. Civil Rights Act, which created one of the most useful avenues for challenging discrimination by
gender in the U.S., legislation that proves useful for gender equity may have less than respectable origins or little intent to empower women. On the other hand, legal reform that comes about as a result of women's campaigns or organized feminist demands may ultimately have little effect on a social structure because it does not find appropriately responsive cultural spaces or at worst gets co-opted in unforeseen reactionary ways. There are complex traces of resistance and agency in the ways that women tangle with legal structures; women's successful encounters despite their inglorious powerless inscription in law appear in some scenarios, while in others, blueprints of legal change that seek to empower women are overtaken by the immense flexibility and recuperative abilities of existent structures of privilege.

**Gender and Class/ Caste In the Urban Context**

Respondents in this study were selected according to gender and class characteristics, making considerations of class formation in a postcolonial political economy and its relationship to gender hierarchies particularly crucial. Feminist debates over gender acting as a "class" in itself, or as a further structure of subordination between "classes," that have influenced the delineation of class distinctions between women, are also important here. Furthermore, other hierarchical axes such as caste or region that potentially affect the construction of differences between social groups in urban India merit attention in this project.

In contemporary India, as in other postcolonial contexts, the division of social classes reflects both colonial legacies of upward mobility for certain groups as well as the effects of postindependence "development" policies, e.g. increasing poverty of small rural landowners vs. consolidation of wealth among those with the economic and social assets most lucrative in the current political economy. As Patnaik points out, land concentration and widening class and regional
disparities in rural areas, along with the rural market being excluded from industry and the relatively small number of urban consumers being the focus of industrial production, leads to lopsided economic development and growing class tensions (1992, 204). In the urban context, enormous rates of rural-to-urban migration point to peripheral economic relations in the rural hinterland and urban mega-cities being central locuses of opportunity, with migration leading not to substantial social mobility but to the creation of an urban underclass who are largely employed in the informal sector and sidelined from prime socioeconomic resources, as well as from basic civic amenities (Rao 1991, 77-81; Rao and Rao 1991, 316-7; Omvedt 1992, 123). As Rao and Rao contend, city services and infrastructure are given to those who own property and pay taxes, sideling those in squatter colonies, yet people from these colonies are recruited for trade and industry as cheap labor pools without their employers having to contend with providing them housing or other facilities (1991, 326). Thus, articulation with the contemporary capitalist world-system has led to greater economic disparities between classes than in colonial times.

The situation is further complicated in India by other hierarchies such as caste. Following Srinivas' (1957) and Beteille's (1969) formulations of the heterogeneous meanings of caste to Indians, jati/sub-caste/descent-group/kin-community is defined as being closer to most Indians' understanding of "caste" than varna, the four-fold supra-category. Each village customarily had hundreds of jati groups, loosely based on occupational categories and usually with some social mobility. However, over the centuries and even in colonial times, certain jatis (often corresponding to higher varnas) did seize hegemonic space and accumulate wealth and status disproportionately, viz. Tamil Brahmins or the Bengali Bhadrak, and certain subaltern groups including alleged "untouchable" sub-castes suffered from multiple axes of socioeconomic subordination (Liddle 1986, 70-73; Kolenda 1978, 98-99). In the contemporary urban context, the observance of strict sub-caste
boundaries including ritual pollution related to eating or touching have largely withered away, but "caste" or jati remains important for social and political organizational purposes, as well as being the site of continued economic underdevelopment for some "low"-caste disadvantaged groups (Kapadia 1995. 7-12; K. Sharma 1994. 5-8; Patil 1994. 276-9; Kak 1993; Omvedt 1992. 129-34; Sheth 1991; Hardgrave 1991. 271-5; Kolenda 1978. 141-8; Bopegamage 1972). While some studies show an admixture of castes in various occupations and no significant correlation between caste and class in Indian cities. (Driver and Driver 1987. 67-78; Pillai 1982), others contend that economic subordination by caste is still differentially experienced by some groups (Bardhan 1994. 412-6; Saha 1993; Pandey 1991. 4-14).

The difficulties in identifying classes in urban India include the problems of imposing definitional parameters on the contemporary diversification of jobs, figuring in other sociocultural markers like education, income or area of residence. In conducting a series of studies in the city of Madras, Driver and Driver found that people from a variety of income levels were able to describe themselves and people different from them in terms of "upper," "middle," and "poor" classes, each with particular kinds of demographic and social traits (e.g. wealthy people versus those with "good jobs" who are "comfortable" versus those who were unemployed or in "dirty labor"). Yet there was a less than perfect correspondence between self-described social class and socioeconomic levels, making class pertain to cognitive and behavioral attributes as well (1987. 3-38). Such self-ascriptions should also be problematized by being juxtaposed with deconstructions of class boundaries based on actual income and access to resources.
The stratification of class in this study follows a revised Weberian approach (1968, 926-40), using not just household income but other measures of status, viz. kind of residence, use of amenities, general occupational profile or level of education, as markers of class distinction between neighborhoods. Because sample surveys were conducted by choosing certain neighborhoods according to their perceived "class," there was a certain homogenization of class despite there being some overlap in occupations, family resources and even income between the neighborhoods. However, regardless of individual cases, the households did share certain living conditions that could be assimilated as social status and power differences, giving them a different "class" profile from those living in other kinds of neighborhoods. Information on caste categories was not gathered in this study, partly because of the admixture and dubious significance of caste categories in the urban context, but also because the relationship between gender, property and caste is immensely complex. Without embarking on an extensive analysis beyond the scope of this project, suffice it to say that attempts at land redistribution to the "low-caste" poor in some states have had violent repercussions from "higher" castes, while caste mobility has often been achieved through redefinitions of gender roles, with groups who have improved their economic standing demonstrating "high-caste" behavior by restricting women's mobility and work (Liddle and Joshi 1986, 59-60).

The findings in this study are based on interviews with women identified as being from middle-class or poor neighborhoods, but whether or not the "class" status of women derives from the "class" of their households is a thorny debate for Marxist, and especially Marxist- and Socialist-Feminist, theorists. Claiming Marx's categories of "class" to be gender-blind, feminists started out

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1 Giddens (1973), Cottrell (1984, 93) and Crompton (1993, 207) provide some important revisions of Weberian thought, bringing in notions of power, politics and multiple socioeconomic levels and cultural practices affecting class categories based on "status affiliation."
by postulating that women themselves constituted a "sex class" because of their oppression within
the family regardless of their access to wealth (Firestone 1972), or that "dual systems" of patriarchy
and capitalism determined women's alienation from productive resources (Hartmann 1981). However,
historians and anthropologists have provided ample evidence that women being a unified class with
common interests is largely illusory: while most women's lives in patriarchal systems are
disadvantaged in material terms because of their gender, women's needs are often completely
different by class (also race, caste, etc.), with some women's privileges clearly based on the
exploitation of others (Kapadia 1995; Davidoff 1995, 251-4; Gill 1994; Sender and Smith 1990, 62-
setting up gender, class, race or sexuality as the one fundamental axis of oppression, it is more useful
to see these as interlocking but somewhat autonomous parameters of domination, with particular
factors acquiring significance according to specific historical contexts (Clark 1994, 27-9; Ferguson

Women's lives take very different forms depending on their household's access to material
resources, but the question remains whether or not women as individuals occupy the same class
positions as men in their households/families who may own far more property or make far more
money in wages. The convention of deriving women's class position from their husbands' (Goldthorpe 1983; Parsons 1954) has been trenchantly critiqued by feminist scholars who point out
that women's differential access to productive resources determines their de facto class position, that
derivative notions of class assume a pooling of household resources contrary to cultural practices in
many societies, that women's own waged work is also a determinant of their class position, and that
unpaid domestic work has a distinct mode of production and should not be ignored in analyses of
class (Cyba 1994; Szelenyi 1992; Robertson and Berger 1986, 9-13; Delphy 1986; Walby 1986;
Whitehead 1984b; J. West 1978). As Crompton's summary of gender and class debates concludes, both women's individual occupation/property and their "household class" are important indicators of their class affiliations, and either can become relevant according to circumstances (1993, 93-7).

In this study, women are assigned "class criteria" according to the neighborhoods they live in, i.e. their class interests and needs are presumed to be related to their household income, family property, and residential circumstances. However, just as households in general assumed a class character by being in a neighborhood, whether the specific unit fell within certain parameters of income and education or not, so too individual women's circumstances were sometimes atypical of the general area; for instance, one widow in the middle-class area barely made a living by running a tiny makeshift store, while some married women in the poorer area benefited from having husbands running informal sector businesses with substantial cash incomes. In general, women materially benefitted from the wealth or resources of their families and could justifiably be said to share in the household's class status. Women's jobs/wages were also distinctly middle-class or poor in character, and contributed to the family's class position. Middle-class women were able to acquire educational and employment resources that gave them individual advantages over poorer men. However, within each stratum women did have markedly different access to formal property compared to their husbands or brothers, and thus were inevitably a sub-class dependent on the resources of males in that class (Robertson 1984).

**Dehegemonizing Feminism**

The specific "feminist" directions of this project emerged from placing the data in the context of extant scholarship. As my footnoted reference to "feminism" (p.1) indicates. I prefer not to engage with the debate on whether attention to axes other than gender, i.e. race, class or nationality, dislodges
the feminist label; rather, I place feminist theory in the broader tradition of analyses of hegemonic structures but distinguished by paying explicit attention to gender as a significant social construction.

However, within this broad range of feminisms, concepts such as "patriarchy" and "women's oppression" are often glibly bandied about as transparent, self-evident notions. Mohanty attributes this tendency to a "colonialist move," in the sense of an appropriation of experience of "women of color" by proponents of "Western feminism," who set the terms of discourse about feminist theory by virtue of their relatively powerful positions (1991, 51-80). While I am unwilling to treat either "women of color" or "Western feminists" as monolithic groups, I support the strong case she makes for the need to historicize notions of "patriarchy" and "oppression." Systems of subordination based on gender take very different forms in varying socioeconomic and historical milieus, and gliding over the differences for the sake of examining "patriarchal" commonalities can blunt the analysis because insufficient emphasis is laid on specific mechanisms of resistance or control.

Similarly, assuming an a priori model of gendered "oppression" is problematic, begging the question. As Mohanty points out, when women are portrayed as "always already" powerless victims, feminist theory gets embroiled in placing women at one end of a simple binary structure of power and powerlessness, forgetting that women's relationship to power is far more complex and connected with many axes other than gender. Furthermore, there is a tendency to assume that women are invariably drawn into certain immutable positions within their social structure in a deterministic way, that they are not involved in propagating those relations.

The problem with this analytic strategy...is that it assumes men and women are already constituted as sexual-political subjects prior to their entry into the arena of social relations. Only if we subscribe to this assumption is it possible to undertake analysis which looks at the "effects" of kinship structures, colonialism, organization of labor, etc., on women, who are defined in advance as a group. The crucial point that is forgotten is that women are produced through these very relations as well as being implicated in forming these relations. (Mohanty 1991, 59).
Thus, women's own constructions of identity within particular cultural discourses need to be considered in feminist analysis.

In considering the complexities of women's agency and the role of ideology within a social structure, cultural studies scholars have wrestled with the Marxist question of whether economic self-interest fundamentally guides people's actions, or whether ideology acts in a "relatively autonomous" way and can motivate actions which appear to be contradictory to one's material interest but can provide other kinds of cultural "gains." The issue of whether ideology is completely hegemonic or whether people within particular hegemonic structures can have multiple "negotiated" readings is also crucial in this context. Feminist scholars in this area, in particular, have produced numerous accounts of the ways in which women appropriate, resist, reformulate (and also perpetuate) dominant discourses according to their positions within a socioeconomic matrix, rather than passively replicating social expectations (L. Gill 1994; Gledhill 1988; McRobbie 1984; Morokvasic 1984; Radway 1984). As Kapadia found in her study of gender, caste and class in south India, hegemonic world-views were not consensually shared by women as a socially subordinate group, but women's perspectives were often connected to their social locations, and thus women were "interpreting and reconstructing their identities within the cultural and discursive contexts to which they have access" (1995. 7). While it is important not to extend analyses of cultural negotiation into a form of blaming the relatively disempowered for their decisions, nor to ignore systems of structural subordination and people's material needs by focussing on the primacy of "discourse," my analysis is centrally within this tradition of examining women's potential subject positions within a given "patriarchal" system.

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5 Althusser (1971), Bourdieu (1977), Gramsci (1971) and Foucault (1980) have provided some of the central and controversial texts of cultural studies. The other group whose work has strongly influenced the field is Stuart Hall (1987 & 1992) and other scholars from the Center for Contemporary Cultural Studies, particularly with regard to notions of cultural negotiation.
Identity politics, the crowning shame and glory of contemporary feminist theory, cannot be disregarded while pondering women's putative "subject-positions." As Hennessy points out in her review of feminist standpoint theory, claims to "women's" knowledge on the grounds of experience (based on biology or social positionality) are essentialist unless a materialist analysis is juxtaposed with identity-based epistemology (1993, 67-74). As the following chapters present analyses of women's words often bracketed by social characteristics and suggest the predominance of certain attitudes by class or age, it is crucial to remember that no necessary causal connections can be drawn between individual constructions of gender ideology/entitlement and demographic position; experiences influenced by class position or family structure can and often do influence "standpoint," but subjectivity is complex and not simplistically reducible to socioeconomic parameters (Kapadia 1994, 6; Hawkesworth 1989, 537). The mapped experiences and attitudes of Indian women situated in diverse powerful/powerless positions depending on their age, class, or education shows that dominant ideologies about gender were echoed and contested in various ways, but there was no uniform gendered "standpoint" across all social positionalities.

The Power of Law on Women and in the 'New' Nations

The 1985-95 decade in India has been most significantly marked by violent ethnic-religious struggles on the one hand, and numerous economic dilemmas on the other (notably debates over socialist public policy versus modernization/privatization). In the process of negotiating a post-colonial Indian identity and mediating such conflicts, law has been seen as a crucial instrument of social progress. As the boundaries of a new nation are imagined, the legal system of the independent nation is supposed to delineate the unique nature of this new self. Typically, large parts of the colonial infrastructure are retained to showcase "progressiveness" and individual jural rights, while
other features, constructed as being part of the "original" nation's culture, are incorporated into the legal-institutional framework.

Because this study examines the effectiveness or failure of property law in India, it is important to review the literature on the relationship between law and social change, and explore whether the manipulation of the legal realm can indeed bring about desired social changes. By examining the social effects of legal discourse, diverse cultural understandings of law can be mapped, and the limits of legal solutions pondered.

The question of whether social change can be precipitated by legal reform is related to the very meaning and authority of law and the complex dynamics of a social system. As Rosen puts it:

> It is one of the central paradoxes of any legal system that it should appear at once so central to the imposition of decisive pronouncements aimed at the very structure of social relationships and yet remain dependent on forces beyond its direct control for the acceptance and implementation of these strictures. This peculiar status of laws and legal institutions gives rise both to exaggerated claims for its impact on social change and equally unrealistic assertions that all legal systems merely follow and support processes whose fundamental operations are carried out in the broader spheres of social and political life (1978, 3).

Various models for predicting effective connections between legal and social change have been suggested by scholars (e.g. Fruzzetti and Ostor 1990, 98; I. Singh 1989, 21-46; Sethi and Sibia 1987), with new laws seen as being most effective when they legitimize changes that are socially amenable, but legal transformation being a better reflector than initiator of political or economic change. As Rosen contends, "except as a vehicle of overt coercion, the legal system of developing nations will probably only play a supporting role in economic development" (1978, 24). This does not bode well for the fate of laws established at the insistence of weaker sections of society in the interest of greater redistributive justice.
Following the formulations of Foucault (1980) and Althusser (1971), law can also be regarded as part of the hegemonic structure or as an ideological state apparatus, and hence as an intransigent hindrance to fundamental change in social hierarchies, an issue particularly disturbing within feminist jurisprudence. While feminists have typically organized to demand legal redress for social inequities, it has become apparent that substantive change is difficult. As Carol Smart points out, law can "be understood as a mode of reproduction of the existing patriarchal order, minimizing social change but avoiding the problems of overt conflict", thus maintaining patriarchal relations though not creating them (1984, 21-2). Rights-based notions of abstract justice, the core of Western law, naturalize patriarchal world-views as monolithic universal principles, making it impossible to interject women's different needs or perspectives (Finley 1993; R. West 1993; Majury 1991; Eisenstein 1989; Okin 1989; Mackinnon 1987, 63-69; Kirp et. al. 1986; Scales 1986). Legal concerns of women may be rendered simplistic even within feminist proposals, as in the essentialist formulations of some Radical/"Cultural" feminist demands which ignored the diversity of women's experiences across time and by class, race and nationality (Mohanty 1991; Williams 1991; Crenshaw 1989; Dalton 1987-8).

Foucault and Althusser's influence has also been felt in legal anthropology, where the prime theoretical focus has shifted from studying the operations of legal, rule-governed institutions, described as the "rule-centered paradigm," to analysis of behavior connected with disputes, termed the "processual paradigm" (Just 1992, 374). This represents a shift from narrow, jurisprudence-based studies of dispute resolution processes to those examining how laws operate within a total

A further development of the second approach is the study of "asymmetrical power relations," where "power" inheres in unequal access to material resources or ideological space (Starr and Collier 1987). The abandonment of evolutionary models of legal change, and the delineation of "customary" law as being more often a colonial invention related to struggles between native elites and the State rather than a "folk system," has also been part of this trend.

Much recent anthropological research confirms this changing focus on the intersection of law and culture (Toungara 1994; S. Moore 1992; Scaglion 1990; Fruzzetti and Ostor 1990; Merry 1986; Rodman 1985; Tiffany 1983), showing the micropolitics of various environments and people's complex motivations in reading and using the law. For example, women's use of courts has been shown to be tied to notions of financial redress as well as kinship-based constructs of justice, and their campaigns for favorable legal reform most successful when appropriate spaces within social-political discourse are invoked (Toungara 1994; Lazarus-Black 1991 & 1992). The emphasis on heterogeneity and situatedness, on "law as something that happens in the real world...law as event, as experience, as ethnography" (Just 1992: 383) is a welcome move away from ideas of laws having predetermined effects on a society.

In addition to anthropologists, legal scholars have also analyzed how the particularities of subject positions affect readings of law. A prime issue in this area has been that social concerns, particularly race and class dynamics, may only be inadequately translatable into legal parlance (Cunningham 1992; L. White 1990). However, while alternative paradigms within which the law might operate suggested by feminist scholars, e.g. "needs-based" or "care-based" systems, standards of "antisubordination" or "empowerment," (Bender 1993; Villmoare 1991; MacKinnon 1987, 32-45; 20

7 In opposition to Foucault and Althusser's ideas of totalizing dominant culture, Gramscian (1971) and feminist notions of cultural negotiation have been important influences here.
have markedly transformed jurisprudential theory, they are much harder to operationalize and evaluate as broad, uniform legal principles, and have had limited practical scope.

In the life of postcolonial States like India, in the development of "imagined communities" as Anderson (1983) terms them, "progressive" social legislation may be largely symbolic, especially when it comes to altering roles and entitlement patterns within the family. Rosen's important essay on this subject, "Law and Social Change in the New Nations" (1978), shows that newly-established nation-states used agrarian reform and industrial policies to try and achieve a change in class relations, and structures like a constitution or an independent judiciary were created to check a state's absolute control. However, he claims that:

[m]odification of social relations [emphasis mine] through laws has been notably less effective: while polygamy [sic] has been successfully banned in environments where it was becoming less prevalent anyway, attempts to stop exorbitant bridewealth or dowry payments have had very limited success, and changes in inheritance patterns have been hardest of all because it appears that women may have to forego new legal rights to retain the broader social support of their male kinsmen" (1978, 23).

Nevertheless, Rosen supports efforts to use law as a tool "in the slow process of national development" (1978, 28) because formal rights can be created for disempowered groups who desire change. He also believes that laws are important for national unification and can be a touchstone of political accountability for the ruling party.

Though more skeptical than Rosen about the myth of national unification and the transformative power of law, and deeply aware of the ambivalence of turning to the State for achieving reform on behalf of the socioeconomically disempowered, in this dissertation I do nonetheless argue for the presence of a legal infrastructure that would affirm egalitarian rights for
Various social groups. Studies of cultural negotiation provide important reminders that spaces of resistance can be created in all hegemonic systems, and thus laws may be successfully manipulated within pockets of amenable discourse. Such tussles in the area of property law in India are examined in this project.

In this study, law and culture are studied from both directions. The legal cases cover the more formal jurisprudential aspect and are examined for constructions of legal authority and gendered issues. Judgments do not simply echo the laws but are mediated by the cultural perceptions of judges and lawyers, i.e. acts of legal translation, and thus change formal laws by discursive re-interpretation, profoundly affecting the originary intent of legislation. The interviews cover the ground at the other end of the spectrum: they reveal the selective decoding of existent laws in different social contexts by showing which cultural transgressions merit legal redress, and common paths of circumventing formal law and resolving conflict. Together, these two perspectives reveal the impact of particular Indian "family" laws on the broad cultural nexus, indicating reasons and patterns for their widespread receptivity or rejection.

**Indian Women, Property and Law**

Feminists from developing countries have focussed on the crucial need to change laws with blatant sexist biases, despite realizations about the complex effects of apparently favorable laws and the intransigence of political regimes and legal bureaucracies (Schuler and Kadirgamar-Rajasingham 1992; Asia Pacific Forum 1990; Schuler 1986; Davies 1987). In India too, the women's movement has been involved not only with political issues like religious fundamentalism, a uniform civil code, reproductive health, or "development" at the cost of displacing tribal populations, but also legal problems uniquely affecting women, viz. rape (particularly rapes in police custody), trafficking and
abduction, dowry deaths, and land rights for women." While potentially empowering avenues for women (including poor women) to seek legal redress have been created in response to feminist demands, such as family courts or the route of public interest litigation or laws such as the Dowry Prohibition (Amendment) Act (1986), the effects of these hard-won measures have ranged from lack of enforceability to bureaucratic standoffs to hostile repercussions against women litigants (Kishwar 1994b; Nagasaila 1992; "Family Courts" 1990; Mahila Dakshata Samiti 1988). Extant property laws in India have not been created in consultation with feminist organizations for the most part, but are often proclaimed by judges and legislators to be women-friendly; this study examines how far that claim is valid. Although numerous limitations and biases against women exist in property law, some women's legal encounters have been notably advantageous, especially for rich or middle-class women of all religions and Hindu women of all classes, often through the invocation of narrowly stereotyped notions of gender. The ambivalence of using law for bettering all women's lives is thus explored.

For the most part, property relations in India have been studied as part of larger ethnographies, with women's disinheritance being attributed to cultural factors. One notable exception to this trend was Ursula Sharma's book, Women, Work and Property in North-West India (1980), an ethnographic study of two villages that examined women's access to property in the context of agricultural and domestic labor, marriage and dowry, and social relations with other men and women. In many ways, my study of north Indian women living in Delhi, while based on a more

* The two main policy documents that lay out the agenda for Indian women are the 1975 report by the Committee on Status of Women in India, Towards Equality, and the National Perspective Plan for Women 1988-2000, both written with extensive input from feminist academics and activists. Other documents from individual states, such as the 1994 Policy for Women proposal from Maharashtra containing radical proposals to equalize property for women in every way, also bear the mark of relentless feminist campaigns. There are literally thousands of NGOs in India, a large proportion of which do work in women's literacy, health, legal education etc. Analyses of Indian women's legal situation can be regularly found in the journals Lawyers Collective and Manushi.
heterogeneous ethnic (and urban) sample, re-investigates her findings on the discourse surrounding property. e.g. the analysis of dowry as a false inheritance share, and of the fear of brothers' anger deterring women from taking natal property. More recently, other scholars have confirmed Indian women's marginality in land ownership by way of research on widows and poverty (Gulati 1993; Chen and Dreze 1992). and accounts of women's struggles to get land in tribal and Christian communities (Kishwar 1987; Vishwanathan 1989).

Bina Agarwal's *A Field of One's Own: Gender and Land Rights in South Asia* (1995), a near-encyclopedic work using economic, legal, anthropological and political approaches for all the South Asian countries, includes extensive discussion of ethnic minorities and matrilincal and bilateral inheritance, and compelling conclusions about resistance and land reform. My study also points to the benefits of property for women of all classes and the narrowing of women's direct control over property under postcolonial development initiatives, while complementing Agarwal's work by providing accounts from urban women, specific ethnographic detail, and close readings of the cultural discourse surrounding property. As opposed to her focus on socioeconomic trends and macro-effects, I emphasize the specific paths of discursive control and legal maneuvering, and the seemingly contrary spaces of resistance.

Much of my analysis is also a dialogue with ethnographic accounts of marriage and kinship in India. As Uberoi points out in her introduction to *Family, Kinship and Marriage in India*, many classical anthropological concepts of kinship, affinity, and marriage were formed on the basis of observations about India (for example, Dumont [1953] 1983; Levi-Strauss 1949; Morgan 1871, Maine 1861). The anthropological focus on this topic continues in intricate ethnographies (Herschman 1981; Fruzzetti [1982] 1994; Inden 1977), but these typically lack analyses of power relations or gendered subjectivities. This study, on the other hand, deliberately uses the perspectives of women
to obtain a somewhat different view of many of these same phenomena, and also probes the
relationship between hegemonic power and agency.

Indian historians have also played a central role in fashioning the discourse about women and
legal reform against the backdrop of nationmaking. Of particular significance to this project are those
who examine the lawmaking process in colonial (and emergent postcolonial) milieus in order to show
how women's issues formed the fabric in contests of power between colonial officers and Indian male
elites, and the delineation of gendered rights as the heart of hegemonic relations of rule (Som 1994;
Parashar 1992; Chakravarti 1990; Mani 1990; Chatterjee 1989; L. Sarkar 1978). Som, Sarkar and
Parashar show the persistence and transformation of these tussles in postcolonial times, with the
Western-educated elite assuming the mantle of the colonizers. The work of the "Subaltern Studies"
group, which seeks histories of resistance of peasants and other historiographically silenced groups
by reading colonial documents "against the grain," has also been important to this project because
of the ways in which resistance and subjectivity is read from government reports and legal texts. My
analysis of recent property cases reveals how authoritative meanings of womanhood, religion,
entitlement and need are negotiated in the texts of judgments, and the resemblance between these
interpretations and colonial and postcolonial legislative tussles for power in the narrow construction
of women's rights.

Camouflaging the Self: Methodological Choices and Other Fieldwork Angst

"'Cultures' do not hold still for their portraits. Attempts to make them do so always
involve simplification and exclusion, selection of a temporal focus, the construction
of a particular self-other relationship, and the imposition or negotiation of a power
relationship" (Clifford 1990, 10).

\footnote{Guha and Spivak (1988) provide a compilation of articles from 1982-87.}
I had long been interested in working on a project involving Indian women and law, hoping to clarify the "real" workings of formal law in social situations and the efficacy of legal solutions for feminist reform. Family law (especially women's rights to marital property or natal support), having been the site of intense national debate in the wake of the Shah Bano case, seemed to be a rich site for inquiry, where there was an abundance of political rhetoric but little information on specific cultural negotiations. Property issues, which fall at the crossroads of kinship and resource accumulation and illumine the play of ideology in the consolidation of wealth, were particularly intriguing among the different aspects of family law.

In terms of the call to arms by proponents of feminist methodologies that the subject of research be one that participants find to be of primary concern in their lives (Bhavnani 1993, 100-1; Reinharz 1979, 120), the focus on property was distant from people's immediate preoccupations for the most part. However, property concerns were strongly linked with women's most deeply-felt problems of economic survival, and hence especially significant because of the careful disinterest shown by the respondents, a sign of women's ownership of natal property being a profound social transgression. By focussing on the exact means by which women were dissociated from property, I hoped to complement other studies on women's access to property, and show its importance within the totality of material-cultural relations.

Because I was interested in examining how the courts treated issues of women and property and how women constructed ideas of their own entitlements, the research methods used were document analysis and long interviews. Qualitative research methods were the obvious choice because I wanted to use an open-ended method of inquiry and a relatively small sample to examine the specific contextual meanings that women attached to various concepts (Jorgensen 1990, 12-14).
"watching people in their own territory and interacting with them in their own language, on their own terms" (Kirk and Miller 1990, 9).

New Delhi was my chosen fieldwork site for various practical reasons. As a multi-ethnic conglomerate drawing middle- and low-income migrants from various other parts of the country (and from surrounding countries), it allowed me to examine heterogeneous forms of property transmission and their potential transformation in the urban context. My home base, Calcutta, would have been an easier choice both financially and in terms of gaining access to households, but it lacked the ethnic diversity of Delhi and would have confined me to largely familiar realms. In Delhi, I had a mixed "insider-outsider" status (Snow et al. 1986). I was familiar with the language (there was a marked improvement in my Hindi by the end of the interviews!) and visually an Indian woman of indeterminate ethnicity, but learnt about the lives of women who were variously positioned with respect to religion, ethnicity, education or class.

Given the overdetermining quality of social class in shaping lives and determining priorities in the postcolonial Indian context of vast economic disparities and effectively non-existent class mobility (Patnaik 1992, Omvedt 1992), and keeping in mind the heterogeneous signifiers of gender connected with diverse cultural locations and practices (Alcoff 1988, 431-5), seeking a cross-class sample was an important focus of this project. In Marxist feminist analyses (e.g. Delphy 1986, Sanghera and Malhana 1984; Zetkin 1984), property issues are often assumed to be most relevant for wealthy women, but property relations are also salient for the middle and lower classes, especially for women (Agarwal 1994, 27-44). To get a feel for how property transmission affected

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1" Even in urban areas and in women's organizations which are politically far less "radical," I observed repeatedly that legal aid units did not like to handle property claims, which were seen as much less crucial than divorce, dowry, or maintenance cases. Organizations thus claimed to choose not to put their energies into becoming a recovery agency for relatively wealthy women.
women in various classes. I planned to divide the interviews equally between women in middle-income and low-income households.

Finding neighborhoods appropriately stratified by "class" (in terms of a income-status complex) proved to be a challenging task. Government standards for income-levels (middle-income being Rs 2500-3500/month) were clearly outdated, considering that mid-level government or teaching jobs often paid about Rs. 6000, and some middle-class office jobs paid in the low five figures. Given the presence of an enormously wealthy business class in Delhi, as well as an upper-middle class with high levels of conspicuous consumption who work in the private sector and for multinational corporations, notions of middle-level income had been transformed greatly. In search of a representative "average" middle-class area, I eliminated as being distinctly upper-middle class many neighborhoods where two cars with chauffeurs were a frequent sight, and finally picked two areas which represented a range of middle-class living by talking to rental agencies and shopkeepers in the areas: one a middle-middle class area of "Middle Income Group" flats largely occupied by people in mid-level government and private jobs, and the other a lower-middle class area with residents having small shops or businesses or being in somewhat lower ranked government jobs, which had originally been a resettlement colony for refugees from Pakistan. While there were some differences in living standards between the neighborhoods, people in those areas clearly identified themselves as being neither very wealthy nor poor. For the low-income area, my choice was one of Delhi's numerous squatter colonies; the neighborhood I finally chose was determined by ease of access to the community through liaisons with an appropriate social service organization.

The plan was to draw interview households by random sampling from demographic surveys I had conducted in residential areas of about 100 units each. Every third household where the demographic questionnaire had been administered was marked as a potential interview household.
and included subject to the consent of the household's women. Fewer women consented to interviews than I had anticipated, necessitating a second round of requests based on selecting every sixth household among the remaining ones. Finally, there were 30 interviewees each from the middle-class and poor neighborhoods. One woman per household was asked to participate, with a preference being expressed for particular women in the households chosen, based on the goal of having the total sample contain variation in ages, marital statuses and employment situations. If that was not agreeable, I opted to talk to any other woman in that residence, thus adhering to the households picked by random sampling. The interview participants were assured of anonymity and confidentiality; with their consent I taped the interviews. A pre-approved questionnaire was used for all the interviews, although many analytically valuable concepts were generated through long conversations following open-ended questions. I did interviews and surveys in the middle-income areas between November 1991 and April 1992, and in the low-income area between September 1992 and January 1993.

Given the obsessive concerns with the field role among scholars discussing fieldwork (Jorgensen 1990, Snow et al. 1986), particularly for women in the field (Ahmed-Ghosh 1991; Gurney 1985), and the dilemmas of getting past hierarchical socioeconomic differences between interviewer and interviewee, including the exercise of power in the interview-for-research situation (Bhavnani 1993; Shields and Devin 1993; Hale 1991; Minister 1991; Stacey 1991; Anderson et al. 1990; Devault 1990; Oakley 1981), it was hard to ignore the problematic negotiations I myself was involved in.

11 The methodology is based on probability sampling rather than judgment or opportunistic sampling; while conclusions drawn about the universe on the basis of the sample may thus have a more precise statistical grounding, they cannot be universalized unless the exact relation between the sample and the larger aggregate is known (Honigmann 1982, 87). The samples may also be more opportunistic than they appear, given that rapport with the researcher or experience in dealing with strangers affected consent to interviews.
squirming through. Years of exposure to feminist self-flagellation made me acutely aware of the
deliberate identities I had to cultivate to attempt to pass in different milieus, revealing the immense
difficulty of being "oneself" and also the one with the tape-recorder and questionnaire, or of
challenging social constructions of class, gender, education etc. within the crammed space of
fieldwork.

My daily travel, baggage and costume regimen provides a telling portrait of this crossing
between worlds. While in Delhi, I lived quite literally in a "postmodern" house designed by an
architect friend, sometimes referred to by passers-by as the "Red Fort of South Delhi" because of its
structure. Most mornings I left this markedly unique home "armed" with tape recorder, tapes, a flask
of chilled boiled water (from fear of hepatitis, typhoid etc.), papers and files, a separate money purse
(to be guarded more closely from pickpockets on buses); not a researcher who was traveling light or
who would seamlessly become part of the "field"! I either walked about 5 blocks or took a 3-wheeler
for about 6 km. to reach the relevant neighborhoods in the first half of the project (working in middle-
class areas), while in the second half I needed to travel about 25 km. by bus, by changing several
buses, or by a combination of bus and 3-wheeler depending on daily availability. Although the
families I visited were aware of where I was living, the distances meant that some of the women (in
this case the most prosperous ones) could easily check this out by taking a slight detour from the
market, whereas to the others my residential origins remained much more nebulous and strange, an
unequal access to information that is tied to relations of class/power.

In both the middle-income areas, I simply showed up on doorsteps talking about my project
and seeking demographic information, and later returned to some houses asking for interviews.
Thorne narrates that during her study of the Draft Resistance movement she was often the object of
suspicion, the target of the ever-present fear that strangers in that group were Feds/informants (1983,
227-30); given the spate of burglaries in areas close to where I was working. I fervently hoped my visits with questions about income and people's professions (and hence schedules) would not be followed by burglaries there, because I fully expected to be a logical choice for "suspicious nosy stranger in neighborhood"! For people to take me on trust and answer these very private questions, I needed to appear trustworthy upon very brief contact, and one of the ways I achieved this was to "dress up" somewhat more than I ordinarily would, usually wearing saris or dressier salwar-kameezes. I was uncomfortably aware even then that this was a blatant attempt to use my relatively superior class position to gain access; and that answers about where I lived and what I worked on were supposed to allay suspicions further and dissolve any remaining anxiety.

It was also interesting that other contingent factors of identity were the basis of rapport in various cases: sometimes my age, my living in the U.S. for those who had children or siblings there, my family's Hindu background, or my Bengali ethnicity became the basis of trust depending on the social categories of the person I was interviewing. I preferred to appear single (though I would talk about my partner if this came up in the conversations) and, contrary to women researchers who have felt that their status as wives and mothers gave them much better access, this apparently single state along with my age and my being a "student" made me an easy object of affection and candor, someone to whom the facts of life could be explained elaborately. There was a very strong rapport with younger single participants because of the perceived commonality of our education and upbringing, while young married women living with their in-laws appeared most guarded. Some people did refuse to begin or continue conversations, but on the whole I was astounded by the way I was taken into people's homes, fed, introduced to others, made privy to family dynamics, and even sought out as a source of information on legal rules and reproductive health facilities.
If appearing on doorsteps in middle-income areas had the potential to raise suspicion in those residents, this was nothing compared to the discomfort and fear that I could have caused by appearing with self-identified credentials and machines and forms in a squatter colony, where people are frequently subjected to questioning by the myriad development and demographic organizations studying "the Indian poor," and where residents live in daily fear of being persecuted by the police or other State agencies on the basis of information that they have unknowingly given out. Thus in this case, I decided to seek entree by working with one of the grass-roots community development organizations that had established relations of trust in such communities. I contacted Ankur, an NGO that works for education and political and social mobilization of communities by setting up centers in various squatter colonies, staffed by grass-roots workers who are often from those colonies. After they picked the area they considered most appropriate, they requested that for a few weeks I go along with the community workers, on daily visits to people seeking their help or for re-recruiting class dropouts. When I started doing surveys and then interviews, a junior staff member would often come along, ostensibly to learn the research methods; because she also lived in that neighborhood, I was very fortunate in being able to piggyback on her community relations.

Though my traveling baggage was the same as in the other areas, here I wanted to appear more "blended-in" and would wear plain salwar-kameezes for the most part (this was actually closer to my everyday work attire than the dress-up mode). However, it was embarrassingly obvious to me that markers of class were not simply translatable into clothing because I could not just blend into the environment: women would drag out special chairs or mats for me to sit on despite my fervent protests and feed me lassi or tea or parathas. Yet this was also the same kind of hospitality as was extended to the community workers whom I had originally accompanied, so the treatment was not necessarily all class-related. Perhaps because both middle-class and working-class women worked
together as seeming equals at Ankur, women in the area were already fairly used to talking about their problems with middle-class women, and thus I benefited immensely from my association with that organization.

Though the concrete outlines of my life may have appeared shadowy to most despite my proffering the information, I appear from the interviews to have been positioned as a Bengali, an urbanite, an unmarried woman; familiar enough frameworks for acceptance. I knew that despite the noontime custom where we all shared lunches and the occasional outings organized by Ankur, I held off till the end of the day till I got to an in-house toilet with plumbing, and with rare exceptions drank only the water I carried. Yet the women I talked with treated me with great warmth and intimacy, being even more open and affectionate than women I encountered in the previous neighborhoods, who were supposedly closer to me in terms of social class. I was alarmed to find myself nominated as expert advice-giver on everything from divorce and dowry recovery procedures to death and disability benefits to medicine labels and indeterminate pills and most of all, problems with contraception, being only academically aware of court procedures and completely out of my depth in doing medical guesswork. Yet this appearance of possessing information somewhat useful for the residents mediated the potentially insurmountable distance between our social locations, giving me a limited usefulness in being there and setting me apart from other officious information-mining strangers.

As Clifford's remark prefacing Sanchez-Eppler's essay on Freyre and Hurston's experiences of fieldwork in their home communities suggests—"Perhaps there's no return for anyone to a native land--only field notes for its reinvention" (1992, 464)—fieldwork is often marked by the profound ambivalence of trying to reconstruct one's familiar culture as a describable Other, while also confronting the impossibility of returning as an untouched "native" self (Narayan 1993). Even for those who may not have lived away from the field, there is no absolute self that can be an insider
across social classes, ethnicities, religions and many other micro-categories. The narrative of fieldwork cannot but be a story of passing, of creating selves from residual fragments in multiple situations.

**Demographic profiles: India and Delhi**

According to the World Development Report, India's mid-1992 population is 883.6 million (1994, 162). Bose reports an increase in 160 million people between 1981 and 1991, and a 1991 population density of 267 persons/sq. km (1991, 47). The 1992 per capita GNP is $310, 18th in ascending order among all nations, even though the 1992 GDP is a relatively hefty $214,598 million, 21st in descending order (World Development Report 1994, 162-6). The discrepancy is attributed to overpopulation and prominence of the agrarian sector in conventional economics, but Marxists and feminists have pointed to the unequal distribution of wealth and resources and the selective repressive underdevelopment of certain groups as causes of widespread poverty and deprivation. In terms of "quality of life" indicators considered important for research on gender, the 1991 sex ratio was 929 females to 1000 males, the 1991 female literacy rate was 39.42% as compared to a male rate of 63.86% (Bose 1991, 47), and the female share of the labor force in 1992 was 25% (World Development Report 1994, 218, not including informal sector labor). The imbalance in these figures indicates the possibility of the existence of strong patriarchal relations, especially in the fact that men outnumber women in the population (normally a sign of selective gender practices such as female infanticide), although social class and urbanization may be the greatest barriers to equal opportunity.

The city of Delhi is a study in dramatic contrasts: the old town with its narrow lanes and ancient fort and monuments, the imposing buildings and lush boulevards housing the centers of government built by Lutyens in 1931, energetic (and overpolluted) central office and commerce areas like Connaught Place, ornate elite neighborhoods, ever-expanding middle-class suburban housing
complexes taking over bordering villages, pockets of squatter colonies, in all a diverse teeming megalopolis characteristic of the world's fastest growing urban centers. Greater Delhi covers an area of 326 sq. km. and includes the Union Territory of Delhi and 258 surrounding villages (Grolier 1993). With a 1991 population of 9.37 million (7.18 million being officially urban or part of the Delhi Municipal Corporation), the Union Territory of Delhi is home to 1.11% of the Indian population, and with a population density of 6,319 people/ sq. km. ranks first among States and Union Territories in order of density (Census of India (Delhi) 1991: 13; Bose 1991: 57-58. 433). The 1991 sex ratio of 830 females to 1000 males (the highest among all decades since 1901) is the second lowest in the country but probably reflects skewed migration patterns (Bose 1991: 433). The 1991 literacy rate of 76.09 is the sixth highest in the country, with the percentage of literate women being 68.01. Eighty-four percent of Delhi's population are Hindus. 7% Sikhs and 7% Muslims (Grolier 1993).

A substantial portion of research about Delhi deals with health and contraception, school and college education and urban planning. Within the range of my project, some of the most relevant studies are those that deal with processes of rural-urban migration, urban adjustments to migration and population pressure in the form of squatter colonies and government housing schemes, delivery of civic amenities, the growth of the "dual economy," and the crunch in urban property values measured through rising property taxes (A. Kumar 1991; Mehra 1991; Pugh 1991; Fernandes 1990; Mishra 1988; R. Sandhu 1987; Nath and Schroeder 1982; Shrivastav 1982; Soussan 1980; Yadav 1979; Majumdar 1978; Nangia 1976; A. Singh 1976; Chaudhuri 1975; India Ministry of Works and Housing 1975; Center for the Study of Developing Societies 1974; Mishra 1972). These studies, depicting Delhi as a laboratory of postcolonial urban development where losing battles for planned urbanization and infrastructural support are waged, and socioeconomic disparities hardened despite
a teeming informal sector sucking in a large proportion of migrants, form a backdrop to my
discussion of urban property accumulation and rural dependence. In turn, my work contributes an
analysis of variable property acquisition across classes and among migrant populations that is
missing in the literature.

While modern Delhi started out as a city carefully planned by Lutyens and Baker and
continued with a "master plan" of urban development to be materialized by the Delhi Development
Authority starting in 1957, unexpected political and economic pressures foiled this careful planning
(Pugh 1991). Two of the most significant pressures have come from Independence and Partition
resulting in a huge flow of Pakistani and later Bangladeshi refugees, and from rural poverty resulting
in hundreds of thousands of laborers coming to the capital city for the poorest of service and labor
jobs which make more than sharecropping wages (Mehra 1991; Fernandes 1990; Datta 1986). The
first of these is related to the history of the two middle-class neighborhoods I studied, the second to
the composition of the squatter colony.

Many sociocultural studies of Delhi have concentrated on squatter colonies. In 1990, 32.85%
of Delhi's population lived in such colonies or "slums," most of which had electricity but few had
clean water or adequate sanitation. Residents came from the lowest sectors of the rural population
in terms of caste and class, and primarily worked in the informal sector (Fernandes 1991, 11. 16. 53-
54). While issues such as the prevalence of crime in slums or environmental effects (e.g. Ali 1995;
Chakraborty and Rana 1993) are common topics, much of the literature in this area focuses on
women, especially on their sociopolitical awareness, their support systems and their work conditions
(Chandola 1995; R. Sharma 1995; Fernandes 1990; N. Sharma 1985; Karlekar 1982), showing that
women's work brings in largely subsistence wages and little class mobility, but that women have
knowledge of civic, political and legal rights. Urbanization for women is alternately portrayed as
<table>
<thead>
<tr>
<th>Household Type*</th>
<th>KE N=47</th>
<th>KC N=56</th>
<th>SN N=94</th>
<th>Total N=197</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuclear</td>
<td>55.3</td>
<td>41</td>
<td>52.1</td>
<td>49.7</td>
</tr>
<tr>
<td>Nuclear+ H’s parent</td>
<td>6.4</td>
<td>14.3</td>
<td>1.06</td>
<td>6.1</td>
</tr>
<tr>
<td>Nuclear+ H’s parent+ sibling/s</td>
<td>2.1</td>
<td>0</td>
<td>4.3</td>
<td>2.5</td>
</tr>
<tr>
<td>Nuclear+ H’s siblings/nephews</td>
<td>0</td>
<td>1.8</td>
<td>10.6</td>
<td>5.6</td>
</tr>
<tr>
<td>Nuclear+ W’s siblings/nephews</td>
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<td>1.8</td>
<td>6.4</td>
<td>3.6</td>
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<tr>
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<td>17</td>
<td>32.1</td>
<td>4.2</td>
<td>15.2</td>
</tr>
<tr>
<td>Couple</td>
<td>10.6</td>
<td>3.6</td>
<td>3.2</td>
<td>5.1</td>
</tr>
<tr>
<td>Couple + grandchildren</td>
<td>0</td>
<td>0</td>
<td>3.2</td>
<td>1.5</td>
</tr>
<tr>
<td>Couple + H’s sibling/s</td>
<td>0</td>
<td>0</td>
<td>2.1</td>
<td>1.02</td>
</tr>
<tr>
<td>Couple + W’s siblings</td>
<td>0</td>
<td>0</td>
<td>2.1</td>
<td>1.02</td>
</tr>
<tr>
<td>Woman + children</td>
<td>2.1</td>
<td>3.6</td>
<td>1.06</td>
<td>2.03</td>
</tr>
<tr>
<td>Woman+ brother-in-law + children</td>
<td>0</td>
<td>0</td>
<td>1.06</td>
<td>0.05</td>
</tr>
<tr>
<td>Woman</td>
<td>4.3</td>
<td>1.8</td>
<td>2.1</td>
<td>2.5</td>
</tr>
<tr>
<td>Men (Kin)</td>
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<td>0</td>
<td>3.2</td>
<td>1.5</td>
</tr>
<tr>
<td>Men (Non-Kin)</td>
<td>2.1</td>
<td>0</td>
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</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.1: Household Structures In Neighborhood Census (In Percentages).

*“Nuclear” refers to families consisting of married couples plus children; “joint” refers to families of married brothers, their wives, children and parents (or some married brothers etc. plus unmarried brothers and sisters); “couple” refers to married heterosexual couple."
<table>
<thead>
<tr>
<th>Total Household Income (Rs.)</th>
<th>KE N=47</th>
<th>KC N=56</th>
<th>SN N=94</th>
<th>Total N=197</th>
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<tbody>
<tr>
<td>&lt;1500</td>
<td>2.1</td>
<td>8.9</td>
<td>34</td>
<td>19.3</td>
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<tr>
<td>1500-2501</td>
<td>4.3</td>
<td>12.5</td>
<td>34</td>
<td>20.8</td>
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<td>2501-3500</td>
<td>8.5</td>
<td>21.4</td>
<td>18</td>
<td>16.8</td>
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<tr>
<td>3501-4500</td>
<td>12.8</td>
<td>21.4</td>
<td>7.4</td>
<td>12.7</td>
</tr>
<tr>
<td>4501-5500</td>
<td>8.5</td>
<td>5.4</td>
<td>4.3</td>
<td>5.6</td>
</tr>
<tr>
<td>5501-6500</td>
<td>8.5</td>
<td>8.9</td>
<td>1.06</td>
<td>5.1</td>
</tr>
<tr>
<td>6501-7500</td>
<td>10.6</td>
<td>5.4</td>
<td>1.06</td>
<td>4.6</td>
</tr>
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<td>7501-8500</td>
<td>10.6</td>
<td>3.6</td>
<td>0</td>
<td>3.6</td>
</tr>
<tr>
<td>8501-10,000</td>
<td>6.4</td>
<td>3.6</td>
<td>0</td>
<td>2.5</td>
</tr>
<tr>
<td>&gt;10,000</td>
<td>19.1</td>
<td>3.6</td>
<td>0</td>
<td>5.6</td>
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<tr>
<td>Unknown</td>
<td>8.5</td>
<td>5.4</td>
<td>0</td>
<td>3.6</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
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</table>

Table 1.2: Household Incomes in Neighborhood Census (In Percentages).

<table>
<thead>
<tr>
<th>Religion</th>
<th>KE N=47</th>
<th>KC N=56</th>
<th>SN N=94</th>
<th>Total N=197</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu</td>
<td>74.5</td>
<td>64.3</td>
<td>95.7</td>
<td>81.7</td>
</tr>
<tr>
<td>Sikh</td>
<td>8.5</td>
<td>28.6</td>
<td>0</td>
<td>10.2</td>
</tr>
<tr>
<td>Muslim</td>
<td>0</td>
<td>1.8</td>
<td>4.3</td>
<td>2.5</td>
</tr>
<tr>
<td>Sindhi</td>
<td>4.3</td>
<td>3.6</td>
<td>0</td>
<td>2.03</td>
</tr>
<tr>
<td>Jain</td>
<td>2.1</td>
<td>0</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td>Unknown, None</td>
<td>10.6</td>
<td>1.8</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.3: Religious Affiliations of Households in Neighborhood Census (In Percentages).
<table>
<thead>
<tr>
<th>Ethnicity/State of Origin</th>
<th>KE N=47</th>
<th>KC N=56</th>
<th>SN N=94</th>
<th>Total N=197</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uttar Pradesh</td>
<td>14.9</td>
<td>3.6</td>
<td>71.3</td>
<td>38.6</td>
</tr>
<tr>
<td>Ex-West Pakistan</td>
<td>27.7</td>
<td>44.6</td>
<td>0</td>
<td>19.2</td>
</tr>
<tr>
<td>Bihar</td>
<td>2.1</td>
<td>0</td>
<td>14.9</td>
<td>7.6</td>
</tr>
<tr>
<td>Punjab</td>
<td>10.6</td>
<td>8.9</td>
<td>0</td>
<td>5.1</td>
</tr>
<tr>
<td>Delhi</td>
<td>4.3</td>
<td>8.9</td>
<td>0</td>
<td>3.6</td>
</tr>
<tr>
<td>Haryana</td>
<td>6.4</td>
<td>5.4</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>12.8</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>West Bengal</td>
<td>2.1</td>
<td>3.6</td>
<td>1.06</td>
<td>2.03</td>
</tr>
<tr>
<td>Gujarat</td>
<td>0</td>
<td>1.8</td>
<td>0</td>
<td>0.5</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
<td>0.5</td>
</tr>
<tr>
<td>Kashmir</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
<td>0.5</td>
</tr>
<tr>
<td>Nepal</td>
<td>0</td>
<td>0</td>
<td>1.06</td>
<td>0.5</td>
</tr>
<tr>
<td>Orissa</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
<td>0.5</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
<td>0.5</td>
</tr>
<tr>
<td>More than one state/Ethnicity</td>
<td>10.6</td>
<td>23.2</td>
<td>11.7</td>
<td>14.7</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.4: Ethnic/State Origins Of Households In Neighborhood Census (In Percentages).
<table>
<thead>
<tr>
<th>Level of Education</th>
<th>KE N=74</th>
<th>KC N=107</th>
<th>SN N=101</th>
<th>Total N=282</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonliterate</td>
<td>0</td>
<td>7.5</td>
<td>73.3</td>
<td>29.1</td>
</tr>
<tr>
<td>1-3 years school</td>
<td>0</td>
<td>0</td>
<td>11.9</td>
<td>4.3</td>
</tr>
<tr>
<td>Grades 3-10</td>
<td>8.1</td>
<td>13.1</td>
<td>11.9</td>
<td>11.3</td>
</tr>
<tr>
<td>School Leaving Exam (Matriculation)</td>
<td>8.1</td>
<td>23.4</td>
<td>0.99</td>
<td>11.3</td>
</tr>
<tr>
<td>Higher Secondary Grade 12</td>
<td>8.1</td>
<td>6.5</td>
<td>0</td>
<td>4.6</td>
</tr>
<tr>
<td>Post-Secondary Diploma</td>
<td>6.6</td>
<td>1.9</td>
<td>0</td>
<td>2.5</td>
</tr>
<tr>
<td>Bachelor’s Degree</td>
<td>32.4</td>
<td>38.3</td>
<td>0</td>
<td>23</td>
</tr>
<tr>
<td>Master’s Degree/ B.A.B.Ed.</td>
<td>18.9</td>
<td>5.6</td>
<td>0</td>
<td>7.1</td>
</tr>
<tr>
<td>Master’s Plus</td>
<td>10.8</td>
<td>0.93</td>
<td>0</td>
<td>3.2</td>
</tr>
<tr>
<td>Professional (Law/ M.B.A./ Medicine/ Engineering)</td>
<td>5.4</td>
<td>0.93</td>
<td>0</td>
<td>1.8</td>
</tr>
<tr>
<td>Unknown</td>
<td>1.4</td>
<td>1.9</td>
<td>1.98</td>
<td>1.8</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.5: Distribution of Education Among Total Number of Women in Neighborhood Census (In Percentages).
### Table 1.6: Distribution of Ages Of Total Number of Women In Neighborhood Census (In Percentages).

<table>
<thead>
<tr>
<th>Age (Women's)</th>
<th>KE N=74</th>
<th>KC N=107</th>
<th>SN N=101</th>
<th>Total N=282</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;21</td>
<td>5.4</td>
<td>9.3</td>
<td>17.8</td>
<td>11.3</td>
</tr>
<tr>
<td>21-25</td>
<td>14.7</td>
<td>18.7</td>
<td>19.8</td>
<td>18.1</td>
</tr>
<tr>
<td>26-30</td>
<td>14.7</td>
<td>14</td>
<td>20.8</td>
<td>16.7</td>
</tr>
<tr>
<td>31-35</td>
<td>8.1</td>
<td>9.3</td>
<td>17.8</td>
<td>12.1</td>
</tr>
<tr>
<td>36-40</td>
<td>8.1</td>
<td>7.5</td>
<td>5.9</td>
<td>7.1</td>
</tr>
<tr>
<td>41-45</td>
<td>8.1</td>
<td>6.5</td>
<td>5.9</td>
<td>6.8</td>
</tr>
<tr>
<td>46-50</td>
<td>6.6</td>
<td>9.3</td>
<td>3.96</td>
<td>6.8</td>
</tr>
<tr>
<td>51-55</td>
<td>16.2</td>
<td>7.5</td>
<td>2.97</td>
<td>8.2</td>
</tr>
<tr>
<td>56-60</td>
<td>8.1</td>
<td>7.5</td>
<td>2.97</td>
<td>6</td>
</tr>
<tr>
<td>61-65</td>
<td>5.4</td>
<td>2.8</td>
<td>0</td>
<td>2.5</td>
</tr>
<tr>
<td>66-70</td>
<td>2.7</td>
<td>4.7</td>
<td>0.99</td>
<td>2.8</td>
</tr>
<tr>
<td>&gt;70</td>
<td>1.4</td>
<td>2.8</td>
<td>0.99</td>
<td>1.8</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

### Table 1.7: Distribution of Past and Present Paid Work by Total Number of Women in Neighborhood Census (In Percentages).

<table>
<thead>
<tr>
<th>Employment Situation</th>
<th>KE N=74</th>
<th>KC N=107</th>
<th>SN N=101</th>
<th>Total N=282</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employed/ Self-Employed</td>
<td>35.1</td>
<td>17.8</td>
<td>11.9</td>
<td>20.2</td>
</tr>
<tr>
<td>Retired</td>
<td>4</td>
<td>1.9</td>
<td>0.99</td>
<td>2.1</td>
</tr>
<tr>
<td>Previously Employed</td>
<td>2.7</td>
<td>1.9</td>
<td>0</td>
<td>1.4</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0</td>
<td>0.99</td>
<td>0.99</td>
<td>0.4</td>
</tr>
<tr>
<td>No Paying Work Reported</td>
<td>58.1</td>
<td>78.5</td>
<td>86.1</td>
<td>75.9</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.6: Distribution of Ages Of Total Number of Women In Neighborhood Census (In Percentages).

Table 1.7: Distribution of Past and Present Paid Work by Total Number of Women in Neighborhood Census (In Percentages).
creating greater seclusion and alienation, or leading to a better standard of living including fewer restrictions on movement and veiling. My work complements these studies by providing a portrait of property ownership by women in one of these colonies, showing the ways in which informal property both benefits and worsens women's economic position, examining the rural-urban continuum of ideologies of kinship, dowry and property, and depicting women's negotiations of financial and legal realms.

While there have been some studies of middle-class migrants and elites in Delhi (Chanana 1993; Mukherjee 1989; Datta 1986; V. Pandit 1984; P. Pandit 1978; A. Singh 1976), dealing mainly with one community at a time and examining socioeconomic mobility, political participation, educational attainment and voluntary ethnic associations, transformations of gender in the urban milieu and its forms across social class and ethnicity have rarely been addressed in these works. Few studies have sought a range of opinions from women in different socioeconomic positions and ethnicities; the Shah and Taneja survey on foeticide (1992). Kumari's study of dowry deaths (1989) and Paul's on dowry (1986) are exceptions that include heterogeneous urban samples of women (although this may self-select class or caste if the selection is made from a particular occupational structure, e.g. Paul). I hope to redress the scant material in this area by using a sample consciously diverse by class and ethnicity, and comparing women's experiences and attitudes towards property and law, subjects which have not been investigated specifically in these milieus.

**Study in Comparisons/Contrasts: The Three Neighborhoods**

In many ways, the demographic profile of the survey neighborhoods mirrored the larger Indian situation (Mullatti 1995; Grolier 1993; Bose 1991): 81.7% of total households surveyed were Hindu (Table 1.3); the predominant urban family form was nuclear (Table 1.1); at least 33.4%
women had less than a Grade III education (Table 1.5); and a total of 75.9% women overall did not report any paid employment (Table 1.7). However, the differences between the neighborhoods revealed socioeconomic disparities concealed by the above aggregate figures.

The first neighborhood selected, which I shall be calling Kailash Enclave or KE, was part of the larger "East of Kailash" locality in South Delhi containing some wealthy and upper-middle class areas in addition to a lot of middle-class housing and a few areas with huts. The part I worked in consisted of a few rows of so-called "Middle-Income Group (MIG)" two- or three-bedroom flats sold by the Delhi Development Authority in the late 1960s. The flats were all painted in uniform colors; the streets were fairly broad and clean; and economy- or medium-expensive cars were typically parked in front. The area was quite well-connected by public transport while not being too close to any congested areas. A small shopping complex of about 25 to 30 shops served this area, including vegetable stalls, a flower stall, grocers, sweet shops, book and video lending libraries, a stationery and card store, a pharmacy, a post-office, tailoring and dry-cleaning stores, even a government liquor store. A wholesale vegetable market was close by, although one had to go some distance to get fish or meat.

The men in this area worked in fairly senior Government jobs e.g. as undersecretaries, in private companies and banks, as owners of small shops or businesses, or as lawyers, doctors, or chartered accountants. Employed women were mostly teachers, with some working in government and private offices and research labs, and there was also a doctor, a fashion designer, a journalist, and a lawyer. Several of the women who had no outside employment tutored school students at home. As shown in Table 1.2, 19.1% households had incomes over Rs. 10,000, placing them at the higher end of their neighborhoods, and women's comparatively high rate of paid employment from this neighborhood (Table 1.7) was no coincidence in this respect; rather, most houses were at the
wealthier end of the spectrum because of multiple income earners, often including women. Women's far higher levels of education and training in this area (Table 1.5) was thus a valuable asset, often used to get a good job and enhance the family's standard of living to an extent that women from other areas could not.

The second area, called Kalka Colony or KC in this study, is a so-called WPRC, or West Pakistani Resettlement Colony, where the Government built inexpensive housing in the early 1960s for Pakistani Hindu and Sikh refugees. Many of the residents told me that the flats were hurriedly built and allotted because squatter units had been rapidly spreading in the area. Though the original structures had two or three small rooms with kitchen and bathroom, many people had added on rooms, and spread out, taken in tenants or started shops in this extra space. Depending on their later prosperity, some people had redone the facades, so the total effect appeared much less uniform than KE. Most people owned 2-wheeler scooters and only a few owned cars. This area was in a prized urban spot, being close to one of Delhi's newly developed office complexes in Nehru Place, and just a few streets away from the facilities of wealthier localities like Pamposh Enclave and Chittaranjan Park (which also started out as land parcels given to refugees from the then East Pakistan and Kashmir respectively). While there were only a couple of small general stores selling bread, milk, biscuits, soft drinks, eggs, soap etc. in the immediate area, there were several large markets nearby, with easy access to a much greater variety of goods than KE due to the location. Within KC itself, there was a beauty parlor, a textile shop, an electronic goods repair store, a car parts store and a travel agency, all small businesses run by the owners on extensions of their houses.

In this area, the men also worked in government and private offices, though often at lower ranks. A large number of families owned small shops or businesses. There were a few teachers, a couple of factory workers, and a little overlap with the third area in jobs like vending vegetables from
carts and driving three-wheelers. As Table 1.2 shows, 42.8% households had incomes of less than Rs 3500 as opposed to only 14.9% from KE in the same category; however, compared to the poorer area where 86% of households earned less than Rs. 3500, KC was much better off. While few households here earned over Rs. 10,000, 25.1% homes had incomes over Rs. 5500, whereas only a negligible number of households from the third area did so. Among the employed women, there were several stenographers or typists, a few teachers, and many women managing small businesses (many others who did not report working also said later that they helped out in the businesses); less than 20% of women were in formal jobs (Table 1.7) and were also markedly less educated than in KE (Table 1.5).

The third area, here called Siddharth Nagar (SN), was almost semi-rural. It stood on the bank of the heavily polluted Jamna river; until 1991, people had extensive farmland next to the river. This agrarian dimension is atypical among such settlements. Under a sudden "environmental" scheme, the lands along the river were seized to create a "Green Belt," though there had been little visible improvement. According to residents' accounts, this was rural farmland till the 1950's, and some of the original families continued to live there. One of the major waves of migration was around 1958, when there was a demand for labor to build the Rajghat power plant, a nearby flyover, and to develop/urbanize the "I.T.O." area (now a major center for offices and shops), and a second large wave was around 1980 when the adjacent Indira Gandhi Stadium was built prior to the Asian Games.

\[\text{\textsuperscript{12}}\] Given the number of small businesses in this area with no fixed income, monthly income is also likely to be under reported.

\[\text{\textsuperscript{11}}\] Several people in the community helped by Ankur challenged the way this decision was taken, without adequate legal notification and by razing the harvest to the ground. They sought compensation for land and crops lost. The case was still underway when I left.
In-between, a steady stream of both seasonal migration and relocation near relatives continued and was still going on. 11

The current area occupied by SN had been progressively diminished since the 1950s, as Delhi authorities chose the locale for various "development" projects. Like the other alleged "urban renewal" projects in slums described by Fernandes (1990), there were at least three episodes when the huts were violently destroyed and people were given alternative housing in planned low-income housing areas: when the Stadium was built; when railway tracks were laid for coal wagons to go up to the power plant behind SN; and during the "environmental initiative." Particularly egregious is a 21-storey empty structure that was built to be a hotel for the Asian Games in 1982 but never took off, and may ultimately be sold to a group that provides medical facilities for the ultra-rich. SN thus became a narrow strip scrunched between the train tracks, the power plant, the river and the highway, all sources of extremely high pollution and a profusion of respiratory illnesses.

Still, as the director of Ankur pointed out, 15 SN had an advantage over many other squatter colonies in being relatively elevated and thus free of backed-up dirty water. The proximity to government offices, shops and construction projects in the ITO area as well as excellent transport connections also made it attractive. Even with the successive constrictions, people still got more space than in low-income housing projects to keep livestock or grow vegetables. Hence, a large number of families who had been "relocated" to other housing had either sold their allotment or moved part of their families back to SN.

14 The information on this neighborhood is derived from my surveys and interviews but also usefully supplemented by a survey on this area conducted by Ankur (GP I Survey Report 1991, pp. 1-19).

15 Interview at Ankur office, New Delhi, January 1993.
Although most dwellings here were "temporary," with mud walls and tin roofs and no running water, electricity or sanitation, each hut had small enclosed areas for urination and bathing, and a few prosperous families had built cement structures. A couple of groundwater-wells provided relatively clean water. A tea-shop, a vegetable-vending stall, and a very small general store were run by some residents. "Ownership" of the huts or "jhuggis" was supposed to inhere in "jhuggi cards" issued by the municipal district, but these have little legal value and are tokens of political panacea.1

As in many other squatter colonies, certain individuals with political connections often used violent extortion on vulnerable people like new migrants.

A majority of men in this area were self-employed. This included those who drove three-wheelers and rickshaws and those who sold vegetables, utensils or cheap clothing from temporary shops or carts, but a large number in this group sold chhole (a snack of spiced gram). A few who had businesses did quite well financially (Table 1.2 shows 6.4% households earned over Rs. 4500, with the highest earners being those with businesses), but for most the earnings varied with the location. Many also worked in government jobs prized for their permanence and benefits and some in private offices, mostly as guards, sweepers or general helpers. The lowest wages were earned by those who worked as daily hired labor for construction projects or who were subcontracted for skills like polishing floors or operating specific machines. The women in paid work had either taken on government jobs previously held by their husbands, or worked in their shops, or as daily laborers or vendors, with one woman being a teacher in the Ankur school. The smaller number of women in paid employment (11.9%, Table 1.7) reflected not only the low level of literacy in this area and hence the

lack of good employment opportunities, but also stricter community norms about seclusion of women.

Gambling and drinking by men and boys were rampant in the area, leading to much domestic violence and also a dearth of living expenses for women and children. Hence, many women resorted to informal sector work like home-based sewing, but most prevalent in this area was the atypical "business" of garnering coal from railway wagons for sale and consumption. Children were involved in getting the coal and this also led to widespread absenteeism from school.

The average family size in this area was 5.17, as compared to 3.98 in KE and 5.25 in KC. The residential pattern, with a predominance of nuclear families and an occasional presence of brothers/brothers-in-law (as shown in Table 1.1), was related to male migration during "off" season as well as the fact that many apparently nuclear households in SN were within family "compounds," with relatives living in adjacent jhuggis. Most families here had much more ongoing financial and social dealings with rural areas than in KE and KC, and some women shifted between urban and rural living. Thus, women living here were predominantly in their 20's and 30's (Table 1.6), but because they were often married in their teens (women in the middle-class areas were usually married in their 20's), there was a generational asymmetry with the women from the other areas even within similar age groups.

The status-gap between the neighborhoods was more than a matter of income-difference; there were different standards of living in evidence. In KC, as compared to KE, there was a distinctly different occupational profile, less prestigious (and expensive) schools and colleges attended by children, less spacious and more poorly-built housing, predominance of three-wheelers as opposed to cars, dingier shops, fewer homes with air-conditioners and washing-machines. Notably, the wealthier people in KC had remedied the difference in shabbier housing, cars or appliances. Yet, most
homes in KC, having refrigerators and telephones and air-coolers and hiring domestic employees and private tutors, still represented a substantially different standard of living from the third area. SN, where electricity was "stolen" from city lines, bathrooms were al fresco by the river or in a public toilet, water came from a communal tap, and houses had mud or brick walls.

KE and KC differed from SN in several obvious aspects: the ethnic constituencies of the former were predominantly Punjabi as opposed to the Uttar Pradesh majority in the latter (Table 1.4); there were few joint families\(^\text{1}\) in SN given the system of residence in individual huts (Table 1.1); and women in KE and KC had a far lower fertility rate. But neither these factors nor the obvious differences between mud huts and a profusion of electronic gadgets explained the ways in which the lives of women were in completely diverse universes. The lives of young women from KE and SN, for instance, occupied different registers of possibility: in SN, women/girls would typically be married by their late teens; have several children by their early 20's; be educated up to high school and work at "unskilled" office jobs at best; whereas in KE, most women got married after graduating from college; delayed and spaced childbearing; and many worked in high-paying professional jobs. In fact, household income was higher in a few SN households compared to some KE and KC households, and women in all three neighborhoods frequently earned income within the "informal

\(^{1}\) The sociological entity known as the Indian "joint family" is multigenerational and with numerous branches, including married brothers, their wives, children and parents (or some married brothers etc plus unmarried brothers and sisters) living in a common household. Customarily, within the joint family, males acquired rights to the common family property at birth, and distant relatives and dependents including widowed or single women had usufructuary or maintenance rights and were supposed to get financial and social "protection." However, as shown in Chapter 4, nowadays common households where all brothers and their families live together, or pay maintenance for dependents, is quite rare, and the notion of the joint family is more of a legal and tax convenience for male heirs (Diwan 1991. 322-85). Except for joint ownership of ancestral property, lineage-based alliances and ties are feeble, and the interests of the nuclear family are usually predominant. Some scholars have contended that because of the confusion between legal and sociological definitions of the "joint family," the multigenerational household unit should be more accurately called the "joint household" (Goody and Tambiah 1973, 75; Hershman 1981, 59-60).
<table>
<thead>
<tr>
<th>Household Position</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sole Married Adult Woman</td>
<td>50</td>
<td>43.8</td>
<td>76.7</td>
<td>61.7</td>
</tr>
<tr>
<td>Woman Head of Household</td>
<td>7.1</td>
<td>6.2</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Senior Married Woman (M-i-l)</td>
<td>14.3</td>
<td>18.8</td>
<td>3.3</td>
<td>10</td>
</tr>
<tr>
<td>Junior Married Woman (D-i-l)</td>
<td>7.1</td>
<td>25</td>
<td>10</td>
<td>13.3</td>
</tr>
<tr>
<td>Single Woman</td>
<td>21.4</td>
<td>6.2</td>
<td>3.3</td>
<td>8.3</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.8: Household Positions of Interview Respondents From Sample (In Percentages).

<table>
<thead>
<tr>
<th>Household Type</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuclear</td>
<td>57.1</td>
<td>43.8</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>Nuclear + H/W's parent/sibling</td>
<td>7.1</td>
<td>25</td>
<td>23.3</td>
<td>20</td>
</tr>
<tr>
<td>Joint</td>
<td>21.4</td>
<td>25</td>
<td>10</td>
<td>16.7</td>
</tr>
<tr>
<td>Woman Headed</td>
<td>14.3</td>
<td>6.25</td>
<td>6.7</td>
<td>8.3</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
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</tbody>
</table>

Table 1.9: Household Structures of Interview Respondents From Sample (In Percentages).
<table>
<thead>
<tr>
<th>Total Household Income (Rs.)</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;1500</td>
<td>0</td>
<td>12.5</td>
<td>40</td>
<td>23.3</td>
</tr>
<tr>
<td>1501-2500</td>
<td>7.1</td>
<td>12.5</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>2501-3500</td>
<td>7.1</td>
<td>18.8</td>
<td>30</td>
<td>21.7</td>
</tr>
<tr>
<td>3501-4500</td>
<td>21.4</td>
<td>12.5</td>
<td>0</td>
<td>8.3</td>
</tr>
<tr>
<td>4501-5000</td>
<td>7.1</td>
<td>18.8</td>
<td>0</td>
<td>6.7</td>
</tr>
<tr>
<td>5501-6500</td>
<td>7.1</td>
<td>12.5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>6501-7500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7501-8500</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>&gt;8501</td>
<td>42.9</td>
<td>12.5</td>
<td>0</td>
<td>13.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
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</tr>
</tbody>
</table>

Table 1.10: Household Incomes of Interview Respondents From Sample (In Percentages).
<table>
<thead>
<tr>
<th>Ethnicity/State of origin</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uttar Pradesh</td>
<td>21.4</td>
<td>6.3</td>
<td>46.7</td>
<td>30</td>
</tr>
<tr>
<td>Bihar</td>
<td>7.1</td>
<td>0</td>
<td>33.3</td>
<td>18.3</td>
</tr>
<tr>
<td>Punjab</td>
<td>21.4</td>
<td>31.3</td>
<td>3.3</td>
<td>15</td>
</tr>
<tr>
<td>Ex-West Pakistan</td>
<td>14.3</td>
<td>31.3</td>
<td>0</td>
<td>11.7</td>
</tr>
<tr>
<td>West Bengal</td>
<td>7.1</td>
<td>12.5</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Delhi</td>
<td>0</td>
<td>12.5</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>Haryana</td>
<td>7.1</td>
<td>6.3</td>
<td>0</td>
<td>3.3</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>Nepal</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
<td>1.7</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.11: Ethnic/State Origins Of Interview Respondents From Sample (In Percentages).

<table>
<thead>
<tr>
<th>Religion</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu</td>
<td>92.9</td>
<td>62.5</td>
<td>93.3</td>
<td>85</td>
</tr>
<tr>
<td>Sikh</td>
<td>7.1</td>
<td>31.2</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Muslim</td>
<td>0</td>
<td>6.3</td>
<td>6.7</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
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Table 1.12: Religious Affiliations of Interview Respondents From Sample (In Percentages).
<table>
<thead>
<tr>
<th>Level of Education</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonliterate</td>
<td>0</td>
<td>12.5</td>
<td>53.3</td>
<td>30</td>
</tr>
<tr>
<td>1-3 years school</td>
<td>7.1</td>
<td>0</td>
<td>13.3</td>
<td>8.3</td>
</tr>
<tr>
<td>Grades 3-10</td>
<td>0</td>
<td>0</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>School Leaving Exam/Matriculation</td>
<td>7.1</td>
<td>25</td>
<td>3.3</td>
<td>10</td>
</tr>
<tr>
<td>Higher Secondary/ Grade 12</td>
<td>0</td>
<td>12.5</td>
<td>0</td>
<td>3.3</td>
</tr>
<tr>
<td>Bachelor’s Degree</td>
<td>42.9</td>
<td>43.8</td>
<td>0</td>
<td>21.7</td>
</tr>
<tr>
<td>Master’s Degree/B.A.B.Ed.</td>
<td>14.3</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
</tr>
<tr>
<td>Master’s Plus</td>
<td>21.4</td>
<td>6.3</td>
<td>0</td>
<td>6.7</td>
</tr>
<tr>
<td>Professional (Law)</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
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</table>

Table 1.13: Distribution of Education Among Interview Respondents From Sample (In Percentages).
<table>
<thead>
<tr>
<th>Age</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
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<tbody>
<tr>
<td>&lt;21</td>
<td>0</td>
<td>6.3</td>
<td>16.7</td>
<td>10</td>
</tr>
<tr>
<td>21-25</td>
<td>14.3</td>
<td>12.5</td>
<td>20</td>
<td>16.7</td>
</tr>
<tr>
<td>26-30</td>
<td>35.7</td>
<td>6.3</td>
<td>30</td>
<td>25</td>
</tr>
<tr>
<td>31-35</td>
<td>7.1</td>
<td>18.8</td>
<td>20</td>
<td>16.7</td>
</tr>
<tr>
<td>36-40</td>
<td>7.1</td>
<td>6.3</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>41-45</td>
<td>7.1</td>
<td>12.5</td>
<td>6.7</td>
<td>8.3</td>
</tr>
<tr>
<td>46-50</td>
<td>7.1</td>
<td>6.3</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>51-55</td>
<td>7.1</td>
<td>25</td>
<td>0</td>
<td>8.3</td>
</tr>
<tr>
<td>56-60</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>61-65</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>66-70</td>
<td>7.1</td>
<td>0</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>&gt;70</td>
<td>0</td>
<td>6.3</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.14: Distribution of Age Among Interview Respondents From Sample (In Percentages).

<table>
<thead>
<tr>
<th>Employment Situation</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employed/Self-Employed</td>
<td>57.1</td>
<td>31.3</td>
<td>30</td>
<td>36.7</td>
</tr>
<tr>
<td>Previously Employed</td>
<td>7.1</td>
<td>18.8</td>
<td>0</td>
<td>6.7</td>
</tr>
<tr>
<td>Retired</td>
<td>14.3</td>
<td>0</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>No Paying Work Reported</td>
<td>21.4</td>
<td>50</td>
<td>66.7</td>
<td>51.7</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 1.15: Distribution of Past and Present Paid Work Among Interview Respondents From Sample (In Percentages).
sector." However, the concrete conditions of SN women's lives, including defecating by riverbanks, extreme difficulty in urban mobility given the inability to read bus numbers or street markers, markedly different health care, viz. an abundance of fake gynecologists, even the quality of food and clothing available, framed a substantially different world.

**Interview Respondents: A Statistical Profile**

Many of the interviews, similar to Oakley's experiences (1981), turned into long conversations, storytelling, meals and renewed discussions. Whenever I go through the anonymous transcripts, I clearly recall distinct individuals rather than faceless statements, each woman's words shaded by her particular history and situation. However, keeping in mind the "opportunistic" nature of the sample generated by random numbers but determined by choice and availability, a statistical profile is also presented here.

As shown in Tables 1.8-1.15, the sample broadly reflected the aggregate characteristics of the population in certain aspects: the number of nuclear households (Table 1.1 and 1.9), the predominance of respondents from Uttar Pradesh, Bihar and Punjab/Pakistan (Table 1.4 and 1.11), the breakdown by religion (Table 1.3 and 1.12), the levels of education (Table 1.5 and 1.13), the age cohorts (Table 1.6 and 1.14, although the sample is biased towards younger women, particularly from SN). Even income corresponds at the lowest levels, although there is some discrepancy at the higher end (Table 1.2 and 1.10). The substantially higher number of employed women in the sample as opposed to the population (Table 1.7 and 1.15) is perhaps an indication that these women felt more confident in granting interviews, a number confirming my experience of numerous refusals from women saying they would not grant interviews because they did not "know" anything and had nothing to say.
In the following chapters, a name is uniquely created for each of the participants, and is used to refer to her consistently throughout the whole document. The place and date of interview are also cited when quoting directly from the interviews. A tally of demographic characteristics associated with each assigned name is provided in Appendix 1. While tables in this chapter have mutually exclusive categories, multiple answers are tabulated in later chapters, i.e. total percentages in tables in later chapters do not add up to 100%.

Framework And Methodology For Reading The Cases

I examined a range of legal cases that fell within the realm of "Family" or "Personal" law from 1988 to 1991, the years immediately preceding my field research, up to the time when records of cases were available in published form. The time frame was chosen in order to provide a flavor for legislative trends and discourse that formed part of the immediate national past of the interviewees, a concrete tabulation that could be contrasted with their perceptions and experiences of the law.

It would have been physically impossible to undertake a qualitative analysis of all Family Law cases that came before the Indian High Courts and Supreme Court for the years in question, given that there are several hundred thousand cases per year at each of the 14 courts, and even the records of a single court with access to each judge's records would have been an all-consuming task. Besides, I was most interested in the national ambience surrounding laws, the different ways in which particular laws were being interpreted in various judgments in numerous courts.

The cases discussed in this study are some of the crucial few among the hundreds of thousands that assume a greater significance beyond their immediate context by being recorded as case law. This happens because they represent important departures from or confirmations of
previous judgments, or establish influential readings of particular laws. A few journals print a selection of these cases; among them, I chose the *All India Reporter*, the most popular one and believed to represent the most comprehensive compendium of case law in the higher courts.¹⁸

Enumerating how case law can be effectively used as an analytical tool in Indian Studies, Galanter (1989) points out that laws are fully understood only by examining case law in conjunction with statutes: the formal legalese of the statutes reflects the ideological background and stated concerns behind the laws, but statutes are incomplete without the interpretation and applicability as seen in the cases. Galanter also identifies some of the biases and limitations in using law reports: each case is a fragment acquiring meaning among other cases; law reports only describe appellate cases "sometimes two or three times removed from the trial court" with the appellate judge's slant rather than the original flavor; and these courts tend to settle particular points of law rather than considering the whole dispute (Galanter 1989, 5). Smart, in her analysis of British family law from the 1950s to 1970s, also warns that case law is chosen for legal and not social significance, and hence excludes much that would be of interest to feminist researchers (1984, 41).

Probably most important among Galanter's warnings is the need to realize the selectivity of cases in law reports, and not to assume that they are metonymic of the whole. Lower court cases reveal a failure of familial and community dispute resolution structures, but appellate cases are either those with legal ambiguities or mark the presence of people with substantial resources because sizeable estates or prolonged litigation are likely to be involved (Galanter 1989, 7). Cases printed in the law reports are "a small and unrepresentative fraction...selected to be reported because they

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¹⁸ I was naturally curious about the criteria followed by the journal in designating certain judgments as forming "case law" and the people they picked to make these decisions, but several letters to the journal have gone unanswered and queries to lawyers have elicited no definitive answers either, so the process of reification behind these cases remains inscrutable.
represent some modification or new application of existing law," but in effect they become "part of the body of binding and authoritative precedent" because lawyers and judges have no means of access to the other decisions. Galanter calculates that about 5% of appellate cases make it into print. Moreover, the effect of case law on the vast majority of lower court cases is largely unrecorded (Smart 1984, 41). Despite these warnings, case law is still considered to be very significant in bringing about sociological transformations in the innocuous guise of re-readings, and quintessentially represents reified hegemonic legal discourse.

I gathered cases from the AIR of 1988-91 that dealt with maintenance, adoption and custody, divorce and succession. However, in the dissertation I will be focussing on the property/succession cases, usually invoking the Hindu Succession Act and Indian Succession Act, but sometimes involving issues resolved under the Hindu Adoptions and Maintenance Act, the Hindu Marriage Act, and the customary law of various communities. Of a total of 353 cases, 311 (88.1%) included women appellants or defendants or addressed questions of gender, and among these 132 (37.4%) dealt principally with succession and inheritance issues.

**Double Takes and Second Guesses: Suggestions for Further Study**

The study left me deeply aware of the contingent nature of knowledge gained from structured interviews, short relationships with respondents, and single-source hearsay in constructing family histories. Even with constant reminders to myself that all narratives are partial fictive visions filtered through the social-psychological location of the narrator, I cannot help wishing for other kinds of

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1 Galanter’s calculation is based on 1958 figures provided by the Indian Law Commission, which estimated that about 45,000 cases (~2%) in various categories proceeded to the High Courts out of a total of two and half million cases at that point. About 2500 cases made it into the law reports at that time.
perspectives on the family data gathered, e.g. intergenerational accounts, or additional interviews with men, which could have provided diverse views on legal cases and financial contributions, as well as a portrait of ideological negotiations including differently gendered angles. Although one of the strengths of the present study is its comparative data, it would perhaps have been possible to gather direct information on expenses or resources by concentrating on one of the neighborhoods and following some families extensively. However, there is a limit to the amount of first-hand accuracy that can be obtained, given the immense intrusion this entails. In a majority of cases, women made it very clear that the few hours required for the interview were valuable work time. Ideally, data in a similar study should be collected through a combination of interview and participant observation, longitudinally over time in several instalments if possible.

In fact, cross-class data on Indian women and property could be gathered in several other ways, each of which has its advantages and limitations. Rather than pick separate neighborhoods among which there is no obvious interconnection, this issue could be studied by selecting interacting social classes within a particular residential area (e.g. a middle-class neighborhood where the economic underclass enters as vendors or domestic workers) or a mixed urban setting (e.g. an office, store or festival site). Studies foregrounding particular religious minorities or castes (e.g. the slums in Delhi where displaced “tribal” populations live), or contrasting rural populations and urban migrants with a rural base, would also add valuable perspectives. Countrywide longitudinal statistics on portions of family property owned by women in the context of total family resources are needed to provide useful baseline data.

In general, there is far too little information about the property owned by women worldwide, despite its central importance in delineating relations of gender and class and its crucial status as a marker of socioeconomic difference. Studies of the facts and discourses of property relations across
class and race categories are needed to reveal hierarchies within individual countries, but also to provide bases of cross cultural comparability, leading to better ways of understanding women's dissociation from processes of national "development."

The glimpse of legal process that I obtained in the course of this project, through accounts of family disputes and summaries of case law, left me hungry for much more. The methodology used in this study was appropriate for the broad overview required, and a detailed investigation of ongoing court cases would not have met the objectives of the project, but a detailed look at the continual skirmishes which ultimately create the reified form of laws and court decisions could add valuable new perspectives to the studies of inscription of gender within family law. The focus could be ethnographic studies of all cases coming into a single courtroom, detailed transcripts of particular cases, or a study of a neighborhood in conjunction with a close look at legal cases involving residents.

Looking Ahead: Road Map of the Chapters

The focus of this dissertation is on the myths and practices surrounding property transmission in India, i.e. some of the material and ideological structures through which the current distribution of property is maintained. The limited paths for women to acquire property and the strategies used to alienate them from resources, as well as women's own rationalizations of their disentitlement, show how privileged access to resources is retained through control of productive resources as well as ideological space. To this end, each of the chapters explores some of the myths constituting the discourse of property, showing their lack of substance but also their resilience in surviving women's critiques.

Chapters 2 to 5 provide a critical analysis of the myths of property and wealth, including property transmitted both as marriage prestations and as inheritance. Chapter 2 deals primarily with
property exchanges surrounding marriage, focussing on the economics of weddings because wedding costs were often evoked by the women in explaining their disenfranchisement from property. The primary notions discussed in this context are the meanings and purposes of wedding gifts, the equivalence between women's versus men's weddings, and responsibilities for contributing to wedding expenses, all concepts revealing cultural constructions of kinship which help to maintain mechanisms of property transmission.

Chapter 3 lays out paths of property ownership, providing a baseline of actual property divisions in the respondents' families that shows the modes of inheritance and the discourse used to deprive women of property shares. Cases where women are deliberately deprived of property and the strategies followed to deprive them are also described, the contrast with situations in which women do become property owners shows socially legitimated avenues of property ownership.

Chapter 4 focusses directly on the ideologies used to justify the above property divisions. Here, the various myths invoked by women in explaining their attitudes towards accepting or rejecting natal property are presented in order of prevalence, and deconstructed to show their fundamental symbolic implications, usually affirming male entitlements to property. Some of these rationales that confirm male inheritance are: eldercare, sonlessness, long-term help to women from natal families, and women's severance from their natal homes upon marriage. Women's notions of accepting inheritance are affected by their socioeconomic and emotional needs, revealing how property distribution is negotiated in concert with ideas of financial survival, family dependence and gendered entitlements.

Chapter 5 evaluates myths of wealth, and considers how they affect social change and influence women's priorities. In laying out the financial resources preferred by women and the principal social problems experienced by them, both the dissonance of women's beliefs from
dominant ideologies about their needs and preferences and their acquiescence with existent systems in the absence of satisfying radical alternatives are underlined. The ultimate significance of property for women and the advantages of using the law are also explored in considering sociocultural transformations envisaged by women.

In Chapter 6, the focus shifts from analyses of women’s perspectives to readings of how women are represented in hegemonic cultural texts, in this case the images of women and property in the legal arena. Certain narrow constructions of femininity, responsibility, dependence and autonomy, as well as meanings of family and religious identity, are seen to influence favorable outcomes of property cases for women. These cultural tropes not only re-tread the ground covered in colonial and post-independence debates about women’s rights, showing the intransigence of these images despite subsequent legal provisions of gender equity, but also point to the seepage of myths of property transmission into legal judgments where they should be technically irrelevant and even illegal. This analysis of the legal realm shows the benefits and limitations of family law as a site of social change.

Chapter 7, the conclusion, pulls together some of the principal questions concerning the power of ideology in maintaining property relations discussed in the preceding chapters: the myths and realities of the equation drawn between property, family responsibilities, and dowry; the ways in which dependence within marriage determines women’s entitlements; the effect of social class on women’s attitudes and options; the importance of legal solutions for social change. By foregrounding women’s own delineations of problems, needs and preferred wealth, both the gaps in ideology visible from subaltern social positions and the significance of resistant and critical gestures can be evaluated.
Transactions surrounding marriage loom large in discussions about property. On the one hand, weddings seem to function in various times and milieus as an occasion of community celebration, an affirmation of the reproduction of the community. Yet transfers of wealth also appear to be a ubiquitous part of wedding ceremonies, tied to the formation of kin relationships through the exchange of goods. Comaroff (1980, 36) argues that anthropologists frequently show a teleological bias by viewing "[m]arriage as...structurally prior, and prestations largely as its institutionalized mode of facilitation...as if the primary reason that marriage payments exist is to expedite or regulate proper marriage exchanges"; he believes on the contrary that marriage and marriage prestations are not ontologically separable (1980, 38). Thus, marriage transactions are an integral part of the social distribution of resources and wealth.

As Gayle Rubin points out in the famous and much-maligned essay, "The Traffic in Women" (1975, 174-6), women in marriage often function not just as vehicles of transferring property among groups through marriage but as property themselves (though the value of their labor and status differs widely). Without positioning women unilaterally as passive vehicles or exploited victims of marriage...
transactions as Rubin's broad analysis may imply, it is important to examine the forms of property transmission involving women in marriages in order to probe the material and ideological dimensions of the gendered distribution of property within a culture.

Among marriage prestations, "dowry" has practically come to stand as a signifier for Indian culture, mostly because of the phenomenon of "dowry deaths" that became public knowledge in the last decade. However, "dowry" appears to be a somewhat fluid theoretical notion depending on the historical and cultural framework, and cannot usually be treated simply as "women's property." It is strongly debatable whether Indian forms can be classified with prevalent European examples of the same. But whatever the name, there is a substantial expenditure on the occasion of weddings, often disproportionately more for the bride's family in the North Indian communities studied here. A breakdown of these expenses by kind, payer and receiver, and kin-related debit and credit patterns, allows one to confront assumptions about the nature of dowry, and to examine the place of marriage prestations within a family's total resource base.

How important are marriage and wedding gifts to women? This chapter presents some answers to that question by providing a portrait of the goods and services involved in various Indian wedding ceremonies. First, the exact composition of so-called dowries and other wedding expenses are laid out. As we see later, dowry cropped up repeatedly as the reason that women's inheritance rights in their natal families were extinguished. To examine whether or not this was a mere symbolic equivalence with inheritance, wedding costs for both daughters and sons are tabulated here in detail. Another rationale that women frequently brought up was that declining an inheritance share ensured the continuation of gifts from the natal family, an important aspect of which is the burden shouldered by maternal uncles at nieces' and nephews' weddings. This idea is explored here by examining who pays for weddings and the financial help given to women by their natal families for children's
weddings. These concepts reveal myths about family responsibilities, distribution of resources, kinship and gender roles sustaining the present system of property transmission, showing both the ephemerality and power of ideology.

Dowry? Kanyadan? Morgengabe? Groomprice?

Gifts cementing marriage alliances are a small part of the diverse cycles of gift-giving that characterize the very basis of society and culture. As Mauss' influential *Essay on the Gift* (1967, 69-81) suggested, social relations are fundamentally marked by gift exchange between groups, and gift-giving structures the formation of important social links. Mauss claimed that gifts were neither entirely "spontaneous" nor "disinterested" (1967, 71) but facilitated cultural relations deliberately and metonymically. Levi-Strauss transformed the field of anthropology and particularly kinship studies by extending Mauss' idea to marriage prestations and the system of "generalized" exchange of women and wealth as the basic building block for the reproduction of a culture, positing that the nature of transfers of women among groups defined the forms of social systems ([1949] 1969, 233-4). In the interests of exogamy, marriage practices have distinct taboos and prescriptions with people participating in large circuits of exchange, and bridewealth in this scheme is seen to function as a token payment that also circulates to tabulate the exchange of women ([1949] 1969, 466-7). Louis Dumont is famous for elaborating upon Levi-Strauss' theories and showing alliance (i.e. the relations between groups established through the marriage of individuals and the accompanying circle of gifts) as a fundamental principle of kinship, based on his work in South India (1983, 103). Another influential perspective on kinship and the exchange of gifts has come from Meillassouxs, who contended that in some contexts senior men gain control over productive resources by managing bridewealth as well as the actual exchange of women (1981, 64, 78). While the specific assumptions
underlying these theories have been frequently challenged, they all point to an important and abiding theme in anthropological studies of marriage: the fundamental social significance of marriage prestation and their ability to provide a map of the hierarchies within alliance systems.

Marriage payments across centuries and cultures show an immense complexity and heterogeneity, but have been broadly categorized as bridesservice, bridewealth and dowry. The terminology in this area reflects the hegemonies of gender, culture, "modernization" etc. For instance, dowry and bridewealth are often studied in so-called "pre-industrial" contexts (starting from scholars like Levi-Strauss (1969) and Dumont (1983) who were looking out at "primitive" societies from the vantage point of an industrialized imperial Europe, to recent studies e.g. that by Schlegel and Eloul (1988)), as if the etiquette of wedding payments in the contemporary U.S. cannot also reveal gendered cultural assumptions about exchange. Bossen (1988) points out the gender-blindness of the definitions of dowry, bridewealth and bridesservice commonly used by anthropologists such as Levi-Strauss, Dumont and Comaroff, which assume that exchanges take place between groups of men and measure loss of labor and resources from men's perspective, while the benefits or burdens to women remain invisible.

In the case of anthropologically overharvested terrain like India, marriage prestation are still often studied as ancient, long-existent practices related to the deep structures of kinship, and the articulation of such practices with the current international division of labor or cultural colonialism tends to get ignored. For instance, in north Indian Hindu communities, "dowries" now consist of customary gifts of grain or clothing along with ever-new trendy appliances. International and urban

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1 Other kinds of presstation include payments from the groom's family to the bride's (and thence to the bride), such as the mehr among Muslims, known as "indirect dowry", and gifts to the groom's relatives from the bride's family, sometimes classed as "groomprice."
migration of the participants affects the lists of goods in rural communities. With greater educational opportunities and salaried jobs becoming available, as well as an apparent oversupply of marriageable women, amounts of "dowry" and "groomprice" have increased in several communities, and have even displaced bridewealth (Billig 1992; Kapadia 1993; V Rao 1993). In contrast to studies which continue to relate marriage prestation to socioeconomic hierarchies (e.g. Schlegel and Eloul 1988, 295), dowry appears ubiquitous in all classes although its size varies. Agarwal shows that many Indian communities, including "tribal" groups who until recently lived by communal land ownership, and who have diverse forms of marriage prestation linked to customary notions of property distribution and responsibilities, are not "remote" from the hegemonic mode of production, and their practices are continually evolving with changes in the political economy (1994, 154-67). Most importantly for this project, valuations of women's status may show no significant variation whether "dowry" or "indirect dowry" is given.

Historical studies show a strong relationship between dowry and the consolidation of class interests. Kaplan points out that saving for dowries was crucial to setting up marriages in Europe until the early twentieth century, and the change in that practice can be attributed not so much to the ideology of companionate marriage as to the rise of capitalist relations whereby individuals could establish an independent fund through wages, making family property was no longer as crucial to the

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2 This contrasts with the correlation that is commonly drawn between marriage payments and the value of women's labor: bridewealth and bridewealth are associated with a high valuation of women's labor, whereas dowry is related with a lower economic status for women, possibly connected to the existence of class hierarchies and hence a greater availability of hired labor. (Schlegel and Eloul 1988: 298-9). Rise in dowry may be connected with a decline in women's status in some cases (Kapadia 1993; Paul 1986; Heyer 1992: 434, who argues that the decline is connected to increased capital outlay rather than a fall in the value of women's labor), but may not be necessarily disempowering for women, depending on women's control of the gift and the hierarchy between the affines (Bradford 1985; Upadhye 1990).
couple (1985, 2-6). Because wealthy families could distribute their wealth among daughters and sons through dowry, the class structure could be reproduced. The state reinforced this hierarchy through dowry laws while also maintaining patriarchal relations by enhancing men's control over property.  

Such considerations of dowry and class relations strongly influence the popular and controversial notion of dowry as pre-mortem inheritance (Goody and Tambiah 1973). Goody and Tambiah base the definition of dowry on a Eurocentric model while claiming its prevalence in both Europe and Asia: dowry in this model is the woman's equitable share of property that was given to her at marriage, over which she had some measure of control, and which often served as a starting economic base for the couple. As numerous scholars point out, the "dowry" system practiced in various North Indian communities has several distinctly different features: it is rarely an equal portion of inheritance (being a disproportionately high burden or a relatively small share of total property depending on the bride's family's resources and the class and community); cash payments are not in the woman's control but are typically handed to senior members of the groom's family; and the bride's

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1 Nazzari (1991) makes a similar case for the disappearance of the dowry in Brazil, which had originally been imported from Europe by the Portuguese colonizers. It is significant to note that according to such proponents of the "rise of capitalism" theories, the disappearance of dowry actually weakened women's power within the family and created dependency on the male "family" wage. However, European (and U.S.?) dowry also disappeared at approximately the same time that Married Women's Property Acts began to be passed, and thus property ownership rather than dowry may have provided some women with alternate access to resources. Scholars like Heyer (1992) and Kapadia (1993) contend that in the case of contemporary India, men's access to wages and entry into capitalist relations have brought about increases in dowry and a lowering of women's status.

4 See Kaplan (1985) for accounts from European history, Watson and Ebrey (1991) for accounts from Chinese history.

5 Agarwal 1994, 134-40; Bosson 1988, 140; Ebrey 1991, 3-4; Schlegel and Eloul 1988, 301-3; U. Sharma 1994, 351-2. Tambiah himself questions the earlier contention in "Bridewealth and Dowry Revisited," by pointing to evidence such as the difference in dowries between sisters and variations according to the status of the groom (1989, 425-6).
family spends a lot on gifts to the groom and his relatives (sometimes called groomprice) rather than giving things directly useful for the couple (Teja 1993, 61; Hershman 1981, 212-3).

"Kanyadan" (literally 'the gift of a virgin daughter') is believed to be the most prestigious form out of the eight kinds of weddings described in ancient Hindu texts (Verghese 1980, 6; Paul 1986, 6), and is characterized by a token payment or "varadakshina" to the groom during the ceremony, so that payments from the bride's family are literally part of the ideal prescriptions of a wedding (Teja 1993, 53; Paul 1986, 6). Dumont (1983) pointed out that because Hindu marriages including kanyadan were also ideally "hypergamous" for women, there was a hierarchy between bride-givers and bride-takers and women were circulated only in one direction, making gifts to the groom and family a compensation and also a payment to acquire higher status. Thus, the north Indian practice of kanyadan is typically associated with high payments to grooms' families and exclusively patrilineal inheritance.

A complex traffic in gifts characterizes Indian weddings, with prestations in many directions rather than the unidirectional pattern a form of inheritance might take. "Stridhanam," or women's wealth, is supposed to be part of the wedding payments as well; this typically took the form of jewelry or vessels given to the bride herself as a personal fund (Paul 1986, 4). While this was thought of as the woman's share, it does not seem to be portrayed as an equal inheritance share. The situation is further complicated by the fact that in most Hindu weddings both families do exchange gifts

"Hypergamous" would be a more specific term, because it refers to the woman marrying into a "higher" family; the commonly used term "hypergamy" can be confusing here because it seems to refer to both sexes.

Madan delineates stridhanam as "a substitute for women's lack of rights of inheritance" and in a different modality from inheritance (1975, 237, emphasis mine).
despite the disproportionate expenses by the bride's family. Indian Muslim weddings, which incorporate the customary payment of mehr from the groom's relatives to the bride, though often only in token form, also commonly emulate (as do Indian Christian weddings) the pattern of gifts to the bride, groom and groom's family associated with Hindu weddings (Shukla 1987; Ahmed and Naher 1987, 38-42). Tambiah's 1989 re-visions claims that the Indian model of dowry may best be visualized as "double transmission" (not equal) of property through sons and daughters, with the woman's dowry/property share contributing to the joint family unit and coming to the conjugal unit only if joint family resources are divided (1989, 426). Furthermore, such dowry may be viewed as the means by which the groom's family acquires upward socioeconomic mobility."

Despite these complexities, the perception that dowry is the woman's share of inheritance enjoys widespread popularity in India. Even feminist political critiques of "dowry" and the related phenomenon of dowry deaths, while advocating legal changes such as the criminalization of dowry or social alternatives such as women's greater insertion into the labor force (Jethmalani 1985; McCoid 1989; Shukla 1987), have frequently emphasized the path of enforcing women's inheritance rights as a way to render the practice of dowry irrelevant (Basu 1985; Carroll 1991; Palriwala 1989). Yet customary marriage prestations flourish alongside legal restrictions against dowry and women's

* The principle of reciprocity is much stronger in south Indian Hindu communities, where cross-kin marriages are prevalent and alienation of the bride after marriage is less of an issue (Srinivas 1984, 8-10; Bradford 1985).

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legal right to inheritance, as well as women's greater educational and employment opportunities. As Kishwar points out (1994a), it is not marriage prestations per se but "dowry demands" that are viewed with social contempt. She also shows (1989b, 5) that in a majority of so-called "dowry deaths" encountered by her organization, causes other than dowry were given as the excuse for torture.

Women's feelings about dowry remain complex. One of the most blatant instances of feminist steamrolling over the alleged targets of "reform" has been the call to ban dowry as an evil social practice when brides themselves are far from averse to wedding prestations. Many women told Kishwar (1989b) that with scant chance of receiving property shares, "dowry" was the only thing they could realistically expect from their natal families. These attitudes are echoed in other studies including different classes, educational levels and age groups that show women's enthusiastic support for dowries, particularly with regard to items for themselves and the conjugal home, even though high demands for dowry are frequently seen as a social evil. Perhaps even more importantly, the gifts appear to be deeply linked to women's pleasures, to feelings of being done right by and of being loved by the natal family, to being for once the sole vehicle of the family's expenditure and status.

In M. Sandhu's comparative study (1988), the giving of "dowry" was not connected to women's work status (i.e. economic independence made no difference). Teja (1993, 97) also found a low association between women's economic independence and favorable attitudes to dowry.

However, it is important to remember that many families with no explicit demands at the time of the wedding may later harass brides for inadequate dowry (Kumari 1989).

Bhachu shows this in the case of British women of Sikh origin (1993); Teja for employed women in Chandigarh (1993); Paul a selection of families who have migrated to Delhi (1986, 189); Nadagouda et al. married women in Dharwad city (1992); and M. Sandhu (1988) and Teja (1993, 69) a combination of of married women who were in and outside paid work.

In Teja's study, for example, women claimed "love and affection for the daughter" to be the most important reason for parents to give dowry even when it was not demanded (1993, 79-81).
Disturbing as these criteria seem to be as markers of self-esteem for women, they represent women's scant hold over resources and emotional wealth, and are extremely difficult to erase through legal proscriptions.

Setting Up Matches: Gifts for "Alliances" Only

"...my mother would not have had any objections if I had gone in for a 'love marriage,' but it's just that I never fell in love (laughs) and I could not have one, so it had to be an arranged marriage, and if it had to be an arranged marriage it had to be within the same caste, because my mother said 'With a love marriage I would not have objected but if you want me to find a match then I will have to look in my extended friends' circle etc. so it will have to be from the same caste': Uma.¹⁴

Choosing a marriage partner is visualized in different ways among cultures. A prevalent attitude in India among people of marriageable age (Sharma and Shriram 1979; Sprecher and Chandak 1992) is that marriages establish alliances between families and hence must be carefully arranged in the best interests of everyone, while "love marriages" (the "romantic" or companionate marriage model predominant in contemporary Western culture) are regarded with much suspicion and result in minimal bonding between marrying families. Even though personal familiarity may not be the standard for marriages, few alliances are technically against the woman's will, given the assumption that family elders can best seek the most "suitable" matches. Still, "love marriages" or "self-arranged marriages" (as they are called in sociological literature) appear to be associated with the attractive rhetoric of contemporaneity and "progressive" attitudes in families, although "family-arranged marriages" are also seen as customary and used as a much more frequent default option. Depending on the professed "modernity" of the family, the dividing lines between the two may further be broached by allowing limited or extensive social interaction between the couple.

¹⁴ Interview 2.14, KE. 2/24/92.
Self-arranged marriages were few and far-between in the groups studied. Among the 60 women interviewed, only one (1.7%, from KE) had had a self-arranged marriage, and the women mentioned only five other instances of such marriages among their relatives. Even the women who believed (perhaps optimistically) that it was an option in their families viewed the alliance in terms akin to kin-arranged marriages, stressing the comfort and judgment of their families rather than individual attraction.

Self-arranged marriages are somewhat difficult to set up because of limited venues for social interaction between "suitable" men and women in an urban setting, especially for women who do not go out to work or study, a situation exacerbated by sub-caste endogamy and lack of ethnic and social mobility. Thus, the three single women and one married woman (6.7% of all respondents, all from the middle-income neighborhoods, and all below 30, i.e., among the youngest) who claimed that self-arranged marriages would be acceptable to their families were focussing on their families' alleged progressiveness rather than on realistic options for themselves.

Uma's comment at the beginning of this section illustrates the gap between hypothetical possibility and common outcome. As she indicated, there were few opportunities of finding a partner, and given the inevitability of marriage within her cultural nexus, her family took over the task. In her case, her mother began to look for a groom while she was a Master's student, but ultimately one of her professors came up with the proposal that his brother might be a suitable groom, and the suggestion was followed through by her family. Implicit in her comments is also the notion that "suitability" was measured in terms of certain narrow class, ethnic and professional parameters, whether the spouse was selected by the individual or the family.15 Thus, the two apparently different

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15 Sprecher and Chandak (1992) and Sharma and Shriram (1979) also found religion, class and community homogeneity to be most important in their studies of attitudes. In the study by Sprecher and Chandak, caste was considered important by a significant number of respondents, but

systems of "selection" were based on a fundamentally similar set of assumptions, one focussed on the family rather than the individual.

Women's ability to make choices were also likely to be restricted compared to men's. Madhuri believed that despite some male cousins having had self-arranged marriages, women in her family would probably not be allowed to do so. Most tellingly, the one woman who had found her own partner had been completely cut off from her family. The ostensible cause of disapproval was the groom's different religious background (he was Sikh and her family was Hindu), but Ritu was convinced that the brothers' ire was fundamentally a question of her family losing control over "their" woman, particularly because of her high earnings as a lawyer.

The majority of weddings had been arranged by finding brides and grooms from broad kin and affinal networks. Of the 42 marriages where data about the mode of arranging weddings was available, 57.1% had been fixed by looking among distant relatives and affines, and to a lesser extent in the sub-community/"jati". For instance, Medha married her sister's husband's brother, and Shashi's eldest daughter found grooms for her younger sisters among her affines. Even among the 28.6% also deemed irrelevant by a large number (1992, 64). However, it is important to remember that in colloquial use, "caste" may refer to the sub-community or jati rather than broad meta-"caste" or varna, i.e. people may focus on jati compatibility as a primary criterion. Thus, Bengali Vaidyas (a jati of Bengalis, unclear what their varna affiliations are, but they may have been healers originally) look preferably for other Bengali Vaidyas, and among Bengalis in general if that fails, rather than among all Indian "healer" sub-castes. Sub-community and ethnicity (rather than "caste") rank very high as parameters of choice, although they may be overridden in favor of compatible standards of living or class status (Chanana 1993).

16 Interview 2.11. KC, 2/12/92.

17 Interview 1.11. KE, 12/13/91.

18 Interview 3.13a, SN, 2/24/92; Interview 2.7. KC, 2/7/92. While in these two examples the giving of brides/grooms was unidirectional, indicating the potential for hypogyny, in other cases there was reciprocal exchange of brides and grooms among affines.
cases where friends, neighbors, colleagues or business associates had facilitated matches, the extended family was usually involved in some way. Poonam's paternal aunt suggested a match between her niece and her neighbor's brother's son, and Sharmila's maternal grandmother was a friend of her eventual husband's paternal aunt. Other paths, viz. marriage brokers or newspaper advertisements, constituted only 7.1% of cases, and in one case even a match initially set up through a response to an advertisement turned out to be among extended kin.

The data revealed no significant difference in modes of arranging marriages over time. Among the 42 weddings for which information on modes of arrangement was reported, 66.6% of which had taken place within the last ten years and 33.3% between 10 and 20 years ago, there was an exactly identical proportion of the different paths of arranging weddings: 57.1% through relatives or extended kin; 14.3% through neighbors; 14.3% through friends or acquaintances. The only two reported cases of finding matches through newspapers were reported to be in the last decade, but in the decade before that the use of a marriage broker was reported, a function possibly taken over by media sources in contemporary times.

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19 Interview 2.14, KC, 2/18/92; Interview 2.9, KC, 2/11/92.

20 As kin networks get more and more attenuated with migration, other strategies are used to search for endogamous partners. Chanana (1993) found that for middle-class Punjabi families who had migrated to Delhi from Pakistan, friends and business associates had begun to play especially important roles in marriages as community connections became distant. The matrimonial sections of U.S.-based newspapers on India and even a cyber-service continue to seek matches in terms of narrow age, employment, skin color, gender attribute and caste/community parameters. An instance: "Hi Netters: I am looking for a good-humored Tamil Iyer girl for a friend of mine who is 28 years old, 5'7", and currently working in the U.K. on an assignment from India. He has a BE in Computer Science and an MBA from IIM Bangalore. The girl should be between 22 and 26 years old and be prepared to travel around the world as his job demands" (India News Network, June 1995). Note that in addition to caste and ethnic restrictions (and the need for 'good humor'), the qualifying age and travel requirement establish the primacy of the man's power and career aspirations.
Finding matches among relatives and extended kin continued to be the overwhelmingly preferred method, and the families from SN were able to avail of this fully because they maintained close ties with rural networks of extended kin and their subcommunities. Here, all matches, except for four reported cases of grooms who had individually approached the bride's relatives or "guardians" (i.e. their families were not involved), were found through relatives, sub-community and neighbors/villagers (who were often from "compatible" communities).

In KC and KE, on the other hand, kin relations were often weaker in people's everyday lives, and other channels had to be used. Close family rather than extended kin (as was more common in SN) often suggested matches, with affines established through daughters' or sisters' marriages being a common source. Friends, colleagues and teachers were involved in setting up matches, and networking with friends, business associates, and neighbors appeared to have been prevalent for at least a couple of decades. While social class, education and employment were said to play a major role in determining choices on both sides, one of the major criteria was still endogamy, within the sub-community or at least the larger ethnic group (Paul 1986, 8, 187-8). This similarity facilitated a certain unity of expectation with regard to wedding and post-wedding exchanges of goods and distribution of resources.

With regard to marriage transactions, the most significant correlation to be made with how weddings were set up was that only family-arranged marriages in my sample were associated with the network of gifts between families. Self-arranged marriages were placed completely out of the loop of prestations and the corresponding establishment of affinal ties. In the self-arranged marriages.

Hershman (1981, 160) also discusses the prevalence of finding matches among daughters' affines in Punjabi communities.

Paul (1986, 188) also found that dowry was less in self-arranged marriages, although not absent as in this one.
whether the wedding took place at a marriage registry office or was a simple ceremony at a temple or gurdwara, there were no customary ceremonies or gifts exchanged. However, the marriages were accepted within the families, except for Ritu who had had all connections with her natal family severed. In these cases, marriage gifts or "dowry" were clearly not seen as pre-mortem inheritance: rather, it was assumed that such marriages provided relief from customary gift obligations. The one exception property-wise was Bina's daughter, who had been given a flat by her paternal grandfather ostensibly because her family had given no wedding gifts; however, the primary purpose behind the gift was helping the couple who were economically in a worse situation than their families.

The other cases of completely giftless weddings were from SN: the one instance of second marriage, and the three cases regarded in the community as "bridal sales," where the groom paid for the wedding (paying the brother for "wedding costs" in two cases, and in one case paying a man who demanded payment for a distant relative whom he had brought from the village). These marriages were also accepted by the community, but the weddings were accompanied by no more celebration than a small blessing ceremony by the women of the community in two cases, and a gift of a few utensils and a meal for relatives and friends in one case. Weddings of previously married women and weddings of fatherless daughters funded by brothers who claimed they had no money to do more appeared to "free" the family from customary obligations. Again, this did not translate into women getting shares of their natal family property instead, but could rather be seen a way of placing them within marriage (the sanctioned path to property) and "discharging" a natal family's alleged obligation.

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21 Sikh place of worship.

22 Interview 2.1, KC. 2/3/92.
Methods of spouse selection thus determined the cultural networks set up between families, and marriage prestations served as tokens of family alliances. In a system validating Maussian analysis, family-arranged endogamous marriages were seen as being within the circle of gift exchange and kin network consolidation, whereas self-arranged marriages, re-marriages or "bridal sales" did not have the benefits of facilitating relations within the sub-communities and hence were not cemented through gift-giving. From this perspective, any personal "dowry" given to the woman was a small part of wedding prestations, secondary to the aim of establishing solid kin networks. Women's forfeiture of all gifts in atypical marriages, as well as the strong cultural preference for strengthening kin networks through marriages, thus indicates the relative insignificance of property concerns in wedding prestations and underlines the centrality of gifts for founding kin relations instead.

Wedding Ceremonies: The Framework for Gifts

In Hindu communities, while the "Vedic Marriage" is held up as the ideal, most weddings contain diverse ethnic and local customs and very limited scriptural commonality. Among the families I talked to, for instance, most marriage ceremonies proceeded by stages, with several events preceding and succeeding the actual wedding, many of which were occasions for exchanging gifts between the families entering into the alliance. Though names varied according to the community and region of origin, some of the most common ones were: Roka (celebrating that the match had been finalized, "booking" the groom); Chunni Charhana (event held at the bride's house when groom's

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21 According to Apte, the main "Hindu marriage rites" are "grasping of hands" (panigrāhāna), 'stepping on the stone' (asmarāhāna), circumambulations around the holy fire (agniparianāyana), 'offering of roasted grains (lajahomā) and 'walking together seven steps' (saptapadi" (419).
<table>
<thead>
<tr>
<th>Wedding Ceremonies</th>
<th>KE N=24</th>
<th>KC N=25</th>
<th>SN N=47</th>
<th>Total N=96</th>
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<tr>
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<td>Chunni Charhana</td>
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<td>44</td>
<td>14.9</td>
<td>26</td>
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<tr>
<td>Tika</td>
<td>4.2</td>
<td>8</td>
<td>21.2</td>
<td>13.6</td>
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<tr>
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<td>33.3</td>
<td>8</td>
<td>0</td>
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<tr>
<td>Tilak</td>
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<td>4</td>
<td>17</td>
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<tr>
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<td>9.4</td>
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Table 2.1 Pre/Post-Wedding Ceremonies Per Wedding Mentioned (In Percentages of Total Number of Weddings).

*As most respondents mentioned several ceremonies, the total numbers of ceremonies far exceed the number of respondents. Some respondents also treated the names of certain ceremonies as synonyms, e.g. ring ceremony and engagement, so the coding here reflects the number of times a particular ceremony was mentioned. Other ceremonies mentioned were Durgun, Mangni, Faldan, Ban Laguna, Paka Dekha and Shakochchar.
<table>
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<th>Number of Wedding Ceremonies By Decade (including shadi)</th>
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<th>KC N=25</th>
<th>SN N=47</th>
<th>Total N=96</th>
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<td><strong>Weddings &lt;10 years ago</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>1 ceremony</td>
<td>4.2</td>
<td>0</td>
<td>2.1</td>
<td>2.1</td>
</tr>
<tr>
<td>2 ceremonies</td>
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<td>20</td>
<td>36.2</td>
<td>29.2</td>
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<td>3 ceremonies</td>
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<td>4.3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Weddings 20-40 years ago</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 ceremony</td>
<td>0</td>
<td>0</td>
<td>2.1</td>
<td>1</td>
</tr>
<tr>
<td>2 ceremonies</td>
<td>0</td>
<td>8</td>
<td>2.1</td>
<td>3.1</td>
</tr>
<tr>
<td>3 ceremonies</td>
<td>4.2</td>
<td>4</td>
<td>2.1</td>
<td>3.1</td>
</tr>
<tr>
<td>&gt;3 ceremonies</td>
<td>0</td>
<td>0</td>
<td>2.1</td>
<td>1</td>
</tr>
<tr>
<td>Unknown</td>
<td>4.2</td>
<td>4</td>
<td>2.1</td>
<td>3.1</td>
</tr>
<tr>
<td><strong>Weddings &gt;40 years ago</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 ceremonies</td>
<td>4.2</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 2.2: Number of Wedding Ceremonies Mentioned Per Wedding, By Decade (In Percentages of Total Number of Weddings).
family brings her clothes and jewelry); Sagan or Tilak (when gifts are taken to the groom's home, this may occur several times but usually takes place a few days before the wedding); a Ring ceremony or an Engagement (hosted by the bride's family, when the couple exchanges rings); Lagan (when gifts are sent to the bride's family but are reciprocated in equal or greater amount); and Gowna (a post-wedding celebration, held 1-3 years after the wedding, where the bride returns to the natal family after the wedding and goes to her affinal family a few years later).

Given the different names assigned to similar ceremonies within and between ethnic groups, and the variation even within families at different weddings, it is nearly impossible to characterize a standard wedding. However, the structure of ceremonies had some common patterns. In every case, even where the wedding was fixed in a matter of days or hours, there was a pre-wedding ritual where the bride and/or groom were blessed by members of the other family and given a gift. In some families, there were several engagement-like ceremonies (rokna, chunni charana, sagai, tika, tilak, thaka, engagement, ring ceremony, paka dekha etc.) always involving food and gift-giving. During the actual day or days of the wedding (shadi), the responsibility for feeding, housing and entertaining the wedding party or barat was on the bride's family, including the main wedding meal to which several hundred guests from both sides were often invited. More rarely, the groom's family had a reception or celebration only for their own guests before or after the wedding. Some families also had extensive post-wedding ceremonies such as the gowna.

As Table 2.1 shows, some ceremonies seemed clearly attached to characteristics of the neighborhoods. For instance, gowna was found only in SN where most women got married at a

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26 Only 42.9% women from KE, 25% from KC and 13.3% from SN mentioned such occasions, indicating that such receptions were usually undertaken when the groom's family was perceived to be prosperous by the community and were thus a marker of status.
prepubertal (or at most teen) age and stayed on at their natal home for a few years after the wedding till they were more "grown up," unlike in KE and KC where they usually married as adults and moved into the affinal home directly after the wedding. However, the most relevant factors for observance of gowna were ethnicity and rural vs. urban residence rather than age at marriage per se. Gowna was most common among rural families at all socioeconomic levels from Bihar, the Uttar Pradesh plains and Rajasthan, but was dying out in cases where the bride was raised in the city and married into an urban family. Ceremonies like chunni charhana (most common among Punjabis) and ring ceremony were more prevalent in KC and KE, whereas residents of SN were much more likely to give gifts as tika or tilak; the differences could be attributed both to regional/ethnic customs (there were no Punjabis in SN), as well as relative wealth, most chunni charhana and ring ceremonies being elaborate and expensive affairs.

Despite the seemingly long list of ceremonies, however, each family participated in only a couple of pre- or post-wedding ceremonies. Only 7.3% of weddings were reported as having more than three ceremonies (including the shadi/wedding itself). 41.7% weddings reportedly had two ceremonies including the shadi, and 38.6% had three. Several respondents claimed that financial concerns, time constraints and the diminished significance of old rituals had led to an abbreviation of ceremonies, but the breakdown of weddings (Table 2.2) could not demonstrate this definitively for the last few decades. Only 5.4% of weddings in the last decade were reported to have more than three

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27 In the weddings that were being negotiated in SN while I worked there, the brides were usually in their mid- to late teens (i.e. they were much younger than brides in the other neighborhoods who were usually married in their early 20's), but were marrying substantially later than their mothers or rural female cousins, and moving directly into the affinal home rather than waiting out puberty in their natal home.

28 Number of ceremonies per wedding were added up here, and synonyms for wedding ceremonies were not counted separately.
ceremonies, as opposed to 10.7% in the decade before that, and 9.1% in weddings 20-40 years ago, indicating a trend to reduce ceremonies to below three; but as Table 2.2 shows, the percentage of weddings with two or three ceremonies actually seemed to have increased.

However, urban modifications had altered the customary elaborate forms of ceremonies perceptibly. Madhu’s sister and Uma, for instance, who had both got married about five years ago, had the wedding party at hotels, and the nature of this site determined a time limit for beginning and ending the party. In contrast, Uma dimly recalled attending cousins’ weddings in their village home as a child, when the bride’s family had to invite neighbors and the wedding party for various different kinds of meals (for example, fruit and sweets one day vs. "cooked" food, e.g. fried rice and vegetable dishes another day) in the week before the wedding. Yet others like Jaya, who was married 15 years ago in her village and frequently went back there to attend weddings, testified to the influence of urban abbreviation having carried over, resulting in grooms’ families making much shorter visits than earlier. This view is contested by rare accounts like Medha’s (also married about five years ago), who described a full fortnight of festivities with myriad rituals including kin and women from the whole village. While many families tended to shorten the process (and hence the repeated expenses), a few still observed the full range of ceremonies, especially, as in Medha’s natal family’s case, as a marker of status.

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29 As Table 2.2 indicates, there was no information on ceremonies for 8.3% of marriages, and many women stressed that they were not sure they remembered all the occasions clearly. These elements of uncertainty make it difficult to cite the statistics as proof of a trend.

10 Interview 1.6, KE, 12/7/91; Interview 1.14, KE, 2/24/92.

11 Interview 3.1, SN, 12/7/92; Interview 3.13a, SN, 12/23/92. Table 2.2 shows no significant difference in the number of rural versus urban weddings with more than three ceremonies, viz. between KE/KC weddings (mostly urban) and SN weddings (mostly rural).
Compared to Hindu weddings, Sikh and Muslim weddings are ceremonially far simpler, even though they appeared to be associated with a similar volume of expenditures overall. Sikh weddings involve the couple circling around the Sikh Holy book, the *Girnth Sahib*, and exchanging garlands, followed by readings from the book and religious songs. However, in terms of pre-wedding ceremonies, the pattern described was identical to Hindu weddings, including *Rokna, Sagan, Theka, Ring Ceremony, Chunni Charana*. In Muslim weddings, the *maulavi* (cleric) officiates between the two families, and the main ceremonies involve getting the formal assent of the bride and groom and settling the amount of *mehr*. But here too, the women narrated a series of pre-wedding ceremonies, viz. a ceremonial occasion when the match was first settled, involving a meal and presents for the groom's family and a small gift for the bride, and a later occasion when gifts were exchanged between families, even the observance of a turmeric-and-oil ceremony prototypical of Hindu weddings. The significant point here is not that the dominant presence of Hindu rituals overshadowed customs particular to other religions, but that norms for prestation ceremonies were to a certain extent determined by proximity and residential community practices.

The diversity and extensiveness of wedding ceremonies among the various communities sampled attests to elaborate ritual frameworks for marriages, although the current form represents a shrunken version of the original in most cases. These ceremonies were telescoped in the interests of time or money, especially in the urban context, but they remained a method of cementing relations with wider kin through gift exchange. If gifts needed to be given on fewer occasions at present, they were also likely to cost more and to include ever-trendier commodities among all social classes.

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12 The cultural borderlines between Punjabi Hindus and Sikhs are very thin, bordering on non-existent. Many families have members from both "sides," and adhere to religious texts and customs of both faiths.
balancing the total expenditure to a certain extent. Thus, the current pattern of ceremonies appeared
to preserve the practice of establishing ties with affines through extended gifts, while optimizing the
time and expenses required to do so.

"Jo dena hota hai" (What has to be given): The Nature and Parity of Wedding Gifts

The ceremonies provide the outlines for a carefully choreographed parade of gifts. Except
for self-arranged marriages, second marriages and bridal "sales", there were no giftless weddings.
Though the specific amounts and presents given at any one event varied in every family, there
appeared to be well-established norms of appropriate prestations. Mapping the patterns of expenses
and gifts from either side provides a revealing portrait of the different roles that the couple's families
are supposed to play, and the related cultural constructions of family, responsibility and wealth.

When asked to estimate the cost of their own or recent family weddings, only a few women
(23.3% in all, but only one or 7.1% from KE) responded with precise figures about expenses incurred
by the bride's family. Most women could not provide specific amounts because they claimed it was
too difficult to calculate the total amount, especially when considering that some major items like
jewelry might have been bought years earlier, that relatives might have contributed some clothing,
jewelry or furniture as gifts, and that no tallies of expenses for various occasions were retained. Many
were uninformed about the actual cash required even when they knew about the expenses, especially
if they had no income or credit sources of their own and relied on income-earners (often males) in the
family for money. They were particularly in the dark about expenses for their own weddings, either
because they had been too young at the time of marriage to comprehend the transactions, or because
the seniors in the family (often parents) had handled the disbursements directly even if they had been
married when in their 20's and holding down jobs. The disjunction from financial awareness was
partly related to age and parental responsibility for handling weddings (even for grooms), but
gendered notions of women's dissociation from direct fiscal resources undoubtedly played a part in
their ignorance of expenses. As U. Sharma also reports, women tended to be fully involved in the
negotiating process but did not usually take on the actual financial procurement (1980, 144).

Although most weddings involved substantial expenditure, there were distinct variations in
norms. It was expected that total wedding costs would be relatively lower in SN, given families’ lower
incomes and also the fact that most weddings took place in rural areas. This was confirmed by two
women (6.7% of SN sample) who mentioned expenses between Rs. 10,000 to 30,000, and three (10% of
SN sample) who mentioned expenses between Rs. 30,000 to 50,000. The comparative cheapness
of rural weddings was also attested to in Bina’s decision to have her daughter married near her in­
laws’ village (though they had no regular contact with the area otherwise); she spent only Rs. 10-
20,000 excluding jewelry, whereas she described as costing up to Rs. 1,000,000 some extravagant
urban weddings among her relatives.11 Of the two women from SN who reported a high cost for the
bride's family at a rural wedding, Medha's wedding costs of over Rs. 100,000 were partially
explained by an unusually high cash dowry of Rs. 30,000, supposedly demanded because of her
father's wealth.12 Women from KE and KC, on the other hand, reported much higher costs for current
urban weddings, between Rs. 70,000 and 200,000 (except for Shashi who recalled her daughters’
weddings in the 1950's costing between Rs. 50,000 and 70,00013).

11 Interview 2.1, KC, 2/3/92.
12 Interview 3.13a, SN, 12/23/92.
13 Interview 2.7, KC, 2/7/92.
Income, social class and rural versus urban norms of spending did seem to affect the total expenditure. It is also important to remember that these figures represented "average" costs, and that in fact the scale of expenditure could vary widely at either extreme. While Medha's and Bina's relative's weddings were far more costly than other weddings in their families and communities, others also described weddings that were pared down from community norms. Uma not only made it clear to her fiance that the marriage would not take place unless his family rescinded their demand for cash to cover their expenses, but because of her strong anti-dowry feelings the only expenses her family incurred were for feeding the wedding guests at a hotel and buying a few saris for her. When Bindu got married to a man from Haryana who worked in transportation (she was from Uttar Pradesh), her husband was sensitive to her widowed mother’s lack of money; he forbade pre-wedding gifts for himself, claimed to be happy being given just a suit, and brought her some clothes and jewelry himself. Thus, individual families could negotiate gifts and expenditures on either end of the scale, though the baseline was no doubt set by class, regional and ethnic norms.

Although even fewer women had estimates for the total costs of weddings for groom's families, the range of expenses varied widely, and no conclusions could be drawn about comparative costs of brides' and grooms' weddings. From SN, one woman (3.3% of SN sample) reported that it was between Rs 5,000 and 10,000, and two women (6.7% of SN sample) said it was between Rs.10,000 and 30,000, the amounts being expectedly lower than quotes from the other neighborhoods. But three women from KC (10% of middle-class sample) cited amounts that spanned a huge range: from between Rs.50,000 and 100,000, to between Rs.100,000 and 200,000, and the

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1 Interview 2.14, KE, 2/24/92.

1 Interview 3.3, SN, 12/8/92.
<table>
<thead>
<tr>
<th>Gifts By Brides’ Families</th>
<th>KE N=24</th>
<th>KC N=25</th>
<th>SN N=47</th>
<th>Total N=96</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clothing and/or Jewelry:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Bride</td>
<td>83.3</td>
<td>96</td>
<td>87.2</td>
<td>88.6</td>
</tr>
<tr>
<td>For Groom&lt;sup&gt;b&lt;/sup&gt;</td>
<td>66.7</td>
<td>72</td>
<td>63.8</td>
<td>66.7</td>
</tr>
<tr>
<td>For Groom’s Family&lt;sup&gt;c&lt;/sup&gt;</td>
<td>54.2</td>
<td>72</td>
<td>38.3</td>
<td>51</td>
</tr>
<tr>
<td>Utensils</td>
<td>4.2</td>
<td>12</td>
<td>57.4</td>
<td>32.3</td>
</tr>
<tr>
<td>Furniture</td>
<td>20.8</td>
<td>60</td>
<td>17</td>
<td>29.2</td>
</tr>
<tr>
<td>TV/ VCR/ Refrigerator/ Kitchen Appliances</td>
<td>16.7</td>
<td>32</td>
<td>6.4</td>
<td>15.6</td>
</tr>
<tr>
<td>Bed/Bedding</td>
<td>0</td>
<td>0</td>
<td>12.8</td>
<td>6.3</td>
</tr>
<tr>
<td>Suitcases/Trunks</td>
<td>0</td>
<td>0</td>
<td>8.5</td>
<td>4.2</td>
</tr>
<tr>
<td>Land/Property/ Livestock</td>
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<td>0</td>
<td>4.3</td>
<td>3.1</td>
</tr>
</tbody>
</table>

Table 2.3: Gifts Given By Brides’ Families Per Wedding (In Percentages of Total Number of Weddings).

<sup>a</sup> Brides’ families’ expenses also include hosting the wedding party.

<sup>b</sup> Gifts to groom usually include clothing plus *varadakshina* gifts, which may be jewelry, a watch, and even a radio or a bicycle as part of the *varadakshina* package.

<sup>c</sup> Recipients of gifts in groom’s family include groom’s parents, siblings and their families. Other relatives who are part of the wedding party are also usually given small presents.
<table>
<thead>
<tr>
<th>Expenses By Grooms' Families</th>
<th>KE N=24</th>
<th>KC N=25</th>
<th>SN N=47</th>
<th>Total N=96</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clothing/ Jewelry for Bride</td>
<td>25</td>
<td>40</td>
<td>53.2</td>
<td>42.7</td>
</tr>
<tr>
<td>Clothing/ Jewelry for Groom’s Extended Family</td>
<td>4.2</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Entertainment/ Reception</td>
<td>29.2</td>
<td>20</td>
<td>8.5</td>
<td>16.7</td>
</tr>
<tr>
<td>Cash gift to Bride</td>
<td>0</td>
<td>0</td>
<td>8.5</td>
<td>4.2</td>
</tr>
<tr>
<td>Utensils</td>
<td>0</td>
<td>0</td>
<td>2.1</td>
<td>1</td>
</tr>
<tr>
<td>None</td>
<td>12.5</td>
<td>4</td>
<td>4.3</td>
<td>6.3</td>
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<tr>
<td>Unknown</td>
<td>45.8</td>
<td>56</td>
<td>36.2</td>
<td>43.8</td>
</tr>
</tbody>
</table>

Table 2.4: Expenses Incurred By Grooms’ Families Per Wedding (In Percentages of Total Number of Weddings).
third over Rs. 200,000. While the details of gifts described in the following pages indicates that bride’s families usually incurred far more expenses, it is difficult to draw this conclusion merely by comparing the few estimates of total expenses, without knowing how much of the expenses were recycled into family assets as jewelry or spent on entertaining business associates.

However, the reported expenses for grooms’ families did point to the gap between ideological notions and actual expenses of daughters’ weddings. Table 2.3. and 2.4™ show a far longer list of expenses for brides’ families, but only a third of the 15 women who discussed comparative costs said daughters’ weddings actually cost more, and only Parvati said that in her native Nepal grooms’ families usually spent much more.™ The others (60% of responses in this category) perceived the costs of sons’ and daughters’ weddings as being comparable; however, there was only one response from SN (6.7%), indicating that grooms’ families among poorer people may have lower expenses for sons’ weddings. The recollection of daughters’ and sons’ weddings as costing the same may reflect a disjunction between ideas and actual expenses, but given the “display” of social class at weddings, may indeed indicate higher stakes for wealthier grooms’ families, with the entertainment and jewelry they paid for having to be of a much higher standard, showcasing their perceived socioeconomic statuses. Importantly, in such cases, wedding costs or “dowry” for daughters (though also potentially larger as markers of status) become even less of a substitute for inheritance, because equivalent family assets are spent on sons’ weddings.

™ Information provided here by the respondents is based on their experiences of being part of weddings as the bride’s family, the groom’s family, or both. Their knowledge may be gained from being brides, mothers or sisters, but they refer to concrete instances from weddings in which they have been closely involved. Actual gifts are counted, not their ideas of what ought to be given.

™ Interview 3.15, SN, 12/25/92.
Expenses of daughters' and sons' weddings being similar should not, however, be taken as evidence of total parity; the breakdown of expenses and the kinds of gifts (Table 2.3 and 2.4) are crucial indicators of different purposes for the expenses, which lead to an accumulation of assets in line with prevailing hierarchies. Table 2.3 enumerates the gifts given from bride's families; for most families, the bulk of the items were clothes and/or jewelry for the bride, groom and the groom's extended family (this sometimes included cousins, and indeed anyone who came with the wedding or engagement party). Other gifts reflected the class backgrounds of the families: while wealthier families gave the trendiest electronic appliances and furniture (e.g. color TVs, VCRs), more middle-class families went with less expensive versions of the same, and relatively poor families gave utensils, luggage or bedding. As Table 2.4 shows, groom's families' gifts were principally for the bride, and reciprocal gifts were rarely given to the bride's family (Hershman 1981: 213).

Table 2.3 and 2.4 also indicate that a higher volume of gifts were reported from KC as compared to KE, where incomes were substantially higher and hence displays of status may have been expected to be more elaborate. But in many weddings described by the KE respondents, there had been a conscious effort at keeping prestations simple, whereas in weddings reported by KC women, the latest fashions in dowry goods were often followed. However, families from KE (including grooms' families) spent a lot of money on entertaining guests, indicating that this mode of displaying status (entertaining business associates, friends and neighbors) was more important in this area than personal items included in the dowry.

Most studies of north Indian dowries enumerate similar categories of prestations: a) the bride's personal items, viz. clothing and jewelry; b) household items e.g. furniture, vessels, appliances for "setting up the household," often used in the joint household; c) gifts of clothing and jewelry for the groom and his extended kin, including large cash payments in some cases; and d) the bride's family's expenses for feeding/entertaining the wedding party (Paul 1986: 31-3; L. Caplan 1994: 368; Teja 1993: 61; Hershman 1981: 244-6; Tambiah 1989: 425-6).
While the value and quality of goods had increased over the decades, the kinds of gifts had not changed significantly over time. Gifts of clothing or jewelry to the grooms’ extended families were reported in 53.5% weddings in the last decade, 50% of weddings 10-20 years ago, and 45.5% weddings 20-40 years ago. Even with regard to “modern” items like TVs, VCRs or other appliances which would be expected to increase much more in recent weddings, they were reportedly given in 17.9% weddings in the last decade, 14.3% weddings 10-20 years ago, and 9% (only one reported case) in weddings 20-40 years ago. Furniture was reported as a gift in 30.4% of weddings in the last decade, and 39.3% weddings 10-20 years ago. Grooms’ families had allegedly made gifts of clothing and/or jewelry to the bride in 41% of weddings in the last decade, 42.9% of weddings 10-20 years ago, and 45.5% of weddings 20-40 years ago.

Contrary to the common perception of dowry as large amounts of cash, it was far more common in this sample to give small amounts of cash to the groom and his family, on various pre-wedding and wedding ceremonies. Only 3.1% weddings had reported cash expenditures between Rs. 10,000 and 50,000, and 8.3% included cash gifts between Rs. 5000 and 10,000. In fact, in 20.8% of weddings the total cash gifts were reported to be less than Rs. 2000, and in 14.6% no cash gifts from the bride’s side were reported at all. Thus, cash appeared to play a relatively small part in total wedding expenses by the brides’ families.

Yet though relatively less, the expenditure of cash was still disproportionate, as revealed by a tabulation of cash given by the groom’s families: there were no cash gifts described by the KE respondents, only two cases (8% of KC weddings) of gifts over Rs. 1000 to the bride reported from

41 Many studies of dowry in the urban environment have, however, reported the prevalence of substantial cash gifts e.g. Teja 1993; Paul 1986.
KC, and 11 (23.4% of SN weddings) instances of cash gifts to the bride named by SN respondents. Cash gifts to the bride were popular in SN because grooms' families who could not afford much jewelry gave a token sum of cash instead. Yet these amounts were much lower than the amounts given to grooms' families, more so in SN where 45.4% of the cash awards to the brides were less than 500, and 81.8% were less than Rs. 1000. The gap in reciprocity between brides' and grooms' families in this area reflects the broader lack of parity between the responsibilities of the two sides.

A concrete example of the lack of parity in gifts between families is provided by Rani's son's wedding. Paying "homage" to the doctor groom and the senior scientist father-in-law (the bride herself was a doctor too), the bride's family gave, in addition to clothes and jewelry for the bride, a set of gold jewelry for the groom's mother, gold rings for the groom and his father, a bedroom set and a refrigerator, a cash gift of several thousand rupees for the groom and smaller amounts of cash to the whole wedding party, and clothes for 25 to 30 relatives. In fact, they asked Rani and her husband to choose the clothes for her family which the bride's family would pay for, so that the gifts would be of a sufficiently high standard. Rani thought that as the groom's family they showed exemplary decency by declining such gifts as TVs, VCRs etc because they already had them (although Rani's rationale was that the duplicates would simply rot in boxes, not that such extravagant gifts need not be given). Furthermore, apart from buying jewelry and expensive clothing for the bride, she and her husband were atypically generous in buying clothes for the bride's parents, feeling this would reassure the bride's family about the prosperity of their affines. The major expenditures on the groom's side were the post-wedding reception for 600 people --colleagues, neighbors and relatives -- and a pre-wedding reading of the Holy Book which lasted three days and to which all these people were invited. However, only the bride's parents and siblings were invited to these events, whereas the groom's side

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42 Interview 1.9, KE, 12/10/91.
took 300 people to the wedding to be fed and entertained by the bride's family. Rani's son's wedding expenses are significant because total costs for both sides appeared similar, however, a breakdown of expenses reveals that the reciprocity from the groom's family in giving gifts to the bride's family or entertaining them was minimal.

Ritu, whose family wealth lay in a chain of medicine shops, surmised similarly, based on her experiences of her brothers' weddings, that total expenses by the families involved often seemed equal but expenses made by the groom's family mostly went towards their own assets:

They have basically the same expenses, for the girl one is going to give a sort of dowry, like household goods or clothes which are not that expensive, but I have seen in my family that they buy more gold for the son than for the daughter so the total amount is the same. Also any 'ancestral' jewelry is given to sons' wives but they buy from the market to give to daughters, and the sons' wives jewelry is also heavier.

Ritu and Rani's examples point to a significant fissure in the myth of reciprocal gift-giving: the bulk of the groom's family's expenses -- the bride's clothes and jewelry, entertainment of their own guests -- helped to enhance their own wealth and prestige (if the bride's "personal" things are regarded as being part of the groom's family's total assets).

The disproportionate expenditure points to the potential hierarchical relationship between the two families and the bride's inscription as an asset of the marital family. For example, in delineating the greater expenses for the bride's family, a principle she followed generally for her daughter's wedding two years ago despite the dire hardship of being the only meager income earner in a family of seven. Hema said:

...for every Rs. 100 of things they give we [the bride's family] have to return Rs. 151 in some form....See, if one does not have the ability to be able to take those things, then one can just keep Rs. 51 or Rs. 21 from that plus the sweets and return the rest.

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41 Interview 1.11, KE, 12/13/91.
42 Interview 3.2, SN, 12/8/92.
And those who want to and are able to can give back more than what is given by the groom's family, they can keep the clothes and give double back to them. See, that's why in these expensive times people generally return the things, and those who do keep the clothes keep them for their own fancy because they are the clothes from the daughter's family [emphasis mine], her in-laws have sent them.

Here, the symbolic principle of reciprocity of gifts between the families entering into alliance is underlined, and it is seen to be emotionally and socially important to the bride's family to receive gifts from the groom's side as a token of establishing kinship relations. However, as the tabulation of gifts shows, any reciprocity from grooms' families requires a minimal outlay of resources, and the weight is overwhelmingly on the bride's family in terms of having to give more, on more occasions and more expensive things than the groom's family (though the content and amount might vary across class and rural-urban divides).

As Ritu implied, grooms' families spend a lot of money in increasing assets that, though ostensibly the brides', are seen to belong within the bride's affinal family, whereas the bride-"givers" transfer substantial assets as they appear to hand over responsibility for the bride. While grooms' families may give gifts to signify kinship, the onus is upon brides' families to fulfil any wishes of their affines, making hypergyny-related notions of the disproportionate responsibility of the bride's family more important than reciprocal relations of kinship. The model of gift-giving that emerges from this data thus confirms that there is minimal reciprocity between affines (Bradford 1985; Dumont 1983; Kolenda 1984; Kumari 1989; Paul 1986), yet it is important to remember that marriages are important for establishing community alliances. However, despite brides' families' greater outlay for goods going to their affines, daughters' wedding costs still did not equal sons'  

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15 A contrary example is that of the wealthy Kannadiga Lingayats, whose alliances apparently bear no traces of hypergyny, where grooms' families spend lavishly for entertainment while brides' families pay a hefty "groom-fee". Bradford argues that the groom-fee in these cases creates an indebtedness that is compensated by the grooms' families' expenses (1985, 293).
inheritance, because many families, often prosperous ones, i.e. those likely to have more property and wanting to display status, often incurred substantial expenditures for both daughters' and sons' weddings.

These principles seem in line with Tambiah's contention that in north Indian weddings, prestation from the brides' families add to the resources of the joint family that the bride is joining, from which the conjugal unit gets a share only if the joint family is split. In contrast to the European model where the dowry and trousseau build up the resource base of the couple, here the groom's entire household/family is the focus of gift-giving. I would add that at the wedding, both families' expenses seem to be directed towards increasing the assets (through gifts) and status (through hospitality) of the groom's family, which is supposed to be the "joint" family into which the bride merges, and whose continued prosperity makes it less likely that the daughter will turn to the natal family for later help or property shares. Simultaneously, the bride's family also enhances its own position/status by displaying due propriety in ceremonies and prestation.

"Ladkiwale ko to dena hi parta hai" (the woman's side does have to give things of course): Issues of Dowry and Demand.

"My daughter and son-in-law got everything from us-furniture, crockery, utensils, Frig and TV-in their rented flat when they got back from the honeymoon. There was only a mug and a bucket in the flat before we got stuff, her father-in-law and mother-in-law brought those and then came to see our things. They had said, 'Tell us what you are giving so that there are no duplicates with what we give' [SB: But you gave everything!] That was just a way

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40 Within the contemporary sociocultural nexus in India, weddings appear to be crucially important as displays of status for both sides (more so among the nouveau riche). Paul contends that "izzat" (honor/prestige) is demonstrated through a marriage alliance, and that dowry is a "mechanism of actualization" thereof (1986, 187).
for them to ask what we were giving, so we would tell them what we bought, there was never any question of duplicates". Lata

As Kishwar points out in "A Code for Self-Monitoring," "most people are not anti-dowry per se, but against 'dowry demands'" (1994a, 10; similarly Teja 1993, 71-2). Yet the phrase prefacing this section, "ladkiwale ko to dena hi parta hai," juxtaposed by several women against the notion that it was indeed unseemly to ask for things, reveals the ambivalent meanings of "demand" and contested definitions of what constitutes dowry. The very silences of leaving demands unarticulated speak of the need for the bride's family to give a certain expected amount. The idea of "jo dena hota hai" (what has to be given) or customary gifts are powerfully formless signifiers, with an apparently unspecified content but an innately readable form that families seem to have no difficulty materializing. Such gifts, commonly perceived to be uncoerced, are variously interpreted as expressions of the brides' families' wealth or a reflection of the groom's "value."

The social illusion that alleged "dowry" is a voluntary gift of affection from the bride's family was widespread. In 39.6% of all weddings mentioned, the overwhelmingly predominant norm on the issue of demand was that "bride's families give what they want." In 14.6% weddings, the groom's family said they wanted nothing but the bride herself (except for hospitality), though they did accept gifts nonetheless; in one case from KE (1.04% of total weddings), they expressly forbade the bride's family to give gifts. This indicates a strong consensus across social classes that leaving it up to the bride's family to do the right thing was most preferable, since it appeared to ensure customary gifts without showing visible greed (only 5.2% of weddings were in fact completely giftless, or included only a few saris or utensils given by the bride's family).

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1 Interview 1.2, KE, 12/3/91.
However, negotiations over the amount of prestation were common. In 19.8% of weddings, the groom's family made explicit demands (much higher in weddings likely to be in the rural areas. 27.7% of weddings reported from SN as opposed to 12% and 12.5% of weddings reported from KC and KE respectively). In contrast, 3.1% of weddings (all instances from the middle-income areas) had "indirect demand", i.e. demands were not expressed but hinted at (e.g. Lata's story at the beginning of this section), showing that even when desires were similar to cases with explicit demands, it was more of a middle-class practice to use subtle pressures, apparently deemed more tasteful. There were also cases of demands negotiated by both families, either by the bride's family bartering down the amount, or by the bride's family making an up-front bottom-line offer which the groom's family could accept or else refuse the match (5.2% of weddings).

Uma described a prototypical dowry demand situation that they had often been encountering in trying to find a groom for her sister-in-law.¹⁸

Generally you ask them, 'how would you like the marriage to be performed?', and then it starts. the groom's father is usually the one who brings up the list, and sometimes the whole list will be presented to you, where it will be written 'cash: Rs 2,000,000; Oneida Color TV with Remote Control Model 21SSE'. They even have the model number, you feel like they are trying to suck your blood.

This situation, which she strongly associated with Bihari ethnicity, happened to be the baseline of exchange in some wedding arrangements. At the same time, it represented an overblown caricature of dowry that most families consciously distanced themselves from, while some dowries included trendy new items, there appeared to be no major elevation in standards for dowries (p. 94).

The raising of "demands" was socially unacceptable to many families, and it was repeatedly conveyed that families making high demands were unsuitable affines. For instance, Kavita's sister had got engaged and the groom's family seemed agreeable to the fact that her family would be unable

¹⁸ Interview 1.14. KE. 2/24/92.
to give much, but when they learnt that her family had bought a TV and also a second car for their transport business, they started demanding a refrigerator for the engagement. Kavita's mother insisted that relations be broken immediately "because people who start asking for things from the very first time will keep on asking for a whole lifetime." Similarly, Sushila's brother-in-law cancelled his daughter's wedding when his son overheard someone in the groom's family saying they wanted Rs. 10,000 cash and a scooter because the groom was educated (at high-school level) and the bride had many uncles with jobs in the city. "Voiceing explicit demands could thus be a cultural gaffe, whereas token refusals and subtle hints could be far more profitable.

Yet, through emphasizing their distaste for "demand," women revealed their underlying allegiance to ideologies of women's families buying gifts in disproportionate amounts, and the existence of tangible expectations in the cultural nexus. In repeating the comments of her daughter-in-law's parents shortly after her son's wedding had been finalized, Rani's comment: "they asked if we wanted anything and we said 'nothing,' but they still gave quite a lot. they had a very nice wedding." implied that social consensus about "nice" weddings includes a certain level of gift-giving. Thus, Rani knew she had little to lose by appearing to want nothing from her affines; she gained social/moral currency by the token refusal, appearing both non-greedy and sufficiently wealthy to be able to spurn prestations, but was actually in no danger of forfeiting gifts. Rani's family had two high wage-earners (before her daughter-in-law joined the household) and wanted to display their socioeconomic status through the wedding; significantly, both the stylized refusal and the numerous gifts were important tools in achieving that status. The prevarications of Lata's daughter's in-laws

49 Interview 2.6, KC, 2/7/92.
50 Interview 3.17, SN, 12/28/92.
49 Interview 1.9, KE, 12/10/91.
(described at the beginning of the section) provide a similarly vivid portrait of the subtext of ingenious refusals of dowry: while not naming specifics to save face, they made sure they described exactly what they really wanted by pointing to the empty apartment and hinting at its fullness.

The actions of Poonam's in-laws showed the hypocrisy of such refusals in the most blatant way. They repeatedly said that they wanted nothing, but clearly had a higher standard in mind than what they got; after the wedding there were many taunts about the content and quality of the things given. The sanctity of actual gifts was absolute even though dowry demand was discursively anti-social; as Poonam's case shows, polite refusals could even be more dangerous than outright demands, because the threat of violence and harassment went unnoticed.

These situations of overt and covert demand also indicate the complex meanings of "dowry." As the giftless weddings indicate, amounts of wedding prestation were related to the sorts of alliances formed and were not necessarily proportional to the bride's family's wealth, i.e. not directly related to a woman's pre-mortem inheritance. However, depending on the socioeconomic dynamic between the affines, there was a wide variation with regard to what dowry was supposed to be a "payment" for: the groom's value, the bride's attributes, or the wealth of either family could all function as determining factors.

In the cancelled weddings of Kavita's sister and Sushila's niece described above, a high dowry was sought on the basis of the bride's family's wealth and the groom's qualifications. Paro, whose husband had been an agricultural laborer when they were wed twelve years ago, also conveyed the norm that dowry is a "payment" for the groom's worth, by relating that for her wedding, her father gave the groom hardly any customary gifts because he did not have a stable job. When her husband did find steady work later (and thus raised his "price"), her parents "made up the loss" by giving him

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52 Interview 2.14, KC, 2/18/92.
a bicycle on the occasion of her sister's wedding; the sister's husbands got a full range of customary gifts because of their better earning capacities. Similarly, when Maya said she had made no demands for her two sons' recent weddings (although her sons were just starting out as contract laborers, her husband had a good government job by SN standards and they could have expected a good dowry), she commented that "people should not ask for things because it is like selling one's sons", also implying that the dowry pays for a groom, perhaps one of the reasons why explicit demands from the groom's family were viewed negatively, as trading one's children.

Yet in other cases, the bride's value appeared to set the standard for exchange. Rani said about her daughter-in-law's family: "they asked if we wanted anything and we said 'nothing,' because we got such a well-educated girl, a doctor, if a girl has finished only 10th or 12th grade a dowry may be ok, but this is a 'line-wali' (i.e. in a professional "line") woman earning Rs. 5000/month". Here, the bride's own earning power was highlighted as the chief economic asset transferred through the wedding, and dowry inscribed as potential compensation for a woman's perceived shortcomings.

The resources of the respective families rather than the qualities of a couple were also significant factors determining dowry. Gita, who was from one of the most prosperous households at SN, having a flour shop in her name, with a husband who was a construction contractor and who had been buying up valuable rural land with his savings, was quite open about wanting dowry for her sons.

51 Interview 3.22, SN, 1/4/93.
52 Interview 3.30, SN, 1/8/93.
53 The groom's occupational and educational standing and/or his family's wealth are also seen to set the "rate" in other studies, e.g. Kapadia 1993, Billig 1992; Paul 1986, 186. However, the bride's relative attributes also influence the equation (e.g. Ahmed and Naher 1987, 190-1). U. Sharma found that the groom's family's expectations rather than the bride's family's property/wealth set the standard for dowry, further confirming the lack of equivalence between dowry and property (1980, 47-8).
54 Interview 1.9, KE, 12/10/91.
sons' weddings because her family "is going to get a nice place to live and we have enough to live on, so anyone wanting a good alliance is going to have to pay." She implied that a family seeking an alliance with them would have to pay for the comfort the bride would be lucky enough to experience.

Many others also said that large dowries were necessary only when the groom's family was very rich, and unnecessary among socioeconomic peers.

The obverse of this, the perceived economic prosperity of the bride's family (closest as a rationale to dowry as pre-mortem inheritance, though much of the "dowry" does not go to the bride herself), appeared to be connected to some of the most overt dowry demands, viz. in Kavita's family (as described above) and several instances of post-wedding demands found in all three neighborhoods (also Chanana 1993). Medha's father and grandfather had over 100 bighas of rural land while her in-laws' joint land was about 25 bighas: even though Medha married into her sister's affinal family, her elder brother-in-law took Rs. 30,000 from her father (ostensibly to buy a scooter which would bring Medha and her husband income if her husband drove it commercially). Because of this expense, Medha herself received very little jewelry despite her family's wealth, nor did the couple get this money. But after five years of marriage, her husband now wanted his father-in-law or brothers-in-law to set him up with a garage on their land. The repeated demands in this case seemed clearly linked to the difference in wealth between the families, and were framed as measures to bring the bride's standard of living more on par with her natal family's, literally the opposite of Gita's situation where the bride's family would be paying more because her standard of living would be higher. Yet in both these cases, the onus was on the brides' families to pay extra whether they were substantially richer

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57 Interview 3.5, SN, 12/9/92.
58 Interview 3.13b, SN, 2/24/92.
or poorer, evoking again the notion that during weddings, brides' families are responsible for adding to the prosperity of the grooms' families.

The question of mehr payments in Muslim weddings also dealt with notions of value paid for the bride, but in proportion to the groom's family's status. The idea of mehr is that the groom's family agrees to pay or put aside some money for the bride as her own resources, or her insurance in case of divorce. Under the Muslim Women's (Protection of Rights in Divorce) Act of 1986, this is the only form of compensation available to Indian Muslim women upon divorce other than three months of maintenance. Yet as the Muslim women narrated, and as I also witnessed following a Muslim wedding at SN, mehr frequently took the form of promising to put a piece of land or a sum of money or jewelry in the woman's name (the amount depending on the groom's family's resources), but on the nuptial night the groom usually pled inability to pay and asked to be forgiven this "debt," and the bride was usually told by her in-laws that the "nice" thing to do was agree.

As Parveen said, the mehr "debt" was seen to be an extremely solemn religious matter and extended even beyond death unless formally forgiven. Yet she had not been paid either the Rs. 1000 promised about 10 years ago, after the wedding, or the ring her husband promised her instead. Her in-laws had only eight bighas and four sons, while her mother and brothers had land and houses, so the mehr was quite small. She and a visiting friend of hers both agreed that it was better for a woman not to forgive the mehr because then the husband was no longer as attentive and could easily divorce her, yet they also repeated the community belief that people were said to be selling their daughters when a very high mehr was set. Thus mehr (often characterized as either deferred bridewealth, or indirect dowry going from the groom's family to the bride's family and then to the bride, and in India coexisting with dowry-like prestations from the bride's family), rarely functioned in the form of a

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*Interview 3.19, SN, 12/27/92.*
woman's fund of resources as intended. Instead, it worked as a religio-social bargaining counter for women rather than a security fund proportionate to the groom's family resources.

An important measure of dowry being even partially the woman's inheritance is the degree of access and control a bride has over the wedding prestations. Did women attain control over any portion of the "dowry," or was "giving to the daughter" merely a facade for the woman's in-laws acquiring things for themselves? Tabulations showed two distinct niches for the ways in which cash and goods from the wedding were distributed: the bride's gifts and jewelry remained most often with the bride herself (75% women claimed this), but the cash from the wedding as well as the household goods acquired were usually used within the in-laws' household (21.7% women claimed so). Only three women each from KE and KC (21.4% and 18.8% respectively) said that in-laws kept brides' jewelry, and despite the high number of women from SN reportedly holding on to their personal jewelry, 36.7% of them simultaneously claimed that in-laws also retained and even used some of brides' jewelry. In-laws "keeping" jewelry connoted both a harmless safekeeping as well as more sinister episodes of women's jewelry being sold or pawned or given at others' weddings: one woman from KE (7.1%) and one from KC (6.3%) also claimed a "shared" jewelry fund between mother-in-law and daughter-in-law, situations where the amount of free access remained unclear. Besides these somewhat ambivalent instances, there were a few cases of grooms' families directly claiming cash

42.9% respondents from KE, 85.7% from KC and 90% from SN said that women held on to most of their own jewelry and personal items. The apparently lower percentage from KE does not imply that in-laws kept the women's jewelry in those cases, because responses claiming that in-laws kept the jewelry are no higher from KE than from KC, and are lower than from SN. Rather, several respondents were unresponsive, either because they had not been married or had no clear account of what happened.

In Teja's study in Chandigarh, too, 84.8% of women individually held on to or were free to use their own jewelry/clothing (1993, 67); U. Sharma also confirms women's control of personal items like clothing and jewelry (1980, 50-2).
dowries: 18.3% respondents reported that the groom's father or brother directly took the cash, 6.7% that the groom took the cash, and 6.7% that the cash was given jointly to the couple.

Thus, cash and goods from the wedding seemed to benefit the affinal household directly. At best, clothing and jewelry (which might however have been one of the major expenses on either side) came to the woman for her use and control; women's access/control over these goods may have reflected her rights over stridhan or woman's wealth/assets, over which she customarily had absolute rights. In all, the pattern that emerged here too was the principle of enhancement of total assets of the bride's affinal joint household, along with gifts to the bride that substituted for (though it did not equate) inheritance.

The discourse surrounding demand and dowry articulated by women such as Rani, Lata, Sushila and Parveen in this section treads between the language of "usual," unmentioned customary gifts (with specific form nonetheless) and that of commerce, of dowries (or mehr) being a price for a bride or groom or a compensatory value for evening a bargain. While overt high demands seemed generally socially repugnant, large differences of wealth between affines were sometimes cause for explicit pressure to give high dowries and continual gifts. In these cases, the concept of "balancing" and improving the daughter's standard of living became a somewhat acceptable veneer for demanding things from the woman's family. Significantly, this last idea invoked the notion of equitable distribution of family property, with the daughter getting a large proportion of family assets rather than merely wedding gifts; yet the woman was unlikely to benefit directly from many of the items demanded, which were more likely to enhance the whole affinal family's standard of living. In fact, most rationales about dowry, whether focussed on the bride's and groom's "value" or the families' wealth, revolved around the issue of enhancing the groom's family's total assets, underlining yet again
the principle that the aim of wedding pretations from both sides was to increase the resources of the bride's affinal household.

Paying for Weddings

In the orchestrated links formed through ceremonies and gifts, the identities of the people liable for expenditure are important because substantial contributions for wedding expenses indicate certain roles and responsibilities within the family structure, and also reveal networks of intimacy. The examples from weddings discussed here reveal that many ideal/customary pathways of giving and receiving are both reconfirmed and contradicted in reality.

The conventional notion is that the joint family, i.e. the bride's father's family, is liable for wedding expenses. In fact, unmarried daughters (not sons, who actually get the property) can legally ask for their marriage expenses to be paid out of joint family property. However, as the chapter on property will illumine further, concepts of joint and extended family are very fluid now, especially in urban areas, with some entitlements held firm as before but others having dissipated with urban residential scatter. Wedding costs seemed to be one of those areas that have ceased to be the responsibility of the joint family.

According to the respondents' accounts, the parents or fathers were the ones mainly paying for the weddings (62.7% of daughters' weddings, and 44.8% of sons' weddings). Mothers were the main contributors usually in cases where the father was no longer alive or the woman was the main earner (11.9% of daughters' weddings, and 6.9% of sons' weddings). Many parents supplemented their savings with office/provident fund loans or loans from other sources, and only in a few instances

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62 The total number of daughters'/women's weddings considered here was 67 (15 from KE, 19 from KC, and 33 from SN), and the total number of sons' weddings was 30 (nine from KE, seven from KC, and 13 from SN). Categories of payers are not mutually exclusive.
(6.3% of weddings) were mortgages or sales of property necessary, so that the immovable property fund remained intact despite the large expenses. Thus, while families' liquid assets were usually severely strained by weddings, the bulk of long-term assets like property were held over by parents for inheritance, customarily going to sons.

Wedding expenses were expected to be borne by what Paro called the "guardians" in the family, fathers being succeeded by brothers in this respect. The other major contributors to wedding expenses were indeed brothers (38.8% of sisters' weddings, 21.4% of brothers' weddings). The proportion was particularly high in SN (51.5% of sisters' weddings), where it was common for brothers earning urban wages to pay for an extensive portion of rural weddings of sisters. As Sushila narrated, at her sister-in-law's wedding the groom's family expected the dowry to be commensurate with that of a woman who had three brothers with city jobs, and so they had shopped for good clothing and even radios and other appliances in the city before going back for the wedding a couple years ago. For Jaya's rural wedding 15 years ago, too, the expenditure was lavish even though her father was a recluse who earned hardly anything, because her four brothers had shops and waged jobs in the city. During Parveen's sisters' urban weddings, her mother, who vended clothes, spent relatively little, while her brothers who had more money from their jobs were responsible for the bulk of expenses and even had the weddings at their home. While Parveen's brothers were not gaining any resources by contributing this money, in Jaya's case and in others like Seema's (where her son

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* Interview 3.22, SN, 1/4/93.
* Interview 3.17, SN, 12/28/92.
* Interview 3.19, SN, 12/27/92.
* Interview 3.1, SN, 12/7/92.
put up considerable money for his own and his sister's wedding).’’ brothers’ contributions defrayed expenses while helping preserve immovable property for male heirs. Without their help, the parents would have been forced to sell or trade in property to pay for the wedding.

Conventionally, sisters are not supposed to bear major expenses, either because of Hindu religious ideas of kanyadan mandating that women never give but only receive from their natal families (which some women did cite), or more practical reasons of women having few independent resources. However, while these proscriptions acted as deterrents in most cases (and also resulted in women making fewer claims to property because they had not helped), the taboo was also ignored sometimes, especially when the parents were no longer there or the mother by herself was unable to afford much. Unmarried and married sisters (and also aunts) helped financially with 14.9% weddings of sisters and 14.3% weddings of brothers. In Sharmila’s family, her eldest sister had stayed single and helped pay for the second sister to get married out of her wages even when their father, a teacher, was alive, and later after her own marriage, she continued to fund the weddings of three other sisters and their brother with some help from the other siblings. Poonam’s elder sister’s husband had also helped out at weddings even when her father was alive, but after her father’s death he bore the major cost of Poonam and her sister’s weddings. For later weddings of brothers and sisters, Poonam and her husband and other married sisters and husbands shared the costs. The contribution of brothers, while much more prevalent as shown above, was also viewed ideologically as a part of their responsibilities; yet sisters took a participatory role despite ideological proscriptions, particularly in cases of dire need. Like their help with eldercaregiving or with giving other resources (Chapter 4).

* Interview 2.2, KC. 2/4/92.
* Interview 2.9, KC. 2/11/92.
* Interview 2.14, KC. 2/18/92.
women's assistance was needed and accepted by the natal family despite discursive proscriptions. Moreover, sisters' help in marriages came with little expectation of inheritance in return.

Those getting married also contributed to the costs sometimes, depending on having jobs and enough savings. Grooms reportedly contributed to 34.4% of weddings (out of weddings of males tabulated); the percentage from KC and SN was even higher, 42.9% and 41.7% respectively, including several cases where the groom not only helped out but bore major costs of the wedding. Brides' contribution was reported in only 4.5% of total weddings of females; none of the brides in weddings described by SN respondents made any financial contributions. The low number from SN reflected the early age of marriage among women from these families, long before entry into the paid workforce. But the minimal figure in the total sample should also be interpreted in light of the high ratio of men to women in the paid labor force and the difference in wages and labor force participation between classes: men worked more often, earned more and could have more savings.

Brides' contributions were not simply a question of women having savings to contribute; women's money seemed to be put in only if deemed necessary, recalling again the taboos against "taking" from women to discharge the obligations of their natal families. Bharti's husband paid for his sister's wedding in their parents' absence, and insisted she save her share of the cash she inherited from their parents; Lata did use her daughter's earnings, but felt for that reason that she should also give her something in later life for "taking" that money. In these cases, daughters' earnings were not perceived as part of the natal family's resources in the same way as the sons', and were used only in tight situations rather than as an extension of the household's assets.

One of the most significant absences among wedding contributors was the case of uncles, both maternal and paternal. Paternal uncles' resources are of course traditionally regarded as part of

"Interview 1.7. KE. 12/9/91; Interview 1.2. KE. 12/3/91."
the unified joint family property, but this seemed to have completely broken down in areas where siblings had separated and set up independent nuclear units: paternal uncles helped in only 2.9% of niece's weddings (both from SN, i.e. 6.1% of women's weddings tabulated from SN) and with no nephews' weddings. In the two cases where uncles did help, a rural joint family nucleus existed, making all members somewhat responsible for wedding expenses in the family, but significantly, many other families also had joint property without uncles helping in that way.

The absence of maternal uncles' actual contributions is even more significant in light of property issues because one of the largest transfers of resources from the woman's natal family for her use is supposed to go into bearing a chunk of expenses of her children's, especially daughters', weddings. These expenses, including clothes and jewelry for the bride and clothes for the bride's natal and affinal family members as well as the cost of a major meal, are often cited along with dowry by many women (Chapter 4, Table 4.1) as the equivalent to a share of property. Yet in fact, only one maternal uncle substantially helped pay for a nephew's wedding (3.6% of total weddings of males), and only 7.5% made major contributions to niece's weddings (12.1% of niece's weddings from SN).

Most women in all the areas reported that the contribution of maternal uncles were on a par with those of other uncles and aunts, viz. giving a gift at the wedding rather than paying for a hefty share of the wedding. For example, Harjinder said she reciprocated her brother's gifts with equal gifts to his daughters, not wanting her son to be under an obligation in the future. Seema had literally declined her share of natal property about a decade ago to help her brother while his daughter was getting married, but her wealthy brothers eventually gave far from adequate returns when her children were married; together, they paid Rs. 7000 at her daughter's wedding. Thus, her brothers did not

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71 Interview 2.10, KC, 2/12/92.
72 Interview 2.2, KC, 2/4/92.
even reciprocate with an amount on a par with her contribution as an aunt, let alone shoulder a substantial portion of wedding expenses in lieu of her refusal of natal property, despite their enormous natal inheritance.

The structure of payment for weddings reflects the cultural nexus of wealth, responsibility and property, and women's alienation from responsibility for payments, because of relative lack of economic resources as well as constructions of kinship. Within the nuclear family, parents and brothers, those who usually had control over family assets, were accountable for wedding costs as part of the responsibility for getting property. Proscriptions against women's contributions served to distance them from natal property by refusing to let them share in the family's responsibilities (and thence, correspondingly, privileges), although women did break these taboos when their families could not have done without help from daughters. The lack of help from uncles demonstrates not only nuclearization and the shrinkage of extended kin ties, but indicates for women that dowry is the one substantial transfer of resources to them and that natal property is unlikely to come their way at their children's weddings.

**Conclusions on Marriage and the Transfer of Wealth**

In her study of dowry and inheritance in coastal Andhra Pradesh, Upadhy a stresses the importance of the two separable faces/uses of dowry: dowry's role in transferring property to the woman, and its "marriage payment" dimension, "in which wealth and material goods are transferred between the bride and groom and/or their families or kin groups as a central part of the marriage contract" (1990, 37). While in her sample, dowry payments fulfilled both dimensions (women often got substantial land in their dowry), in the portrait emerging from my respondents' accounts, the inheritance profile was substantially in shadow, largely a chimera, while the prestations-for-kinship
face was emphatically in the light. Here, wedding gifts were primarily a form of establishing favorable kinship networks, marked by a mildly bilateral exchange of gifts but with the onus strongly upon the bride's family to give in greater quality and quantity. Unlike other groups where establishing favorable community ties were helpful for economic purposes (Heyer 1992; Bradford 1985), here there was little economic interdependence between marrying families. The prestations primarily showcased the status of the two families for their larger community, while also celebrating the establishment of new kin.

This pattern of gift-giving was also crucially important for maintaining existent property relations. Given the patrilineal norms of property distribution and the ideology of virilocality, the largely one-sided pattern of gift-giving was meant to ensure that daughters stayed happily within the affinal family and laid little further claim to natal family resources. The fulfillment of (often unvoiced) criteria for "dowry items" was also an insurance scheme with the same intended effect, having the aim of pleasing the daughter's in-laws and reminding her of her family's continuing expenses. Moreover, the flow was overwhelmingly unidirectional to the extent that according to ritual nothing was accepted in return, further distancing the woman from claims to property on the basis of shared contributions to the family. This inscribed women in an essential object position, ideologically closing off their adult agency in helping out their families or laying claim to property shares, both of which would break their gendered passivity and put them on a par with their brothers.

The idea of dowry gifts compensating for property was largely discursive rather than factual in these milieus. In one of the instances of social class cross-cutting gender, wedding costs and gifts were generally much higher for wealthier families, and sons' weddings often ended up costing as

\footnote{Paul also claims that keeping affines happy and hence ensuring that the daughter stays content is one of the main functions of dowry, alongside its functions as partial transfer of resources to the daughter and showcase of her natal family's status (1986, 33).}
much as daughters' because of higher jewelry and entertainment costs (pp. 92-93). Thus, disproportionate expenses for daughters' weddings were a myth. But even where the expenses for daughters' weddings were higher and gifts were given to daughters on a variety of occasions afterwards, these combined costs (about Rs. 200,000 for the wedding being the highest reported among the respondents) were still much less than the woman's proportionate share of family property (although the money may have represented a substantial portion of the family's total liquid assets at the time of the wedding). Also, for the most part a woman's natal family's compensatory obligations were extended to her for a few years at best and rarely lasted until her own children's weddings, despite the financial help on those occasions being part of the implied dowry-property contract (pp. 112-3). The alleged "extra" cost of gifts for married daughters did not fairly balance out against a direct share of family resources. However, because property was relatively independent of dowry and women did not get inheritance shares even when they had weddings without prestations, women's own acquiescence to dowry/prestations is more easily understood, prestations being the only conduit of transferring some natal resources for women's benefit.

While "dowry" in these circumstances was distinctly different from the Eurocentric notion of the term, there was indeed a substantial transmission of resources at weddings. In terms of material goods, the "dowry" mostly built up a small fund of clothes and jewelry for the bride, with the rest of the goods being for her in-laws' consumption, adding to the total prosperity of the bride's affinal family (Tables 2.3). At the ideological level, both families and even the marrying couple, including the bride, not only accepted a certain version of "dowry" but even found it pleasurable, being a celebration of the status of the two families so important in a class-based society, and one of the few social signs of affection/duty for a daughter expressed in the monetary terms prized in a capitalist system. This also explains why few families changed their social practices in response to the legal
criminalization of dowry. Marriage prestations, largely token in terms of actual calculations when
compared with property shares, were immensely significant in their metonymic and mythic
representations of cohesive, fair and loving kin networks.
"Women constitute half the world’s population, perform two-thirds of the total work hours, earn one-tenth of the world’s income and own one-hundredth of the world’s property" UN Report on Women, 1970.

These stark figures about gender equity and the distribution of labor and resources have been turned into trendy feminist products like postcards, bumper stickers and T-shirts in these twenty-five years, but caused little perceptible disturbance in political or economic arenas. Because the issues seem to lie on the tricky borders between individual will and persistent customs, between private decisionmaking and State agendas, economic priorities, social goals and institutional coercion, they get designated as deep-rooted cultural problems that can be only mildly corrected through "development" or legal reform. Even on priority lists of feminist groups, problems like the gender division of labor and disparity in the cost of labor described in the above statistics occupy a respectable position, but questions of property and inheritance are often banked down because of the ambivalence regarding questions of class or because of their perceived unresolvability. I contend, however, that property transmission in a culture is enmeshed with the distribution of family
responsibilities, income and social entitlements, and that the relationship among these factors is crucial for understanding the dynamics of gender and class.

This interrelationship between gender and class, property entitlement and social position, is illuminated here through examining the patterns of property ownership among the interview respondents and some of the myths that are used to sustain the current structure of property transmission. The amount of property owned by women is proved to be much less than what is owned by their male counterparts, viz. husbands or brothers. This is often culturally justified by the claim that women "get" property through husbands and affinal families while men directly inherit from their natal families, but the data shows that, while male inheritance is ubiquitous, women may not always succeed to their husbands'/in-laws' property either formally or informally. The disinheritance of women from natal family property is, however, confirmed conclusively, and the extreme family wrath that comes down upon women asserting any claims to natal property is demonstrated. Furthermore, women's relative "class" in the urban setting is also seen as a significant determinant of the form of property they might own: whereas many older women in middle-class areas owned family residences that were steadily increasing in value, married women among the urban poor rarely got any shares of their families' substantial rural land, although they had the dubious privilege of owning informal dwellings. Thus, in this sample, women's best chances of owning property were as owners of the flat/hut the nuclear household lived in or as widows, and in much more unusual circumstances, in sonless families or as rewards for eldercare. Given their mediated access to the bulk of material resources and their experiences of property-demanding women who were ostracized from their families, women's acquiescence to patriarchal ideologies of property can be read in terms of realistic options for maximizing well-being.
The patterns of property ownership in the families surveyed show some mechanisms of property transmission among contemporary north Indian communities but are also important for conceptualizing the complex relationship between gender and property. For example, what tangible material goods and nebulous social capital should be designated as property? Are women's claims to property better protected within joint families and kinship networks or formal jural systems? How has property ownership historically helped women? Behind these debates is the fundamental question of whether property ownership (rather than alternatives like collective resources or productive work with exchange value) should be an important issue in feminist theory, given its connotations of privatized resources and feudal history. Is the focus on equal property for women yet another exercise in classism, "Western" hegemony and cultural elitism, "colonialism" in the sense popularized by Mohanty (1991), or does it have tangible material benefits alongside other mechanisms of accumulation and distribution of resources? In this chapter, it is argued that property resources are important for women of all socioeconomic classes, and thus the widespread dissociation of women from property enhances their socioeconomic vulnerability and dependence on male protection.

**Protean Forms of Property: Historical and Anthropological Perspectives**

As Hirschon points out in her introduction to one of the few anthologies on women and property, "property" has usually been conceptualized within the framework of individual ownership of private assets within a capitalist (and I would add feudal) economy (1984, 2). However, if property were to be regarded in a broader sense, as the valuable resources of a particular community, then "ownership" of property is an even broader and more complex issue. The relative value of different
assets may make apparently bilateral divisions of property inequitable.\(^1\) or security of tenure over State-owned land may have more economic importance for women than formal ownership.\(^2\) Control over the products of labor (wages) or reproduction (children).\(^1\) "whiteness" in a society privileging that "color" (Harris 1993), marriage (Ocko 1991), or "honor" for women\(^1\) can also be designated as property in a broad framework. In the context of this study, for example, I would argue that women's gender-coded rejection of formal property can function as an asset with economic advantages, i.e. fulfilling certain notions of womanliness can act as a socioeconomic resource, a form of property.

A realistic assessment of significant "property" forms must take into account the total cultural picture of availability, rewards and resources affecting women. As Whitehead argues, property can be analyzed in stark economic terms by using the Marxist notion of commodity fetishism (viz. specific socioeconomic relations of capital and labor remain hidden when the mere transmission of material assets is focussed on). but ultimately property pertains to the total cultural network: "property is not primarily a relation between people and things, but a relation between people and people - a social relation, or a set of social relations" (1984, 176). While this chapter focuses principally on aspects of formal property, these social relations are ultimately very important for understanding what women really lose and gain through property resources.

\(^1\) Patricia Caplan's study of a Tanzanian island shows how men with more opportunities to earn cash and with the benefit of inheritance laws owned more lucrative resources like coconut trees, livestock and boats, while women mainly had access to bush or meadow land for growing crops (1984, 25-29).

\(^2\) Fortman and Nabane on State forest land in Zimbabwe (1992, 2-10).

\(^3\) Croll on post-revolutionary China (1984, 53-57); Robertson and Berger on African women, pointing to the importance of taking both formal property ownership and access to/ control over resources into account (1986, 9-10).

\(^4\) Starr on the history of Aegean Turkey (1984, 104).
Even in considering women's relation to family assets/property in a narrow way, cultural variations in kinship, class, colonization and legal structures determine women's differential access to property. A historical sociological portrait of the distribution of resources within a group has to be placed alongside accounts of property transmission surrounding marriages, births and deaths in order to comprehend the nexus of property. Among these parameters, the forms of marriage prestations often appear supremely important because, as Hirschon contends, dowry and inheritance are intersecting axes that demonstrate the crossover of allegedly "private" and "public" realms.

Property as a conceptual category thus links these two analytically separate spheres [public and private], and it does so through various mechanisms of property transmission, particularly at the time of marriage and as inheritance. Inheritance is the transfer of property (either as a set of rights or as access to use) down the generations through time, while marriage payments (dowry or bridewealth) are the transfer of property or wealth across kinship groups, in effect through space (1984, 9-10).

Other factors affecting property ownership include sociocultural or even regional norms, life-cycle stage and marital status, and post-marriage residential norms or area of residence. There are numerous examples of women having rights to property as widows or single women, but losing all independent control when married. Uxorilocal or ambilocal residence is found to be associated with women having greater rights over property, while shifts to virilocal or neolocal norms are associated with women's alienation from property (Agarwal 1994, 146; Croll 1984, 52-53; Pinca-Cabral 1984, 81-84; Starr 1984, 101). Based on their study of Neolithic societies, Coontz and Henderson argue that virilocality may be seen as one of the fundamental principles underlying the accumulation of private ("kin corporate") property (Sacks 1979) and the consolidation of social patriarchal power.

The situations in England and the U.S. before married women's property laws were passed are cases in point.

Sacks' study of bilateral inheritance among the Lovedu shows that women's reproductive assets were harnessed by the affinal family under patrilocal residence norms, but that proximity and
because it allowed a group to get access to women's labor and that of their children, although women's labor became less crucial for the wealthy as class systems developed (1986, 129-48).

In most modern nation-states, property rights are vested in the individual: in other words, one of the most powerful effects of Western legal systems has been to construct an individual jural subject with well-defined "rights" in place of collective, communal kinship-based rights where survival and fairness within the group were of primary importance. Yet while the notion of the subject-in-law has become increasingly prominent, many sociolegal systems still show a large degree of legal pluralism, i.e. the articulated operation of both systems. In colonial milieux, the push to inscribe women as legal individuals despite the widespread persistence of customary ("native") law has been connected to colonial officials wanting to have an independently contractible labor-force formally free of family control (Robertson in press, Chapter 3). Such structural duality exists not just in colonial/postcolonial settings or currently developing countries but has also been at the heart of Anglo-American women's history: "the two twin pillars of common law control over women's economic fortunes - primogeniture in inheritance and coverture in marriage - were draconian in theory" (Erickson 1993, 224), although numerous scholars have shown the simultaneous operation of other routes for women to hold onto their property, viz. equity, borough and even ecclesiastical laws, settlement contracts, or separate estates (Erickson 1993, 222-8; Leary 1990, 132-4). The eventual introduction of married women's property laws can be attributed to feminist demands to a

access to productive resources like natal land also affected women's social standing, i.e. virilocality could be conducive to exploitation of women but inheritance practices could have a mitigating effect (1979, 145-7). Based on revisions of Simmons' data base of the cross-cultural correlates of property, Rudmin argues however that there is no positive correlation between ownership of private property and subjugation of women (1992, 77-80).

Croll on China (1984); Burman on South Africa (1984); Merry using African, particularly Zambian examples (1982); E. Moore on Rajasthan, India (1993); Toungara on the Ivory Coast (1994).
certain extent, but economic factors (such as debtor relief and legal clarification of equity questions) rather than inevitable "modernization" have been acknowledged as significant reasons for the changes (Shanley 1986, 72-74; Basch 1986, 103-4).

The persistently thorny question with regard to women's property rights under situations of legal pluralism has been whether their lot is in fact improved as jural subjects under the alleged protection of the modern nation-state. On the one hand, there is compelling evidence that the traditional balance of community resource distribution and usufructuary rights becomes blatantly skewed against women with insertion into the capitalist world-system and men's differential access to the monetized economy e.g. through cash crops or non-farm income. Under the modern State and often the colonizing influence of Christianity, notions of "households" with male heads have gained strength, and traditional forms of women's property and marriage prestations have been devalued, leaving women much more impoverished and dependent than before. However, others have claimed that the continuance of "customary" law which purports to be neutral can be disadvantageous for women, and that specific laws based on greater equality that recognize individual rights can be empowering for women especially when they become conversant with using courts of law (Starr 1984, 107-13). If Islamic law can be enforced, for instance, women have inalienable legal rights to inheritance even though they are constrained by getting half-shares compared to brothers. a solid

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8 One needs to be careful about implying that resource distribution in kinship-based systems was inherently more fair, because women were deprived of access to property or power in many such milieus. As Whitehead asserts (1984a, 185), systems based on kinship do not imply relations of equality. However, it can be generally stated that in societies where land was communally owned, family members could get maintenance, and where cash was not the crucial path to resources, women's vulnerability was likely to be much less.

9 Many examples of this are from Africa: Oboler (1982, 13-17); Patricia Caplan (1984); Westwood (1984, 141-2). Westwood concludes that women can be far more empowered through wages and productive work than looking to property or the household (1984, 155).
legal claim as opposed to usufructuary dependence (Agarwal 1994, 227-8; P. Caplan 1984, 32-3; Starr 1984, 101-3; however, White 1993, 129-35 refutes this notion).

Social class also appears to be linked inextricably to property. Rudmin's quantitative study of the cross-cultural correlates of private property ownership shows that private property is likely to exist in cultures with "social and material stratification," and that some women's lives may also be bettered in such cultures (1992, 78-79). Studies of dowry and inheritance, especially in Euro-American contexts, have typically focussed on how royalty and the elite used women to channel property among the "upper" classes, strengthening class divisions while cementing the power of the patriarch. Yet elite women were not just conduits of property; they themselves also gained some material advantages and status through those resources. Historians have now also begun to show, through more methodologically challenging processes, that women with middling and even sparse resources owned, bought and sold property. Thus any amount of property appears to be generally beneficial in easing women's economic situations and broadening their options irrespective of class.

However, the very notion of property (and its association with social stratification) remains problematic in Marxist feminist analyses because the concept of private property appears to embrace ideas of continuing class disparities and impoverishment of the poor at the cost of the elite's consolidation of wealth. Sanghera and Malhana articulate a popular view among Indian women's groups, that asking for property rights is a form of "reformism" and "by postulating this demand a woman's group is pitting the propertied class of women against working and landless rural women.

10 McCauliff on medieval England (1992); Hefely on medieval northern Europe (1985); Klapisch-Zuber on Renaissance Italy (1985). Crummey makes a similar case for the Ethiopian Amhara between 1750 and 1850 (1982).

11 Erickson's research on early modern England (1993); Spaulding (1982) and Crummey (1982) on the eighteenth- and nineteenth Sinnar and Amhara Ethiopian communities respectively.
How then can there be an autonomous women's movement cutting across class lines when class interests prevail and conflict?" (1984. 3). They argue that the primary referent is class, and that permanent change can only come from addressing the problem of landless families as a whole.

Rather than delinking gender and class and sacrificing one to the other, it might be more useful to advocate parity between genders with respect to productive resources within all classes, and to make women's rights to equal property explicit in movements where the landless fight for property, rather than replicating women's dependence on men. As Agarwal points out, only 11% of rural households in India (and 26% of total households, with the rural areas containing 70% of the total population and the majority of the poor) are wholly landless (1994. 31); hence, the question of property for women is far from irrelevant for the majority. U. Sharma also contends that land is the prime form of property in India, and women's alienation from it central to their economic problems (1980, 13-15). Although the gains from property depend on the productivity or salability of land, property is an important economic resource and hence equitable distribution within various class groupings is crucial.

The portrait of property ownership presented in the following sections reflects several trends outlined in the literature. These include: women's ambivalent position with regard to law and property: different meanings of property depending on social class or urban vs. rural base; and the different paths of property devolution depending on women's marital status, household position and age. The kind and amount of property at issue also strongly determine who the titleholder might be, how much value there is in being a titleholder, and what kinds of female ownership incur family wrath.

12 Agarwal cites the success of the Bodhgaya movement in India where landless women's struggles were directly linked to demands for land in their names (1994. 280).
In the realm of formal property ownership that is the focus of this chapter, a strong patriarchal ideology stressing the severance of daughters from natal property and the mediated access of married women to husbands' family property and marital property prevails, with only a few spaces of transformation and negotiation. While social class, marital status, household position and area of residence stand out here as significant determinants of the form and amount of resources owned by women, norms (as opposed to facts) of virilocality are arguably the most important tool for justifying women’s disinheritance, and the disadvantages are proportionately greater depending on the gap between total natal and affinal property.

The Indian scenario is also a pre-eminent example of legal pluralism, and women appear to be disadvantaged by the duality. Customary legal sanctions are used to disinherit women, often by appealing to the gap between the newfangled laws of the land and one's own customs. However, men also appear quite ready to avail themselves of formal maneuvers to disinherit women, or to use the threat of court delays and corruption to squelch attempts by women to obtain property. Thus, while the existence of laws does provide paths for some women to establish their claims and better laws are necessary to that end, in general the kinship system and the formal legal structure perpetuate double jeopardy.

**The Indian Context: Laws and Other Considerations**

The primary focus of this study is the ideological constraints that bar Indian women's access to family property; however, it needs to be noted that significant disparities still exist in the legal structure with regard to property. These differences not only show how the lack of a uniform civil code (as opposed to rights determined by religion-based "personal" laws) is grossly unfair because of the variation in remedies available to women depending on religion, but also attest to the blatant
patriarchal, political influence of groups such as large landowners and religious leaders on postcolonial lawmaking processes. Agarwal's telling example of a comment from an official source responsible for reform vividly shows the intransigent domination maintained through unequal property laws, and the fear of altering fundamental power relations through change: the Indian Minister of Agriculture said to her at an Indian Planning Commission seminar on law reform. "Are you suggesting that women be given rights in land? What do women want? To break up the family?" (1994, 53).

In many ways, Hindu women have the most extensive legal rights to property (largely because Hindu family law has received the most legislative attention): while all property is alienable and wills or gifts can easily be made to deprive female heirs, and while daughters can receive only minuscule shares of "ancestral" property compared to sons under the Mitakshara system, in case of intestate succession women are equal heirs of self-acquired property. Some states such as Andhra Pradesh and Maharashtra have passed or are planning laws giving women equal shares of all property.

However, there are some crucial corollaries that limit these rights. Tenancy rights to agricultural land are exempt from the Hindu Succession Act (1956) and legislated by individual States, and in most north Indian States this means that daughters are either excluded as heirs or are very low on the list of heirs (Agarwal 1994, 216-8). Moreover, in most states, when land ceilings

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11 Buddhists, Jains and Sikhs are also governed by Hindu law (Diwan 1991, 3).

12 Diwan (1991, 397-412); Parashar (1992, 212-3). Because equity principles inspired the legislation but were ultimately overridden by alleged Hindu constructs of sons' spiritual and familial duties and daughters' access to stridhan or "women's wealth," male control of productive resources saturates the principles of the Hindu Succession Act.

13 So-called tenancy can include permanent tenure over land with heritable and transferable rights.
are determined, extra portions may be retained for adult sons but not for adult daughters. Worst of all, ceiling laws are included in a special category of legislation that is exempt from challenges on Constitutional grounds such as sex discrimination (Agarwal 1994, 218-23). Thus, even the best-case scenario for Hindu women is marred by many legal barriers, especially for rural women, and it is quite easy to disinherit daughters entirely.

Under Muslim personal law, not all land can be alienated, and heirs including daughters must be given shares. But inequality is entrenched in the general rule that daughters receive half-shares compared to sons, and many shares that are allegedly given as inheritance continue to stay within the undivided natal family land (Agarwal 1994, 227-36). Inheritance for Parsis (Zoroastrians), Christians, Jews (and others married under the non-religious Special Marriage Act) is generally governed by the Indian Succession Act (1925) which makes no distinction between sons' and daughters' shares (Agarwal 1994, 223-6). Parsis especially now have complete gender parity in inheritance following a 1991 Amendment. Some Christian communities (the Syrian Christians of Kerala being the most notorious example), however, are governed by very inequitable regional laws of inheritance, although these have been the subject of recent legal challenges. Tenancy and ceiling exemptions do apply for all communities, to the detriment of women. There are also numerous other ethnic groups, the so-called "scheduled tribes," plus matrilineal Hindu and Muslim communities, who continue to be governed by exception clauses and customary law.

**Property Values**

One of the greatest obstacles to comparing amounts of property between groups lies in the different kinds of property at issue, and the various methods of acquisition, uses, and future potential.
Urban and rural property are separated in the following tables because they typically have significantly different value, but the variations within those categories are likely to be just as large. For instance, one of the biggest variations is in the value of residential versus commercial property in both rural and urban areas. In the city, the proportionate value (residential/commercial) in some instances is around 1:4, but the cost of land per bigha\(^1\) or square foot varies further depending on the social class and facilities associated with the neighborhood. As cities expand, property in "remote" suburbs typically explodes in value. In rural areas too, there is an immense difference between the cost of swampy land, cultivable fields, residential plots, forest areas, orchards and relatively commercial strips. Orchards and shops (especially those close to highways and railway stations) are regarded as prime areas, and fields where cash crops are grown are more prized than land where food crops are typically cultivated.

Furthermore, some of the urban land tabulated here was squatter land, i.e. it may have been obtained "free" or with a small bribe to the community leaders, but could subsequently be sold to others or traded for better housing, depending on the development of the area. While such "property" could have economic value in exchange, it also had little legal standing and was far more vulnerable to destruction than formal ownership. As for profitability of property, an apartment bought long ago (and now quite valuable) by a retired couple who now lived on their pension provided no additional financial benefits per se, while rural land that cost much less per unit provided its owners with substantial economic advantages. Thus, inflationary increases as well as the potential use of the land/property need to be kept in mind while evaluating property values considered in this sample.

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\(^1\) 1 bigha = approx. 1/3 acre = approx. 1613 sq. yards.
The estimated costs of property in the families of the interview residents are provided here to give a general idea of the property values at issue. While many women claimed to have little idea of general property values, they had a much better sense of how much they had spent on buying and acquiring immediate (nuclear) family property (though less idea of how much their in-laws' or parents' property was worth). For KE, most of the apartments were bought in the late 1960s. For instance, Rani and her husband got their flat in 1969 and paid about Rs. 20,000 in all, in instalments over a period of five years. They have been told that a conservative current value would be Rs. 1,000,000. In KC, the "lottery" for the flats was held in the early 1960s; the total cost for the flats was between Rs. 3200 and 4000, and Seema and her husband got their flat in 1964 and paid off their debt, Rs. 3600, in about three years. Currently each flat is valued between Rs 4-500,000. In SN, when extensive migration started in the late '50s, families had settled free on both residential and agricultural land. But now there was no longer any cultivable land in SN and buying a ready-made jhuggi/hut or getting one made could cost between Rs. 5-10,000. Jaya got hers for a "discounted" price of Rs. 1500 because her brother was well-acquainted with the people who took this money. But others who had set up huts without bribing the self-designated community collectors or the police had been subjected to harassment and even violence.

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1 Interview 1.9, KE, 12/10/91. In the new residential areas being developed in the now-suburbs, a three-bedroom flat in an upper-middle class area designated to be very "modern" was selling in 1994 at Rs. 3,000,000 (approx. $100,000 at the current exchange rate).

19 Interview 2.2, KC, 2/4/92.

19 Interview 3.1, SN, 12/7/92. Several of those who were evicted from their jhuggis and given LIG flats had sold those flats (Pramila's flat sold for Rs. 35,000, and the sum was used to buy rural orchard land at about Rs. 8-90,000/bigha). Direct monetary compensation from the city for evictions was much less, at Rs. 500/unit.
In the following pages, the total family resources of the sample households are tabulated by putting together the various sources from which property may potentially come: the assets of the nuclear unit, possible inheritances from the husbands' and wives' families, and resources from children or other relatives or non-relatives. The first three categories are obviously the most substantial. The woman's natal family usually plays a minor role, but it is necessary to tabulate the resources owned by those families to understand what nuclear families forfeit by not having access to that wealth. Women's in-laws' property is more directly relevant because couples typically get a share from that if there is anything to divide, and along with the resources the couple themselves may have saved, this makes up the major property fund for the nuclear family.

**Women's In-laws' and Parents' Property: The Significance of Class, Residence, and Marital Status**

The patterns of property ownership by the women's parents and in-laws show clear commonalities in the accumulation of wealth and its relation to class privileges, broad gendered trends of property division, and the limited paths for women to have formal access to property. Thus, a cultural map of property distribution can be delineated by examining these assets. Yet it is also necessary to compare/contrast the in-laws' property with the parents' in order to determine whether there is a general parity, or support for the rationale that women's rights to affinal property can alone lead to an even distribution of social resources. If there are substantial differences in wealth between the two families, then women's shares from one side cannot be seen as generally equivalent, and standards of living can be substantially affected by proscriptions against natal family property. Thus, both sameness and difference between in-laws' and parents' wealth are important in mapping property relations.
<table>
<thead>
<tr>
<th>Property Owned*</th>
<th>KE/N=14 In-laws</th>
<th>KE/N=14 Parents</th>
<th>KC/N=16 In-Laws</th>
<th>KC/N=16 Parents</th>
<th>SN/N=30 In-laws</th>
<th>SN/N=30 Parents</th>
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<td>6.3</td>
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<td>3.3</td>
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<tr>
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Table 3.1: Property Ownership by Women's In-laws and Parents (In Percentages).

* Amounts of property were calculated per family, viz. 21.4% KE women said their in-laws owned one MIG flat each. Some women gave multiple 8.3% responses were coded as "not applicable" for in-laws' property responses.

^b 1 bigha= approx. 1/3 acre= approx. 1613 sq.yds.
The kinds and amounts of property owned by the women's in-laws and parents, as shown in Table 3.1, illustrate the different ways in which urban and rural wealth are consolidated. While most middle-class urban settlers tended to invest in urban housing, families with a rural base placed a high value on land per se, concentrating on cultivable rural land and regarding urban housing as more informal and temporary (such as squatter land in this case). Thus, the in-laws of KE and KC women had little rural property: only 13.3% women from the middle-income group reported their in-laws having some ancestral land or houses (i.e. these had been inherited and no assets had been put into acquiring them). Similarly, the parents of 20% of women from the middle-income group were the only ones to have rural family land. Besides current residences, some of these families also owned additional urban property: 14.3% KE women's in-laws had land in addition to a flat or house, and 31.3% of the KC women's in-laws owned two or three flats, houses or land. This indicates that extended property acquired in urban areas was also directed towards housing, in forms that could be distributed between multiple heirs in the next generation.

In contrast, the in-laws of 13.3% of the SN women, who had moved to the city had acquired multiple jhuggis for living in, thus spreading out living quarters with no formal acquisition, while also holding on to varying amounts of rural land and even suburban land in one case. 6.7% SN women reported a substantial amount of land in the SN area also being taken over by their in-laws, largely for agricultural purposes. As for parents, only 6.7% SN women reported them having a jhuggi or jhuggis and urban land in settlement colonies: this number reflected the virilocality and neilocality norms, i.e. few parents lived in SN. In general, the residential history of SN indicated that some families with rural origins used the initial toehold of huts in squatter areas to gain urban property through exchanges, thus becoming able to take advantage of economic benefits like jobs or businesses in the city in succeeding generations. However, unlike the families of the KE and KC
women where most property assets appeared to be acquired with the aim of living and working in the city (there being few directly profitable or productive uses of flats and houses not rented out or used as shops), the apparent urbanization of the affines (and some parents) of the SN women was almost always accompanied by efforts to retain and extend rural, especially cultivable, land.

This two-pronged process of resource acquisition among the families of the urban poor illumines not just the complex dynamics behind so-called urbanization/modernization, but also shows the difficulties of delineating the class positions of rural landowners and urban wage-earners in terms of ownership of productive assets. When property assets are considered, the families of the urban poor owned far more land than that of the urban middle-class, and the total value of such rural property could be greater even after considering the higher value of urban land. Despite access to such capital, their poverty in the city, where they lived in the worst conditions and often worked in the lowest-paying jobs, came from a lack of education, training, connections and other resources that kept them out of the most productive urban jobs or businesses (Rao et al. 1991, 306). Yet urban employment for a few members of the family was still seen as a wise economic move, because rural agricultural land, primarily used for subsistence, could be retained and cultivated by a few family members (even the very old or young), while wages from the city brought in additional resources (Hershman 1981, 70). For instance, Pramila's natal family, having about 8-10 bighas land in Uttar Pradesh, increased the joint rural property from the surplus urban wages of her three brothers, while the remaining brother stayed home and was in charge of maintaining the land20 (women were not counted as potential wage-earners or farmworkers in this scheme). Productive rural property and urban cash-earning opportunities were thus optimized for the family.

20 Interview 3.20, SN, 12/30/92.
While the future division of affinal and natal property was unclear to the women in some cases, broad trends of property distribution emerged clearly. It appeared to be a common practice for property to be held in the senior male's name until his death. While the specific shares he designated were divided up in some cases, often the property continued undivided after his death, especially if the senior woman was alive, in which case she was sometimes regarded as the de facto owner who had a say in the final division of the property, her honorable social rank in this matter held to supersede her legal lack of authority. 21

These patterns show up in the accounts of property divisions. In 26.7% of the 60 cases, the fathers-in-law were still alive and had control over the joint property, while in 33.3% of cases the women's fathers were in the same position. In 8.3% of the cases, the property remained officially undivided among heirs despite the father-in-law's death, and 10% women reported undivided property despite the father's death, plus there were 3.3% cases where the women's mothers and brothers had also left the property undivided. Property had already been equally divided between the women's brothers in 23.3% cases, and between male heirs, husbands and brothers-in-law including sole sons in 10% cases, while in 15% cases pertaining to in-laws' property, the male heirs received property in unequal shares.

These apparently different ways of distributing property all had in common the safeguarding of property for male heirs. For instance, property was left undivided, as with Rani's father's considerable estate of houses and businesses in Delhi, or Kiran's family's more modest joint urban home including uncles and their families. 22 so that senior males and their families could effectively

21 Hershman's (1981, 70-75) and U. Sharma's (1980, 47-74) research on Punjab and Himachal Pradesh also show property being distributed among male kin, while daughters are usually asked to sign away their rights, and even widows have a difficult time getting a separate share.

22 Interview 2.8, KC. 2/11/92; Interview 1.9, KE. 12/10/91.
enjoy the property without entering into potentially troublesome areas like formal division involving female heirs. In a parallel strategy, as narrated by Vimla, her father-in-law gifted pieces of property (two flats and a piece of land) directly to his three sons while still alive, insuring the continuation of male control of property after him. Among Sushila's affines, her father-in-law inherited three-fourths of the total family land, about three bighas, by getting the portions of two predeceased brothers because they decided to stay "joint," and had only to pay living costs for one widowed sister-in-law, while the fourth brother who decided to ask for a separate portion got only a quarter of that. Thus, unfragmented property was as much a signifier of consolidation of male control as direct shares to sons.

Women's best chances of having control over property were to have legal or de facto power over joint property as widows. In 15% cases, the mother was designated as the official or de facto owner after the father's death, and in 13.3% cases the widowed mother-in-law was in the same position. In the KE and KC cases, given the nature of the properties in question, this mostly involved the family continuing to live in the common urban residence with little direct financial benefit. But the ownership was more meaningful where rural land was concerned, as women in this position were sent money by sons, for maintenance but also as "payment" for cultivating the common land, and the actual distribution of specific pieces of land (and hence the dispensation of favors) lay largely with the mothers as well.

While such de facto ownership was not the predominant means of property devolution, women's rights to property as widows did represent their best opportunities to get such resources.

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21 Interview 2.13. KC, 2/17/92.

24 Interview 3.17. SN, 12/28/92.
Twenty-one point seven percent women reported that their mothers-in-law got or would get official or de facto control over the property, and only 10% definitively said they had or would not. As for mothers, over a third or 36.7% women indicated that they had or would get property, although 25% women also said they had or would not.

Although mothers and mothers-in-law of KE and KC women were highly represented in this sample of property-controlling widows (40% women reported this about mothers, 16.7% about mothers-in-law). SN women's mothers-in-law and mothers were also prominent (26.7% and 33.3% respectively). The large proportion of SN women reporting this is particularly significant given the greater control achieved by handling rural property. But generally, this mode of property access for women is crucially important because it represents a culturally sanctioned space of power for women, existing in defiance of legal norms: if portions were broken up in strict accordance with law, widows would in most cases get portions similar to their sons, rather than effective control over entire estates. In Madhuri's joint family, for example, her father, the eldest son, had added a small amount of money obtained from selling a flat that was in his father's name to his own savings and bought the flat that their extensive joint family all now lived in, but had made his mother the formal owner because she was the most senior member of the family and thus honored as token head of household. Thus the valuation of maternal authority as equivalent to the paternal in the father's absence (though not in his lifetime) underlines women's access to power and property as mothers at least at a symbolic level.

This legitimation of maternal authority is particularly striking when contrasted with women's ownership of property as daughters. Only 3.3% of the women mentioned sisters-in-law getting shares of natal property, while 45% definitively said that sisters-in-law had not or would not receive

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25 Interview 2.11, KC, 2/12/92.
property from their parents. Eleven point seven percent of the women said that they themselves and their sisters would get property, while 55% said they would not. The high proportion from SN in this respect (66.7% women claiming that sisters-in-law would get no property, and 46.7% claiming that they or their sisters would not, as opposed to 23.3% and 13.3% respectively from the middle-class areas) is a strong indication of the minimal formal ownership of rural land by women. In some other cases (6.7% of the women describing situations of sisters-in-law and 18.3% describing themselves and their sisters), daughters were said to have retained their property rights because they got or would get cash or jewelry (though not land or housing) after their parents' death, would be offered property whether they took it or not, or had indicated that they would take cash shares if the property was sold and not retained. However, these exceptions represent individual negotiations and optimistic projections, while the preceding sets of figures show the actual strong barriers against daughters succeeding to family property. In opposition to actual or symbolic maternal authority which provided some avenues of property ownership, parity of sons and daughters with respect to family assets was thus highly unusual and customarily blocked.

Apart from the route of getting property as widows, most property inheritance for women generally occurred in unusual circumstances, e.g. as rewards for eldercare or in sonless families, rather than as a matter of course. Other routes included making arrangements for unmarried or divorced women, and gifts from disproportionately wealthy natal families. But hardly anyone mentioned actual cases of women becoming equal inheritors of natal property in families where there were both male and female children. The only exceptions were Kalpana, who talked about some affinal relatives who had divided property equally between two daughters and a son "and were still friendly" (dismissing but evoking the specter of family discord that is supposed to emerge when property shares are extended to women), and Champa, who related that a female cousin in her village
asked for her share of natal property and managed to acquire it in the face of initial resistance.⁹ Even in these cases, the examples cited were distant and almost legendary for those families; there were apparently no instances of women amicably sharing natal property with brothers among the respondents or their immediate families.

Even the apparent ease of ownership for women as widows needs to be treated cautiously. In some cases, this appeared to give women actual powers of dispensation, including the addition and subtraction of heirs, while in others it seemed to be a superficial formality that was challenged if women attempted to transform the status quo in any way. Thus, Lalita's husband and three brothers-in-law had agreed that her mother-in-law's opinion about whether a widowed sister-in-law (a brother-in-law's widow) who lived with her parents would get a share of their 10 bighas of rural land would be decisive. Similarly, Poonam's mother-in-law had decided to leave most of the family assets to the youngest son, and had accordingly made her other sons pay her fully for the value of her husband's two other apartments for the right to live in them, with little reported protest. On the contrary, Kavita's paternal grandmother had tried to re-allocate their substantial rural property to be able to give something to two widowed daughters, but had been vehemently opposed by her sons who despite having additional individual urban property wanted their full shares, and insisted that she could only have control over the equivalent of her individual portion.⁷ Thus, widows' de facto inheritance could in fact signify a formal honor with little substantive powers to handle the property as full owner.²⁸

⁹ Interview 2.4, KC. 2/6/92; Interview 3.24, SN. 1/5/93.

⁷ Interview 3.7, SN. 12/11/92; Interview 2.14, KC. 2/18/92; Interview 2.6, KC. 2/7/92.

²⁸ U. Sharma (1980, 53-5) confirms women's easier access to property as widows as well as great practical difficulties in having control over their property.
Furthermore, widows' rights to property could be threatened by their simultaneous rights as daughters, i.e. any financial support from the natal family could result in forfeiture of shares in affinal wealth, signifying that property could be received from only one of the two families. After one of Shobha's brothers-in-law bought or was given a little rural land near his in-laws' place, his widow continued to live there. Shobha claimed that her mother-in-law was unlikely to give the legal quarter share out of their joint five bighas to this widow because she had moved near her parents, despite her affines not knowing whether this woman had actually inherited anything from her parents. Similarly, Sushila's husband and two brothers-in-law intended to foil a widowed sister-in-law's request for a property share by pointing out to the panchayat (village council) that this woman had bought property near her natal family (it was not known if the natal family helped her buy this), hoping the panchayat would rule in their favor if they pleaded that the brothers' three bighas should not be diminished further when the woman already had some property. The fact that Sushila's husband and occasionally a brother-in-law also had urban wages and a jhuggi in the city did not, however, seem to diminish their own claims, which were based on male entitlement to rural land. Thus, widows' rights to affinal property got eroded by proximity to and help from their natal families, and this apparently secure avenue of gaining control over property seemed to be attainable only at the cost of forfeiting property as daughters.

In any case, most women were even unlikely to succeed to property as widows. While the number of women who had got or expected to get legal or de facto rights to property after their husbands were gone was high, especially when compared to their non-existent expectations as daughters, the highest estimation of 36.7% still left out the majority of women. This majority, usually

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24 Interview 3.9. SN. 12/14/92; Interview 3.17. SN. 2/28/92.
benefit of natal property, at best enjoyed the benefits of affinal property mediated by their husbands' ownership.

In this context of large-scale disinheritance of daughters, the portrait of property distributions needs also to include an estimation of how important family property was to the heirs' overall wealth, to understand whether receiving natal property was in fact materially significant. 18.3% of the women reported that their in-laws had no common property left and 13.3% that their parents had none, making inheritance a moot issue. The proportion of propertyless families was thus lower than the 26% Indian average cited by Agarwal (1994, 31); a majority of families from all classes did, in fact, have property to bequeath. The lower proportion reflects the 50% weightage of middle-class families owning urban apartments in this sample, and also reveals that the urban poor living in squatter colonies are not all from the rural landless population, and may, as in this case, have substantial rural property (only 23.3% of SN women reported that their parents were landless, and 13.3% that their in-laws were landless).

Self-acquired wealth also sometimes played a significant role; sons increased the family property or made individual wealth through their own earnings, making inheritance relatively less important (25% of cases regarding in-laws' property, and 18.3% regarding parents'). Only 21.4% of the respondents from KE reported this about their in-laws, and none mentioned this about parents, while the proportions from KC were 25% and 31.3% and those from SN 26.7% and 20% respectively: a substantial difference especially with regard to parents' property, particularly for KE women's parents (see p.143). Thus, individual acquisition of property seemed all the more important for less wealthy families, because even the disinheritance of daughters could not prevent the fragmentation of property into portions with insignificant exchange value: inheritance per se only brought rights of common residence and common produce from farmland. For example, Champa's
affinal family had 20 bighas of rural land, but her father-in-law had four brothers and each of them between three and six sons, who all along with their families lived off the land. In the urban context, Sharmila and her sisters had a standing joke that if ever there were to be an equal partition of their old family home, they could carry away a few bricks each as their shares! Her natal family had a large house in a prestigious neighborhood, but between her father and seven uncles/step-uncles, their adult sons and the families thereof, each "unit" (of married sons and families) had been able to lay claim to a couple of rooms at best. The only solution appeared to be for the heirs to sell the property and add the money to their own capital to make individual residences. In such cases, virilocality determined direct enjoyment of property (and easy access to productive resources like crops or jobs) for sons, but led to no substantial material advantages if the daughters also had the benefits of living on affinal property.

However, the economic gains of inheriting property increase proportionately with the amount of land or resources at issue. Among the respondents whose families owned primarily rural land, in-laws and parents appeared in balance to own similar amounts of land, although in individual cases one side of the family was often wealthier, especially when a family owned property at the extreme ends of the scale. But among the families owning urban land, the difference in amounts of property between the women's natal and marital families was more pronounced: among the in-laws there were more MIG and LIG flats (13.3% and 23.3% respectively as compared to none and 6.7% among the

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1 Interview 3.24, SN, 1/5/93.

2 Interview 2.9, KC, 2/11/92.

3 36.7% women reported parents owning at least five bighas of land, as compared to 53.3% women claiming this about in-laws. In 10% cases parents owned more than 100 bighas but only 3.3% women reported in-laws doing so; however, 26.7% in-laws owned 10-100 bighas while 16.7% parents did so.
parents), but parents owned far more urban houses (66.7% of women reported this as compared to 16.7% about in-laws; houses are typically worth much more). Moreover, among those 20 sets of parents owning houses, a single house was the only asset in only 40% of cases; other resources included more houses, unspecified amounts of urban and rural property, substantial cash assets, businesses, a shop or shops. In 10% of those 20 cases, parental property consisted of several businesses plus unspecified rural property. These parents were thus reportedly far wealthier than the in-laws, in whose case such multiple assets were rarely mentioned.

In such circumstances, the disinheritance of daughters and the consolidation of wealth in sons' hands had substantial economic consequences, the most obvious being a marked disparity in living standards between brothers' and sisters' families in addition to the gap in assets among individuals. Not getting natal family property here appeared distinctly disadvantageous for the woman as an individual because of her resultant dependence on the husband (or father/brothers if the marriage failed), a dependence exacerbated by the statistical likelihood of her earning less than the men in the paid workforce. The disadvantage extended to the woman's husband and children too, whose standard of living would be markedly better if they had extra financial assets. The common rationale that the total social distribution of property is ultimately even if all women indirectly inherit affinal property was thus invalid here because of differences in wealth between parents and in-laws, and the consolidation of assets appeared distinctly skewed.

The analysis of the affinal and natal resources of the respondents thus reveals clear patterns regarding norms of property distribution. Different strategies for the consolidation of urban and rural wealth are connected to differential access to prime (urban) assets, e.g. education, training and employment, yet families concentrate on acquiring the kinds of property which enhance their most favorable economic bases of survival. This also has gendered effects, determining the importance of
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Table 3.2. Couples’ Marital Property Ownership (In Percentages).

*Amounts of property were calculated per couple. viz. 66.7% married KE respondents said that they and their husbands owned one MIG flat each; some women had multiple responses. Widows’ property was not counted as being part of the couples’ share, but property in married women’s names was counted as joint. 22.4% of responses were coded as “not applicable”: 1% as unknown.
women's de facto ownership of property as widows or their disentitlement to family land in joint families with a huge number of shares. While widows are definitely better placed than daughters with regard to owning any property, most women do not inherit anything directly, and the division between siblings by gender is especially unfair when natal family wealth is substantially more than affinal or nuclear family resources.

Married Couples' Property: Age and Investment as Determinants of Ownership

An analysis of the property owned by couples (Table 3.2) reveals other important determinants of the distribution of property: age, accumulation of resources, and the ownership of different types of urban property. Along with factors like marital status and household position explored above, these affected the outcome of who became owners and what, if any, significance there was to property ownership.

The kinds of property owned by KE and KC couples were significantly related to their age or life-cycle stage. While the older generation had been able to acquire property for the nuclear household quite early in their lifetimes, younger couples were unable to afford buying property given the huge rise in value and higher standards of living, and depended far more on inheritance or possibly buying property much later in their lives. In 21.4% of cases from KE, where the flats had been bought immediately following the original allotment, the women were 41 or older, and profited from the lower property values of the 1970's. Two widowed women (14.3% of KE women) who owned flats also fell into this age group, but while one had bought the flat during the allotment using her late husband's insurance and provident fund money, the other had got the flat in her name about seven years ago (thus at a higher price) with resources including her sons' contributions, her own jewelry and her late husband's savings. Similarly, from KC, 37.5% of the women related that they had
purchased flats during the original allotment at the very low price, and two widows (12.5%) who had been married then had also got the flat at that price. One couple in the older age group had bought the flat eight or nine years ago at a much higher price, but they had sold their property elsewhere to buy this. Thus either the age-related opportunity to buy in cheaper times or the accumulation of resources with age were related to the acquisition of property.

Among the 22.7% of 22 middle-class couples who owned flats at a younger age, 18.2% had got the residences through the husbands' inheritance upon their parents' deaths, and in one instance (4.5%) a flat had been given by a KE woman's father to the couple as a wedding gift. Only 15.4% married women from KC described their husbands (one in his 50's and one in his 40's but with a prosperous business) having other land or houses in addition to the flat, although 53.9% did report having businesses or shops. People in KE tended to be professionals or high-level waged employees, and couples appeared to have no investments in businesses or shops. While urban housing was the focus of acquisition, it had become increasingly difficult to acquire, and most younger couples relied on inheritance of portions of the man's family residence as the sole path to property.

Age was obviously a far less significant factor in SN, where it was possible for migrants of all age groups to acquire some property because minimal capital outlay was required in most cases. In all, 77.8% of 27 SN couples either had formal jhuggi cards or had laid informal claim to squatter land. Only 33.3% of the couples reported buying any other property, including 22.2% who had claims over squatter land, and 3.7% who had some family land additionally inherited from the husbands' side plus the jhuggi. Some couples had acquired LIG flats or small houses when the government had

11 However, in the total sample, there is a moderately good correlation between age and ownership of property (correlation coefficient 0.38, p-value 0.0028); i.e. women's chances of owning property increased with age, regardless of class.
offered these in exchange for jhuggis (and had subsequently returned to SN, profiting from the deal).

However, the history of settlement at SN showed that state recognition of squatter huts as property was highly arbitrary; although claims had been recognized and equivalent housing provided when huts were destroyed for some municipal projects, there were also numerous instances, e.g. after floods in the late 1980’s or in 1991 following an alleged environmental initiative, of families losing large amounts of crop land when informal claims over land in the form of jhuggi cards were not recognized for compensation purposes.

While only 22.2% of SN couples had already inherited land or other assets, getting property through the husbands' families was crucial for many in terms of having any financial resources. Significantly, far more couples than in the other two groups were interested in buying rural land with their savings, in acquiring or expanding existent rural property because it was seen as being a long-term, stable economic asset, as opposed to buying urban residences which could be easily obtained or even free, or urban property with high potential value but little direct productive return. However, because even relatively cheaper rural property could only be bought in very small amounts from wages after other urban expenses, inheritance was extremely important for providing core support.

Within all income-groups, acquisition of individual property assets by married couples had thus become increasingly difficult, and great reliance was placed on inheriting some assets from a previous generation. While it was relatively easy to acquire nominal access over squatter land, this form of ownership was also highly vulnerable to loss and had very low exchange value.

Women Property Owners: Economic Contributions and Title to Property

By examining the kinds and sources of property owned by women directly (Table 3.3), patterns of property transmission become even clearer. A tabulation of property technically owned
<table>
<thead>
<tr>
<th>Women’s Property&lt;sup&gt;a&lt;/sup&gt;</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urban</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIG flat</td>
<td>0</td>
<td>31.3</td>
<td>3.3</td>
<td>10</td>
</tr>
<tr>
<td>MIG flat</td>
<td>28.6</td>
<td>0</td>
<td>0</td>
<td>6.7</td>
</tr>
<tr>
<td>1 jhuggi</td>
<td>0</td>
<td>0</td>
<td>33.3</td>
<td>16.7</td>
</tr>
<tr>
<td>Several jhuggis</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>&lt;1 bigha land</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
<td>1.7</td>
</tr>
<tr>
<td>&gt;10 bighas</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
<td>1.7</td>
</tr>
<tr>
<td>Business/shop</td>
<td>7.1</td>
<td>12.5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Makeshift shop</td>
<td>0</td>
<td>6.3</td>
<td>6.7</td>
<td>5</td>
</tr>
<tr>
<td><strong>Rural</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;1-5 bighas</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
<td>1.7</td>
</tr>
<tr>
<td><strong>Future Ownership planned</strong></td>
<td>14.3</td>
<td>12.5</td>
<td>3.3</td>
<td>8.3</td>
</tr>
</tbody>
</table>

Table 3.3: Property Ownership by Women (In Percentages).

<sup>a</sup> Amounts of property were calculated per respondent, viz. 28.6% KE respondents said that they owned one MIG flat each; some women had multiple responses. 7.1% KE respondents and 10% SN respondents also reported cash assets as property.
by "couples" indicates women's enjoyment of the benefits of that property, but says little more about their relationship to it. Paths of formal ownership for women, on the other hand, illumine ideological structures motivating distribution of property.

Women's own economic contributions towards acquiring marital property appeared to be extremely important in determining whether they would be owners. Among the 30% of middle-class women who owned LIG or MIG flats, most had made a direct economic contribution towards acquiring those flats. Lata had bought her MIG flat entirely out of the earnings from her job; her husband had never held down a job or contributed to family income, so she considered their flat to be her own property.11 44.4% of the other nine women who had flats in their name said they had contributed their jewelry towards making the payments. In fact, all the women who mentioned contributing jewelry towards paying for the flat were also formal owners; this suggests that either women's property ownership became more likely where they put up some of the capital, or that only those women who had the property in their names pointed out their contributions of jewelry while others did not.

Gendered notions of male "responsibility" and female "need for protection" that emerged in justifications given by middle-class women for their ownership of property indicate the probability of women's contribution being connected to formal ownership. Ironically, women's economic vulnerability is invoked as a rationale in these justifications, even though here women were the ones with the capital. Bina, who owned a flat and a shop while her husband owned one other shop only, repeated her husband's remark in this context, "tumhara hai, tumhare nam me rakkho" (it's yours.

11 Interview 1.2, KE. 12/3/91.
keep it in your name'). This hints subtly at the emasculation of accepting women's resources to build up common property (i.e., implying the man's relative lack of ability), and hence the need for overcompensation in the gesture of "giving" the property to the woman. Thus, the masculine role of providing women with a source of support is satisfied, and men's independent ability to make other resources is asserted.

Various practical causes were cited for the flats being in the women's names, a frequently-stated one being that couples originally applied under both husbands' and wives' names when there was a lottery for the allotment of flats (to increase their chances), and the later registration was simply done according to whose name came up in the lottery. But other justifications clearly pointed to the negotiation of gender roles underlying the potential empowerment of "giving" women property. Several women from KC said their husbands wanted some property to be in the wives' names so that the women would not be left resourceless if their husbands died and people would not say their husbands left them helpless. Renu (who owned their LIG flat while her husband owned some additional land), even claimed that it had become common in their community for husbands to buy some piece of property in their wives' names for this kind of security. Seema was the owner of their LIG flat, the couple's sole property, but even then, her husband reportedly said "admi to apne kam- kaj se kar lete hain, aurat kanha jaye" (men can make something for themselves through their own work, but where will the woman end up?), validating his potential of acquiring resources although he had in fact bought nothing else for himself. The woman's property was thus represented as a

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15 Interview 2.1, KC, 2/3/92.
16 Interview 2.12, KC, 2/17/92.
17 Interview 2.2, KC, 2/4/92.
"gift" from her husband, symbolizing the man's responsibility, generosity and farsightedness, while her contribution to the family assets (acquired through marriage or paid work) was ideologically masked, even though her ownership may have acknowledged that contribution indirectly. However, this gesture may also have been a way for a husband to ensure that the property (including the woman's original assets) could be returned to her directly rather than being split among various heirs after his death.

Other women from KE and KC also got property through expending their own economic assets. Rekha, now 55, had used her "inheritance" upon being widowed, viz. her late husband's insurance and provident fund money, to buy the flat in the 1960's. and two other widows from KC had also acquired flats in their names. In Indira's case, her wealthy father had given a flat to her and her husband jointly as a wedding gift, so her natal family had made the ownership of this asset possible. Indira had no brothers, and was thus likely to get family property by custom, but the partial pre-mortem inheritance in this case was unusual. Sushma, who lived with her family in SN while they were having a house and an LIG flat built elsewhere, was about to become owner of the flat while her husband would own the house. Significantly, she also had a natal "connection" to this flat: it was originally allotted to her maternal uncle and he transferred the privilege of owning a reasonably-priced urban flat to her, even though her husband paid for it. Thus, in these cases, women's succession to property was relatively independent of the affinal family's resources.

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1 Interview 1.3, KE. 12/4/91.
2 Interview 1.10, KE. 12/11/91.
3 Interview 3.29, SN, 1/8/93.
"Ownership" of huts on squatter land had, as always, a very different significance from formal ownership of land or housing; this ensured a certain sense of security for women, but was ultimately a far more vulnerable and far less valuable form of owning property. In SN, 43.3% of 30 women reported "owning" one or more jhuggis, that is they had the "jhuggi cards" made out in their names. This included 6.7% women who were widowed heads of households, who each owned several jhuggis and 3.3% also had some other land.

In a couple of cases, married women from SN had deliberately sought individual ownership because of their husbands' proven unreliability and their own responsibility for family survival. Shobha had insisted on this after her husband sold their previous LIG flat in a drunken fit, and the police had told her then that they could do nothing to save her home if she was not the owner. Jaya had even made sure that she paid for her jhuggi fully out of her own wages so that her husband's threats of selling their house and moving the family forcibly back to the village could not constantly be used to frighten her. For these women who had experienced the vulnerability of economic dependence in graphic ways, even the relatively insecure ownership signified by the jhuggi cards constituted an empowering step in safeguarding their families' living conditions. Given their severance from direct ownership of family property, this was the best solution they could afford.

However, other women whose names appeared on jhuggi cards reported doing this mostly for bureaucratic convenience and with their husbands' full agreement, in response to the requests/demands of the card-granting officials that the formal cardholder be someone who was home during the day when they made their visits. Given the negligible legal rights to formal property guaranteed by the cards, and the far greater attention devoted by these families to acquiring cultivable

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41 Interview 3.9, SN, 12/14/92; Interview 3.1, SN, 12/7/92.
land or better urban housing, the larger number of women "property owners" from this area may not be very meaningful in the context of the total and preferred property of these families.

As wives and daughters, poorer women were sidelined from formal ownership of land resources, while their husbands often got rural land through inheritance and hence were much wealthier in terms of disposable assets. Other than informal ownership of jhuggys, hardly any women in SN owned any other property. One woman (3.3%) owned a small amount of land (in an as-yet unbuilt area) jointly with her husband, bought from his savings, and one was going to get a flat in her name while her husband also bought a house. There was also the highly unusual example of Meena, whose father bought land in her name in their natal village before she was married; later she and her husband became joint owners after he added to it from his savings. These cases and one widow's land inheritance are the only examples of women from this group owning any property other than informal ownership of jhuggys. Compared to several women from KE and KC who owned the family residences and a smaller number from those areas who inherited property (in sonless families or as eldercare "payments"), a majority of these women had nothing but the doubtful security of temporary huts in squatter areas, and perhaps token control over small parcels of rural land as widows.

Non-Hindu Women and Property

While differences of social class, marital status and age definitely affected the amount and kinds of property owned by women in this sample, there was too little diversity by religion to make any predictions about how different personal laws and religion-based customs affect property transmission to women. In fact, the only three Muslim women interviewed were in family situations

42 Interview 3.28, SN, 1/7/93.
entirely different from each other with respect to property, and the variations in their situations also related to factors such as their regional/ethnic backgrounds or family wealth.

Among the Muslim women, Rehana's natal family situation was the closest to the legal norms. Both her paternal aunts and her mother did legally inherit land from their natal families in West Bengal, although each sister's share was half that of a brother's as per Indian law for Muslims. The departure from law came in the informal arrangements these women made; the land was nominally theirs but was cultivated along with the rest of the family land by their brothers. The women "took their share" of this by consuming and taking back some crops on occasional visits, plus they expected help with their children's weddings. As seen in the discussion on wedding costs and natal family help, this situation meant that women got little economic benefit from property ownership since brothers rarely gave substantial help. However, in the larger Indian context the phenomenon of legal ownership itself was quite significant.

Shabnam's family situation, on the other hand, typified daughters' disinheritance from family property. Both her father and father-in-law had bought the property they owned (15 and ten bighas respectively), and intended to divide it between their sons. Shabnam's comments on why daughters should not receive property reflected hegemonic ideologies: her brothers would break off social relations with her; she would no longer be able to make lengthy visits to her natal home; and she had already been given property in the form of wedding gifts.

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11 Interview 2.5, KC. 2/6/92.

111 Interview 3.8, SN, 12/12/92.
Parveen's situation was the most atypical because she was involved in one of the very few reported instances of uxorilocal residence. She and her husband had originally lived with her parents-in-law in the village, helping farm eight bighas but not making enough for themselves. They moved to Delhi to live with her husband's two elder brothers and their families, and finally moved in with her mother and two young sisters at SN at the request of her brothers who lived elsewhere, so that her mother would not be "alone". They had recently had their own adjacent jhuggi built, but though Parveen's husband wanted them to be separate and independent households, they still functioned as a joint household in terms of food and domestic work, with her mother being economically the head of household. The couple had in a sense become part of the wife's natal family, although they had only informal rights to a jhuggi, whereas her brothers had acquired "permanent" houses in their own names when exchanges had been offered for demolished jhuggis. Parveen's husband also expected to get a share of family rural land along with his brothers.

In effect, women had limited or no access to natal property in each of these Muslim families. Customs of virilocality kept women from even enjoying the property they supposedly inherited, e.g. in Rehana's family which showed a formal adherence to legal precepts. Ultimately all these women were recipients only of occasional and uneven gifts from the natal family, and distanced from the full benefits of their natal family wealth. Their situation varied little from that of Hindu women.

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4 Interview 3.19, SN. 12/27/92.

4 White (1993, 129-35) shows Muslim women's disinheritance from family property in Bangladesh.
Blocking Women's Inheritance

In the map of property transmissions delineated above, allegedly customary practices of inheritance systematically triumphed over formal law in most cases, and ideological notions of women's roles and expectations were used to keep women from getting property. However, when necessary, formal legal avenues were also used to reinforce customary law. That is, promises such as continuing goodwill between brothers and sisters if women took no property formed the discourse that kept this uneven distribution of resources flowing smoothly, but legal recourse was also invoked as an appropriate tool to combat women's recalcitrance because women were believed to be less knowledgeable about crafty legal maneuvers. Thus, women were at a distinct disadvantage under legal pluralism, having few rights under customary law and few of the socioeconomic resources necessary to pursue their rights enshrined in formal law. Women who pursued legal avenues did get some protection and support from the law, but the strategies used by families to block women's inheritance of property provide fascinating insights into how law is used to intimidate women. These maneuvers show how women's natures and desires are represented, what makes legal documents fluid or firm, and the incredible mathematics of tallying across genders.

One of the most common devices for disinheriting daughters is to bypass testamentary succession altogether and leave the property directly to sons as pre-mortem gifts.\footnote{Because death duties related to property are substantial in India, pre-mortem gifts to the person likely to live longer than the current property owner, e.g. the younger spouse or a child, are generally a common device to avoid paying those taxes.} The beauty of this method is also that legal challenges from female heirs can be avoided altogether. Yet in the following episode narrated by Vimla,\footnote{Interview 2.13. KC. 2/17/92.} it is important to note how this legal device manipulated between men
to solidify male inheritance was justified through the specter of female greed, disloyalty and unpredictability.

Vimla's father-in-law had bought his two elder sons property in their own names, and as for his youngest son, Vimla's husband, it was assumed that he would inherit the common residence where his parents had lived with him, as an eldercare reward. Nothing had been said about the father-in-law buying anything for his daughters. Yet, according to Vimla's account, in a conversation with her husband, her elder brother-in-law told him:

"Get the flat in your own name now (apne nam karva lo), your father is here now but he might be dead soon. Look, between us brothers there is a lot of love, but these 'ladies' who are there, they can say this is the house that belonged to the father and so they too have a share in this, but if father had willed it already then no one could have any complaints...I can give you a surety about myself, that I will say I want this to go to my younger brother, but I cannot say anything about my wife, she could make a claim later on."

Both wives and sisters were cast in grasping, mercenary roles here, in opposition to "pure" and selfless sons. In contrast to the ideal of mystical love between brothers and sisters that should not be soiled by mercenary matters (evoked by many women in explaining refusals of property. Chapter 4. Table 4.1), which frequently comes up as a reason for women declining property shares, here there was a startling inversion: it was the brothers plotting against unsuspecting sisters who portrayed brotherhood as solidarity and the brother-sister relation as being riddled with potential treachery. Sisters and sisters-in-law are also usually depicted as having conflicting material interests with regard to property (Chapter 4. p.183), and so it is notable that here women from both sides were seen to have a common overreaching greed. Here it was those without property who never protested the unequal division, and the relatively propertied and powerful who constructed a negative representation to consolidate their own position.
While legal strategies were used by male heirs to settle the situation once and for all in the case above, in other cases the law was treated as flexible and irrelevant when women did voice a legal claim to property. The greatest family wrath seemed to come down upon these women for failing to have been deterred by ideological proscriptions, and all family connections were severed. Ganga told me about an ongoing family conflict that in a way recreated the horror projected by Vimla's brother-in-law.

Ganga's husband and one of his brothers had looked after an old bachelor paternal uncle, and upon his death it was apparently assumed that her husband and his four brothers (i.e. not just the ones directly responsible for eldercare, but all the male heirs, there being no other male cousins) would share the uncle's cash savings. When the brothers went to the bank and courts for this purpose, however, they were told that because of the uncle dying intestate the money belonged to all nieces as well as nephews, and the men needed signed releases from all the female heirs. As the brothers anticipated, the female cousins signed a document saying they did not need the money and that it could go to the males. But their only sister decided that she was entitled to an equal share. From the total pot of Rs. 200,000, each brother offered her a couple of thousand from each of their shares, but being a political worker and hence relatively savvy about financial matters, she saw through their ploy and brought a legal case against them. According to Ganga, their extended family and community felt she should be able to get a share if she wanted it (some of these people also felt that the brothers killed off the uncle for the money), and that the courts would see that her claim was legitimate if she persisted, but the brothers were so outraged that they would not even let her into their houses, and were determined to use their political clout to influence the outcome of the case.

In this instance, the property being contested was not a direct ancestral inheritance of indivisible rural land to which men might claim privileged access (though it was disputed whether some of this money might have been Ganga's father-in-law's originally), nor was it a precise "payment" for eldercare because all the recipients were not the caregivers. The sister had been deserted by her husband and now had a small business besides doing political work, so it was not as if she were enjoying property from her affinal family. The rage against her was simply because in her assertion and persistence she

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Interview 3.14. SN, 12/24/92.
had rudely violated the gendered boundaries of property entitlements. As in the previous case, brotherly solidarity was viewed by the men as benevolent, whereas the sister was believed to have demonstrated a form of treachery by revealing the embarrassing conspiracy of their efforts to keep the money among the men.

In yet another family conflict revealed by Vimla, "even brotherly solidarity broke down completely when the crisis of women getting an inheritance share tested family ties. This occurred in Vimla's sister-in-law's (husband's brother's wife's) natal family, where the father had said his daughters would be given some property. Thus, there was a clear testamentary intention to include daughters in this case, although they were hardly treated as the equals of male heirs: according to Vimla, the father was a landlord who had a "huge" amount of property, and the token inheritance for his three daughters was one piece of land between them. But the sons were horrified at the thought of "their" property being diminished even by that small amount, and reportedly went around saying "Look at all these problems our father created; he just wrote down something he wanted whether it made good sense or not, now we are the ones who are going to have to give (things) because of that," strongly hinting at the father's probable senility evinced in this outrageous action.

After numerous reminders from the sisters, one strategy was to bypass the designated land, sell a portion of less profitable property elsewhere, and give the sisters the money from that sale, which came to about Rs. 10,000 for each woman. While this resolved the matter in the brothers' minds, all the sisters did not consider it settled, and ironically the issue progressed with a falling-out among brothers over their respective shares. As the brothers began fighting themselves, they approached the sisters separately and offered them greater shares of the total property if they would

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"Interview 2.13, KC, 2/17/92."
side with a particular brother. Vimla reported that all this had resulted in a complicated legal standoff and a complete breakdown of social interactions among siblings. While the amount of property at stake here may have been primarily responsible for the conflict, it is fascinating to mark the flow of brotherly solidarity, holding firm against women's encroachment but crumbling as soon as individual self-interest was threatened. It is clear that property was perceived by the brothers with a profound possessiveness, and sisters were viewed as being fundamentally disentitled to those assets. Yet in what became a parody of pure brotherly relations, sisters were enticed with prospects of property mainly as a way of foiling another brother's rapaciousness and reducing his share.

The perceived ridiculousness of women's property shares is perhaps best exemplified by the bargains offered to women in lieu of property. In the above two cases, the cash amounts offered in "exchange" for the money or land at issue were laughably paltry, and lacked the basic criterion necessary for a rational trade, viz. that the item offered be attractive enough to justify forfeiting what one might have got instead. Fortunately for the women in these cases, they seemed to have realized the unfairness of the deal, but other women were cheated through similar calculations. For instance, Shipra repeated her family's belief that one of her sisters had "taken money" from their brother and maternal uncle in exchange for giving up her claim to land.\textsuperscript{31} When the actual amounts were tabulated against the family perception, however, it came out that the sister got only Rs. 200 each from the brother and uncle who individually had at least 10 bighas, even though she was ostensibly using the money to buy some land adjoining her current home and that cost at least Rs. 25,000-30,000 per bigha.

I read this mathematical naivete on the part of male heirs not as an attempt at fair compromise at all, but as a product of arrogance. Those who considered themselves to be the

\textsuperscript{31} Interview 3.23, SN, 1/4/93.
legitimate heirs wanted the minuscule amount to stand as a "gift" of magnanimity that would make the pesky problem go away, ignoring the prior validity of the claims of female heirs. A rejection of this grand gesture was then seen as sufficient cause for moral outrage. Simultaneously, there was also the threat of dragging the matter through the courts if the trade was not accepted, and women's alleged inferior knowledge of legal maneuvers and their difficulty with going to court regularly for years could be used to drive home this bargain.

Conclusion: Stable Systems of Disentitlement

In this glimpse of property relations, women's rates of property ownership were better than the abysmal 1% world average cited in the UN statistics, but the overall picture did not get much better than that. While property ownership appeared to be a source of security for women of all classes, they had few opportunities to profit from it. As widows, whether in urban or rural areas, or middle-class women married in the 1960's, they had the best opportunities of being formal owners of property, although even that was far from ubiquitous and came with varying degrees of control over the property owned. The relationship between urban and rural wealth and differential access to prime resources in the capitalist economy also played a significant role, and women were particularly cut off from rural family wealth enjoyed by males among the urban poor. Most property divisions were supposedly in the spirit of customary law and ignored newfangled changes, but those who benefitted from such property were entirely ready to use legal remedies to their advantage, and thus the continuance of seemingly old traditions were in fact a consolidation of post-colonial regimes of privilege. Within this old/new scenario, women's role (in different ways depending on class) was

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always to have access to property mediated through marriage, and to experience property through the
gendered codes of protection and vulnerability, rather than in terms of acquisition of power and
wealth.
CHAPTER 4

WOAYEE HAK LENE/ THERE SHE COMES, TO TAKE HER RIGHTS: THE
DREADFUL SPECTER OF THE PROPERTY OWNING WOMAN

Oi jaye, Oi jaye, Bangalir meye
Khey jaye, Niye jaye, aro jaye Cheye

"There she goes, the Bengali's daughter;
She eats from us, takes more with her,
And wants even more."

The Bengali saying above plays on the alleged fears associated with women's claims to natal family property, which make the woman responsible for taking an infinite parade of prestations from her family. This specter of daughters' insatiable greed and one-sided lifelong drainage of resources from the natal family is used to construct a good/bad daughter model that valorizes women's refusals of inheritance shares and demonizes those who would pursue claims to property or resources. Yet this placement of the onus upon women is a cruel inversion of the facts surrounding the majority of property transmissions: transactions between groups of men where women function as tokens of exchange; sons inheriting the bulk of natal family resources despite numerous gift-giving rituals where small amounts of assets are transferred; and strong cultural sanctions for the estrangement of
women from their natal families. The simplest of rhythms and words in this couplet appear to naturalize a "timeless" truth, but these supposedly ancient cultural beliefs serve to counteract postcolonial efforts towards reform of inheritance law.

The title of this chapter, "WoAyec Hctk Lene" (Here She Comes, to Take her "Rights") also invokes an ideological barrier that deters women from seeking family property. It is a phrase used by one of my interview respondents to describe a similar hypothetical specter: what she imagined her brother, sister-in-law, and other relatives saying if she ever tried to claim her legal share of natal family land. The phrase brilliantly captures the double entendre of the words "hak" as well as the translated term "right". Even while "hoklena" or "taking rights" has a strong pejorative connotation in this context, implying greed, a selfish focus on individual rights, and a monetization of family relations, ironically the notion that availing of one's "rights" is the right or correct thing to do by standards of legal equality cannot be erased. This tension between the fairness represented in enforceable legal equity and the invaluable family ties which allegedly rise above legality may explain the hostility directed towards the "haklena," the woman who would claim her "rights".

In the context of this study which places women's subjectivity centerstage, however, it is also important to mark the limitations in the power of such sentiments. Women, while partly constituted within those relations, are not simply manipulated by such sayings: they also contest such ideology in overtly rebellious or subtly resistant ways. With regard to property transmission, some women

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1 The Urdu "hak" can be translated as "right" both in the sense of legal rights and in the sense of true or correct.

2 A similar tension persists in English in the pun on "right," and the closeness between "property" and "propriety," both of which (according to the Oxford Dictionary of English Etymology) are derived from the Latin *proprius* meaning "one's own, special, peculiar"); thus, property is that which rightfully belongs to one, but there are certain right/proper paths to get it, and in a parallel sense, propriety or doing the right thing can bring rights to social capital/property.
show a desire to assume equal social and financial responsibility towards parents and to maintain empowering connections with the natal family, while others separate themselves from the natal family except for receiving occasional gifts, and are possessive about other women's claims to "their" affinal property. All these positions are related to the tradeoffs within the total social system of distribution of resources. Between the extremes of a perfect echo of patriarchal ideologies about women having no right to property (representing the discursively conquered), and of ideas about a scrupulously equal economic division of property (often portrayed as the "correct" feminist position), lie a range of other positions reflecting women's negotiations of various social factors.

This chapter attempts to identify the network of nerves and sinews beneath the visible body of property divisions by examining such negotiations surrounding property division. As Brettell argues in her analysis of nineteenth-century property bequests in Portugal, property transactions "both shape and are shaped by relations between men and women, parents and children, brothers and sisters... These transactions constitute moments when the rights and obligations between people are negotiated" (1991, 447). Thus, "underlying the process by which material wealth flows from one generation to another are fundamental notions about kinship and gender" (1991, 460) and hence "an understanding of cultural constructions of gender difference are of utmost importance to an interpretation of systems of property transmission" (1991, 462). Certain ideological notions that mediate women's attitudes towards accepting property shares from their natal families in India are examined closely in the following sections as a way to explore myths and realities about the construction of kinship. These notions include the construction of eldercare and family responsibility, women's role as surrogate males in sonless families, dowry and other prestation or lifelong help as substitutes for inheritance, and the relation between accepting property and women's total severance.
from the natal family. Within each parameter, there is evidence both of fundamentally intransigent male entitlements to property and women's negotiation of alternate spaces.

Beyond the particular issue of grounding Indian women's low rates of property ownership in larger sociocultural frameworks, the broader question investigated in this chapter is the relationship between individual agency and ideological apparatuses, a problem that goes to the heart of cultural theory and the very definition of ideology. Is some women's acceptance of their own lesser entitlement merely a reflection of their position within dominant power-systems, within the "hegemonic" structures of Gramscian theory or the "doxa" designated by Bourdieu? The Marxist notion that such beliefs were merely "false consciousness" has long been out of favor for cultural theorists, who have marked that people's beliefs are fundamentally constituted within certain ideologies, rather than alien notions being forcibly imposed upon them. Moreover, the idea that certain notions can be transparently called "false" is problematic, because "ideological" beliefs are not experienced separately from lived social relations and cultural sensemaking. As Eagleton puts it in his extensive summary-discussion on the meaning of "ideology."

Part of the opposition to the 'false consciousness' case stems from the accurate claim that, in order to be truly effective, ideologies must make at least some minimal sense of people's experience, must conform to some degree with what they know of social reality from their practical interaction with it. As John Elster reminds us, ruling ideologies can actively shape the wants and desires of those subjected to them; but they must also engage significantly with the wants and desires that people already have, catching up genuine hopes and needs, reifying them in their own particular idiom, and feeding them back to their subjects in ways which render these ideologies plausible and attractive. They must be 'real' enough to provide the basis

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1 Hegemony, according to Gramsci, is one of ways in which "the supremacy of a social group manifests itself" (1971, 57), involving "the 'spontaneous' consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group" but also incorporating coercive State mechanisms if necessary (1971, 12). Doxa, as Eagleton summarizes, are "stable, tradition-bound social order[s] in which power is fully naturalized and unquestionable, so that no social arrangement different from the present could ever be imagined" (Bourdieu 1977, 164-71; Eagleton 1991, 157).
on which individuals can fashion a coherent identity, must furnish some solid motivations for effective action, and must make at least some feeble attempt to explain away their own more flagrant contradictions and incoherencies (1991, 14-15).

Although Eagleton's view of ideology still appears to imply that there is an external imposition of harmful views by interested parties, his notion that ideology contributes a seemingly real and rational basis for identity formation is very important to the argument of this chapter that attitudes to property division occur in a universe of perceived cultural tradeoffs, and are not simply a result of ideological manipulation.

In the following analysis of attitudes and family histories, there were of course numerous instances where dominant ideology, whether internally constituted or externally imposed upon women, was connected to women's apparent willingness in aiding their relative material impoverishment. However, many complex constructions of self were also at work here, and, even where it could be shown that certain of the women's expectations were "false" in the sense of being contradicted by "real-life" events, this does not necessarily mean that they were oblivious of the fiction or unaware of affective as opposed to material tradeoffs. For instance, one of the strongest strains I noticed was women's concern and pride for the well-being of their natal families and keen desire to maintain connections, in contrast to ideological prescriptions about women severing financial and emotional connections with the natal family upon marriage and becoming wholly identified with the interests of the affinal family. Women's agency in this area has been thus far invisible in either social or academic contexts, or rather has been constructed as helpless.
<table>
<thead>
<tr>
<th>Attitude towards taking natal property</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Don’t want, it causes rifts with brothers/sisters-in-law; want smaller share to prevent rift.</td>
<td>50</td>
<td>37.5</td>
<td>40</td>
<td>41.7</td>
</tr>
<tr>
<td>2 Get dowry/lifelong gifts instead</td>
<td>28.6</td>
<td>25</td>
<td>50</td>
<td>38.3</td>
</tr>
<tr>
<td>3 Share husbands’ wealth and affines’ property instead</td>
<td>50</td>
<td>25</td>
<td>40</td>
<td>38.3</td>
</tr>
<tr>
<td>4 Could get property in sonless family</td>
<td>14.3</td>
<td>6.2</td>
<td>36.7</td>
<td>23.3</td>
</tr>
<tr>
<td>5 Want natal family’s prosperity instead</td>
<td>7.1</td>
<td>37.5</td>
<td>16.7</td>
<td>20</td>
</tr>
<tr>
<td>6 Women should take natal property</td>
<td>0</td>
<td>18.8</td>
<td>26.7</td>
<td>18.3</td>
</tr>
<tr>
<td>7 Can’t get property as per “custom”</td>
<td>0</td>
<td>12.5</td>
<td>26.7</td>
<td>16.7</td>
</tr>
<tr>
<td>8 Not enough property for multiple shares</td>
<td>7.1</td>
<td>12.5</td>
<td>23.3</td>
<td>16.7</td>
</tr>
<tr>
<td>9 Property goes to eldercaregivers</td>
<td>14.3</td>
<td>25</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>10 Should take if woman poor or in trouble</td>
<td>7.1</td>
<td>18.8</td>
<td>0</td>
<td>6.7</td>
</tr>
<tr>
<td>11 Have own wages instead</td>
<td>21.4</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>12 Other</td>
<td>35.7</td>
<td>18.8</td>
<td>10</td>
<td>18.3</td>
</tr>
<tr>
<td>13 Do not know/Unknown</td>
<td>7.1</td>
<td>6.2</td>
<td>0</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Table 4.1: Respondents’ Attitudes towards Taking Property (In Percentages).

* Percentages show frequency of responses in particular categories; since some answers could be multiple, the percentages do not add up to 100.
<table>
<thead>
<tr>
<th>Ideal Distributions of Property*</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 All children should be equally entitled</strong></td>
<td>64.3</td>
<td>75</td>
<td>63.3</td>
<td>66.7</td>
</tr>
<tr>
<td>1a Equally between all children: to all children in very wealthy families</td>
<td>50</td>
<td>43.8</td>
<td>60</td>
<td>53.3</td>
</tr>
<tr>
<td>1b According to children’s needs/abilities</td>
<td>14.3</td>
<td>37.5</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>1c Parents should give to all children; refusing share is daughter’s choice.</td>
<td>0</td>
<td>25</td>
<td>3.3</td>
<td>8.3</td>
</tr>
<tr>
<td><strong>2 Should go to sons</strong></td>
<td><strong>28.6</strong></td>
<td><strong>43.8</strong></td>
<td><strong>43.3</strong></td>
<td><strong>40</strong></td>
</tr>
<tr>
<td>2a To sons, while daughters get from affines</td>
<td>21.4</td>
<td>37.5</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2b To sons, while daughters get dowry</td>
<td>0</td>
<td>18.8</td>
<td>20</td>
<td>21.7</td>
</tr>
<tr>
<td>2c To sons, per “custom”: to sons, to prevent family rifts</td>
<td>7.1</td>
<td>6.3</td>
<td>20</td>
<td>13.3</td>
</tr>
<tr>
<td>2d Daughters should not demand share; can take property if offered by brothers</td>
<td>0</td>
<td>12.5</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td><strong>3 Should go to daughters and sons, but unequally</strong></td>
<td><strong>28.6</strong></td>
<td><strong>25</strong></td>
<td><strong>33.3</strong></td>
<td><strong>30</strong></td>
</tr>
<tr>
<td>3a Small token to daughters only; immovable property only to sons, other shared</td>
<td>28.6</td>
<td>18.8</td>
<td>20</td>
<td>21.7</td>
</tr>
<tr>
<td>3b To daughters, if family sonless</td>
<td>0</td>
<td>6.3</td>
<td>16.7</td>
<td>10</td>
</tr>
<tr>
<td><strong>4 To eldercaregiver</strong></td>
<td><strong>7.1</strong></td>
<td><strong>25</strong></td>
<td><strong>10</strong></td>
<td><strong>13.3</strong></td>
</tr>
</tbody>
</table>

Table 4.2: Respondents’ Attitudes Towards How Property Should Be Distributed Ideally (In Percentages).

* Percentages show frequency of responses in particular categories; since some answers could be multiple, the percentages do not add up to 100.
submissiveness to customs. In the following pages, patriarchal ideology in the neocolonial context can be seen to have a powerful grip, but to be far from omnipotent.

**Multilayered Attitudes Towards Natal Property and Women’s Property**

Most women cited a variety of reasons for not taking natal family property (Table 4.1), indicating a complex internal reaction to the issue. However, while individuals showed diverse permutations and combinations of rationales, the sum of responses could be grouped into certain broad categories reflecting prevailing ideologies about women and property. At one extreme were the responses that reflected the allegedly progressive and "feminist" paradigm, that women should take family property and people should not distinguish between sons and daughters (#6). The opposite extreme was represented by views which did not challenge or question dominant ideology at all, where it was claimed that "custom" was the barrier against women getting natal property (#7). "Custom" was a broad opaque concept in such responses, allowing the micropolitics of inheritance, family dynamics and the diversity of Indian cultures to be veiled within the lack of specificity.

As the descending order in Table 4.1 shows, women's responses evoked different paradigms for achieving a fair social distribution of resources. Most numerous was the fear that taking natal property would lead to rifts with brothers and sisters-in-law (#1, brought up by 41.7% of the women in all), that leaving women's share as part of their natal family's assets allowed family relations to be harmonious and supportive. Next in importance were responses that brought up the idea that marriage placed women in a different mode of entitlement: that women got dowry and other gifts

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4 In Sethi and Sibia's study of rural Jat women, 87.5% women were aware of changes in Indian property law but two-thirds were unfavorably inclined towards women availing of those rights. The only favorable responses to women taking property were from women who had more than a high school education, but even 60% of women in that group did not agree that women should take property. Sethi and Sibia attribute this pattern to a "strong force of tradition" (1987, 107-11).
instead of property (#2, evoked in 38.3% of the responses); and that daughters "got" marital and
affinal, rather than natal, resources (#3, mentioned by 38.3% of the women). While 23.3% of the
women believed that women could get property in Hindu families if they were brotherless per
scriptural prescriptions (#4), others saw themselves as being generous (rather than afraid) in being
able to keep their natal family more prosperous by not withdrawing their share (#5, 20%). In addition
to these rationales based on the idea of women's separation from the natal family at marriage, other
paradigms invoked property being a reward for eldercare (#9, 10% of responses), or property as a
compensation for a daughter's economic hardship (#10, 6.7% of responses). The checkered ground
of women's negotiations with dominant ideologies are revealed in these statements.

There was no strong statistical correlation between age and attitudes towards taking natal
property. The idea that property should be equally distributed among children had a very small
negative correlation with age (-0.2, P-value 0.13), i.e. younger women appeared more likely to hold
this belief. Notions of the natal family prospering if women did not take property shares was also
negatively correlated with age, but even more weakly (-0.1, P-value 0.46), as were notions that
women get affinal rather than natal property (-0.025, P-value 0.85). Positive correlations between
age and particular attitudes, i.e. the likelihood of that attitude being more prevalent among elder
women, were also quite weak: 0.05 (P-value 0.68) for caregiving being the basis of property
distribution; 0.12 (P-value 0.36) for refusing property for fear of rifts; and 0.13 (P-value 0.32) for
believing dowry compensated for property. Hence age per se was not a significant variable
delineating differences in attitude.

Certain variations in responses between neighborhoods did seem significantly connected to
socioeconomic circumstances, although in other cases the lack of responses in a particular category
did not necessarily signify the absence of those beliefs. For example, given the difference in women's
education and the kinds of jobs held by women between KE and the other neighborhoods (Chapter 1. Tables 1.14 and 1.16), the KE women's assertions that they could do quite well on their earnings and did not need property had some justifiable basis, while others were hardly in a position to make that claim. Similarly, some women from KE and KC said that they would have taken natal family property in the hypothetical case that they were really poor or in some trouble, while women from SN who were far more likely to be in such situations never brought this up; perhaps this latter group had a clearer sense that they were unlikely to get substantive property no matter how poor they were, and instead were better off leaning heavily on their natal families in lean times if they had not severed their ties by asking for property.

On the other hand, no one from SN mentioned a relationship between eldercare and inheritance, even though there were actual situations in SN in which this was the dominant principle, even to the extent that a daughter was the sole heir because she was the caregiver. This indicates that, although the belief was not articulated, it was a part of that cultural universe. While responses were stratified on the basis of class, Tables 1.7-1.15 show that there were also substantial differences by neighborhood in criteria like ethnicity, rural vs. urban upbringing, education and age. e.g. SN had a substantially younger profile than the other areas; thus, the prevalence of a particular response in an area could not always be analyzed as an effect of class, and was also often related to other demographic characteristics.

The fluidity of the categories is further demonstrated in the discrepancies between Tables 4.1 and 4.2, in the difference between women's reactions to their own natal property versus their views on how they would distribute property ideally. Many of the same rationales appear in both, but in different proportions. In all, 66.7% of the women supported ideas of not discriminating between children by gender in distributing property (#1), whether by including them all as heirs or choosing
heirs based on need or ability rather than gender. In sharp contrast to Table 4.1, where only 18.3% of women in all contemplated taking natal property in equal shares, 53.3% in Table 4.2 thought that ideally both daughters and sons should get property in equal shares (#1a). However, alongside widespread support for giving property to children regardless of gender (Table 4.2, #1), a substantial proportion of women preferred sons as heirs (#2, 40% in all) or as preferred heirs (#3, 30% in all). Among the diverse rationales for leaving property to males, the idea of giving property to sons to prevent family rifts was brought up by 13.3% women (though it was considerably less consuming than the 41.7% seen in Table 4.1), along with ideas of women getting dowry and affinal property, other popular attitudes in Table 4.1. Eldercare was evoked as an ideal standard by a similar number of women overall (Table 4.2, #4, 13.3% versus Table 4.1, #9, 10%).

Like the notion that women contributed to family prosperity by not subtracting their shares (#5, Table 4.1), ideas that women need not be entirely sidelined from family property were articulated by several respondents in contemplating ideal divisions of property, even as they confirmed male preference, e.g. by giving daughters some movable assets in the parents’ lifetime or by allowing them the option of refusing (Table 4.2, #1c, #2d, #3a). Along with the much larger number of respondents in Table 4.2 who wanted daughters to be equal heirs, this indicates that women were acquiescent and placatory in supporting women’s disentitlement to property, but supported some property rights for women in an ideal world of different options.

Some of these recurring rationales used by women in conceptualizing the relationship between gender and property are examined in detail in the following sections, presented in order of prevalence. The factual, emotional and subversive dimensions of individual paradigms such as equal distribution, sibling rift, sonlessness, eldercare, and dowry equivalence are explored. However, in this sample from a simmering cultural pot where ideological beliefs and individual negotiations have been
churned and stewed, each of the strands is melded and coated with the others' tastes, and distillations of particular ingredients cannot be "pure" or unflavored by other essences. In the recipe that follows, there are few conclusions about how exactly the parts turn into the whole.

**Equal Love: Conceptions of Equitable Distribution**

*If parents gave both daughters and sons something then both might think that their parents loved them. Reena*

Notions that daughters should be equally included in property distributions were the commonest way in which women conceptualized ideal inheritance (Table 4.2, 53.3%, and also evoked by 18.3% of the women in delineating their own attitudes to natal family property). This idea was often visualized in association with images of property as a vehicle of love, as typified by Reena's comment above. The youngest woman in my sample, 18-year old Reena was still in seventh grade and with no marriage imminently in sight, and her response was unencumbered by many of the "social" obligations or considerations that married women in particular took upon themselves. Yet though atypical in those ways, Reena's response matched the theme running through women's ideas about giving and getting equal property: showing and earning love.

Women's rights to property are often viewed as being a "modern" and feminist demand, appearing proportionate to education and high social class (connoting more "enlightened" views) and irrelevant to the majority of women. The voices of Reena and many women in her neighborhood refute the eliteness of the above claim. Despite the overwhelming impression that Indian women tend to refuse natal property, it is important to remember that a large number of my respondents supported the idea of equal property, especially when it came to visualizing how they might distribute property.

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* Interview 3.21. SN, 12/30/92.
ideally without restraints (53.3%), as opposed to what they could actually see themselves demanding (18.3%). Moreover, in either case, women from SN were the ones who supported equal distributions of property in far greater proportions (as high as 60% followed by KE with 50%, Table 4.2). In this sample, high education and class were definitely not correlated with ideals of women being equal inheritors of property, and it was not women’s own “backwardness” or disinclination that was keeping them from sharing natal assets.

Furthermore, the images used by SN women revealed a significantly different paradigm for claiming property, evoking neither the alleged brashness of rights-based claims nor the pathos of victims’ needs associated with demands for legalization of women’s rights to property. Instead, inheritance issues were coded in emotional and affectional terms. For example, several of the women who unqualifiedly supported equal property for sons and daughters used their experiences of motherhood and images of the womb as a symbol of equal entitlement for all children. As Meena, 22 and mother of two daughters, put it:

If parents make equal shares of everything for all their children, then no one can say they have been given less or more, they can say that the parents having given birth to them all gave them all equal shares. After all, daughters and sons come from the same cells in the body, not different places, and one feels the same empathy/tenderness ("darād") for both.”

A comment from Paro, a 33-year old mother of two sons and a daughter, is another example of women connecting the dispensation of property to their mothering/parenting duties: “It would be nice if everyone could get a share since they are all equal ("harabar") to the parents: we don’t clothe one and keep the others naked or feed one sweets and starve the other.” In these images, the economic

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* Interview 3.28, SN, 1/7/93.

7 Interview 3.22, SN, 1/4/93.
dimensions of property were muted; women's profound connections to their natal families were emphasized. While it is impossible to tell if this was a conscious strategy on the women's part, this line of argument provided a much more comfortable entry to the discourse on property because it did not evoke the specter of the woman rudely claiming her "rights". In defiance of dominant ideologies which proclaim women's complete severance from the natal family upon marriage, it also emphasized the importance of ties of birth for women and hinted at the need to feel recognized by natal kin through gifts of property.

In contrast, women from KE and KC often used calculations of relative amounts in justifying their choices, focusing on a more precise financial division. Ritu, a 35-year old lawyer with one son, said, "Parents should divide property equally, or proportionately depending on marriage expenses. But nowadays they spend a lot on sons' weddings too, so it should be equal." Uma, a 27-year old mother of one son, proud of her dowryless wedding and aware of her lesser claims on her mother's house, contended that if she had daughters she would prefer to give them no dowry but equal shares of property instead, while 42-year old Indira felt, given her experience of her own lavish wedding and also expectation of property, that things bought for weddings were gifts and should not be taken into account in the dispensation of property. While the absence of womb imagery from these responses cannot be tied to a class-based conclusion, here equity of assets was far more of a direct concern. Although talking about women's "rights" was just as socially taboo in these milieus, tangible economic fairness apparently could be voiced as a standard.

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* Interview 1.11, KE, 12/13/91.

* Interview 2.14, KE, 2/24/92.

** Interview 1.10, KE, 12/11/91.
However, despite the 53.3% of respondents who visualized and voiced culturally acceptable metaphors for women to get property, only 5% in all actually felt they would be able to pursue their justifiable claims. Only one woman from KE (7.1% of KE responses) and two from SN (6.7% of SN) were absolute about pursuing shares, and four women overall (6.7%) expected to get property because of the serendipity of brotherlessness. Others who thought they were entitled to shares felt inhibited either because there was not enough property to divide, or because they felt the simultaneous pull of contrary ideologies such as having got dowry already. While it is important to note that women themselves were often supportive of daughters' equal rights to natal property, ultimately few could realize these professed ideals in the face of other cultural pressures. Thus, for a transformation of property relations, a broader nexus of cultural fears and tradeoffs rather than women's will to property needs to be the focus of change.

"Naihar Tut Hi Jaye" (The Natal Home is Broken for me): Fears of Natal Abandonment

"Babul ki duya-e leti ja
Ja tujhko sukhi sansar mile
Maake ki kahhi na yad aye
Sasural me itna pyar mile"

"Take your father's blessing/prayer as you go:
Go, and [may you] get a happy household;
May you never remember your mother's home;
[Because of] all the love you receive
at your in-laws' place".
Hindi film song

A significant number of women (41.7% in all, Table 4.1) also evoked the theme of a daughter's love and love for a daughter in delineating their rights to property by calling upon apprehension rather than affection, saying they would not claim full or any shares of natal property
because they were afraid this would sour relations with their brothers or cause their brothers' wives to hate them, and that as a result they would no longer be welcome in their natal homes. This attitude represents one of the dominant metaphors mediating women's refusal of property (Teja 1993, 70; Hershman 1982, 75), that of the greedy shrew or the haklenewalt. There was also a close connection between these feelings and the apparently obverse ones, the desires for continuing to be part of the natal family by actively contributing to its prosperity or being available for its crises (Table 4.1, 20%). Significantly, these attitudes articulate women's desire for closeness with the natal family with an agency that is invisible in, and indeed contrary to, the discourse on women's needs and feelings.

The opening phrase heading this section (quoted from a well-known folk song) and the song that follows (sung in the persona of the bride's father) are examples of the dominant discourse whereby the wedding is represented as the event that marks the watershed of the woman's pleasures, affections, loyalties and memories. Ties to the natal family are supposed to be severed, and she is to become an inseparable part of the affinal family. The bidai ceremony, when the bride leaves her parents' home after the wedding, is an occasion of bittersweet sadness over the cutting of deep emotional ties.

Although not dismissing the possibility of the parents' genuine sorrow at this rite of passage made worse by rituals of eternal severance, it is difficult to miss that the mourning veils the consolidation of patriarchal property relations. As Kolenda (1984) vividly demonstrates in her study of two Hindu communities, groups (often north Indian) which ritually sever the woman's natal connections upon marriage tend to pack her off with dowry and little subsequent inheritance, while those who have no concept of "losing" the woman upon marriage and who believe couples "belong"

11 U. Sharma (1980, 137) and Chanana (1993) also point to the significance of the wedding songs.
to both families often give land to daughters to persuade them to live nearby and help the family.

Among the communities studied here, the woman's complete change of identity underlined by Hindu wedding rituals that permanently alter her name and caste (and even religious and funerary affiliations), along with the concept of *kanyadan*, the gift of the daughter, symbolize her severance. Thus, property comes to be the brother's, because he remains "in" the family.

Yet, contrary to these hegemonic expectations, many women do not internalize this severance from the natal family in the ways represented by the songs: if they cry "the natal home is broken for me," they do so with regret, longing to keep that tie unbroken, to retain their connections with the family associated with love, as opposed to the affinal family which represents the realm of dutiful work. In analyzing how some Uttar Pradesh women subvert proverbs and songs to critique and resist patriarchal kinship norms, Raheja's work (1994) also focuses on a similar area, pointing to women's depth of love for their natal families and widespread skepticism about their affines. In this study, these feelings are shown as they are refracted through the prism of property relations, revealing how women's refusal of property is connected to their emotional claims on the natal family.

One of the commonest traces of such love is seen in fear, fear that claiming property will break the last residual ties with the natal family and that women will no longer be welcome in their brothers' homes. The "haklene wali," the woman who 'takes her rights,' is evoked here as the specter to be avoided if all natal links are not to be broken. In this formulation, women's rights in their natal home are invoked even as they are erased. In claims such as "where the sister takes her share all those things [gifts, respect] are not there any more, they say 'now you've got your share so go away, why are you back here again?'" the connection to the natal family can be seen as a concrete fund, and

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12 Bharti, a married woman with two brothers. Interview 1.7. KE. 12/9/91.
taking property exhausts those links, such that women are cut adrift from customary gifts, emergency shelter, and even affection.

The tension-fraught instances of women claiming property in the previous chapter show that these were not idle threats. To prevent such rifts, some women tried to leave a residual share in the natal family fund by not separating their portion, as among Rehana's aunts who told their brothers to keep the land and farm it, and that they would visit and take crops once in a while. But several others (20% of the middle-class women, plus 3.3% of poor women) legally signed over their portions to the brothers to emphasize the affectional connection over the material one. This was usually done at the brother's request to show good faith, but was in fact a legal safeguard, an official insurance against the woman's claims surfacing later. It is important to note that, given the paucity of actual gifts or sustained help from the natal family (as detailed in a later section), no economic consideration was usually expected in return. Women usually made such "gifts" because of the fear of loss of the emotional space represented by the natal family, the fragile realm already threatened by marriage and residential separation.

Bringing up property and hence monetizing the brother-sister relationship was seen as undesirable, i.e. brothers resented any financial claims made by sisters, and could apparently be

11 Interview 3.19, SN, 12/27/92.

12 These signed releases sealed the woman's refusal of property even where the brother did not fulfill his part of a specific bargain. Shipra's brother promised her a good dowry in exchange for her release but arranged a hasty wedding and gave a minimal amount, and thus she got no leverage at all from her right to property. (Interview 3.23, SN, 1/4/93).

13 Hershman narrates that an old Sikh man told him that the brother-sister relationship represented true love, as opposed to the husband-wife relation which had to deal with everyday economic matters. However, Hershman also repeats a common jest of the area that brothers had become more carefully attentive to sisters since the laws changed, showing that people were often well aware of the conflicting economic interests of brothers and sisters, and chose to manipulate it using the emotional dimension (1982, 175-91).
munificent based only on "pure" love. Brothers' relationships, on the other hand, were not perceived to be adversely affected by having to divide property. At most, according to Rani, "between brothers the quarrel is about a bigger or smaller share, but when sisters are involved it'll turn into such a quarrel that they won't even want to see each other's faces anymore."

However, such notions of brotherly love being untainted by economic transactions was not borne out by the many stories about brothers' resentment over having to share resources. These incidents also gave the lie to the ideal of the joint family having unified interests in building up a common stock of property. For example, Meena's husband was waiting for his father to pass away before he bought rural land in his own name (they had three bighas in her name), hoping to get his share of the ten bighas controlled by his father without being the only one sending home money for land, and having to share what he purchased with the others. Similarly, Sushila said that her father-in-law wanted them to buy rural land, but she urged her husband not to buy it while the father-in-law was alive, because all the brothers would take shares of it. Medha's brother-in-law kept spending the money that they sent him from the city for buying common land; and Bindu's brother-in-law mortgaged her husband's land. In KC, too, several cases of family discontent among brothers were reported: Seema and Renu's elder brothers-in-law sold their fathers' property in rural Punjab and ex-West Pakistan and kept nearly all the money; and Sharmila's father and uncles had long-standing

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16 Interview 1.9, KE, 12/10/91. Rani had one brother and her husband had no sisters, and claimed to have no disputes in their families.

17 Interview 3.28, SN, 1/7/93.

18 Interview 3.17, SN, 12/28/92.

19 Interview 3.13b, SN, 12/24/92; Interview 3.3, SN, 12/8/92.
disputes with their stepbrothers over which rooms each brother would get in the family house. In all these cases, the breakdown of alleged joint family values and the entrenchment of the separate interests of "nuclear" or individual units were clear.

Yet even in cases of disputes involving brothers' shares, the source of discord was often perceived to be other women's greed, i.e. the spectral figure of the property-hungry woman was made the repository of blame even where males contested over property. As Medha narrated, she worked hard to get their new jhuggi registered in her name (her husband already had one in his name), but her brother-in-law got the formal ownership while she was briefly away: when she chided her husband over allowing this to happen, he told her that the jhuggi was still "in the family" and that wives try to destroy love among brothers by such requests. Her wish to have property was overrun by the brotherly solidarity ideal.

Fear of incurring the wrath of brothers' wives figured prominently in women's reasons for staying away from natal family property. It was alleged that mothers could no longer give gifts once sisters-in-law were there because they claimed rights over all possessions; and that women would no longer be welcome in the natal home managed by sisters-in-law if they had asked about property. If women are supposed to get property only through their in-laws, as daughters-in-law they might justifiably feel possessive towards their only sanctioned (albeit indirect) access to resources, and some women did indeed express resentment towards other women (their husbands' sisters) diminishing the property of their in-laws, such as Pushpa who said about her sisters-in-law "Why..."

20 Interview 2.2, KC. 2/4/92; Interview 2.12, KC. 2/17/92; Interview 2.9, KC. 2/11/92.

21 Hershman 1982, 63; Sharma 1980, 183. Sharma points that even when women do quarrel, it is usually about their husbands' shares, i.e. their greed can only be second-hand.

22 Interview 3.13b, SN. 12/24/92.
should they take anything? I'm not going to give them anything from my share." But the jealous sister-in-law can also be regarded as the metonymic transformation of the wrathful brothers themselves (the wrath supposedly brought on by sisters demanding property). With sisters-in-law being the only "strangers" to women in the natal home, it could be emotionally more comfortable for women to scapegoat them as the disapproving ones, thus preserving parents and brothers as sources of unvarying love and generosity, and denying the collusion of their own relatives in erasing their natal connections.

Women's fear of estrangement motivating their refusals of natal property is a widely articulated belief, but the positive face of that desire, women's active urge to contribute to the well-being and prosperity of that family, is usually far less visible. Yet as Table 4.1 shows (#5), 20% of the women claimed that they wanted their brothers to have all the property not because they were afraid of soured relations, but because they did not want to diminish the resources of the natal home further and wanted it to flourish as much as possible. Whether these women had independent financial resources to help their families or not, they could contribute passively by "not taking." As Pramila put it, women want that "mera nahar bana rahe" (my natal home remain prosperous/well-endowed). The related notion that the natal home should continue to exist as a site of love and indulgence in a world of duty and work also powerfully propels the distribution of property. As Seema put it, "the son should be given some more property so that he can give his sister enough love

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21 Interview 3.11, SN. 12/21/92.

21 Interview 3.20, SN. 12/30/92.
to make up for her parents' absence at every festival, every important day, every occasion." Lata also stressed the seemingly contradictory idea that her daughter would lose by dividing up and selling the parents' apartment, because she would no longer be able to come back to the emotional space represented by a natal home. In these instances, the poignancy of feeling towards the natal family completely undercuts the ritual, patriarchal prescription of severance, and reveals women's ambitions for and dependence on ties of blood. Women's social "standpoint" is thus seen to be quite different from the way they are inscribed in dominant belief systems, and apparently acquiescent or pragmatic gestures regarding property to have subversive motivation.

Property over Time: Dowry and Long Term Help in Relation to Property

Another popular notion about the ultimate fairness of the social distribution of resources is that marriage is the path for daughters to "get" affinal property, and that daughters also get parental property through gift-giving rituals associated with weddings, childbirth and other festive occasions. 38.3% of the respondents claimed that they would refuse natal property because they had been given dowry and continued to be given presents, and 38.3% also mentioned that once married, they were supposed to "get" property through husbands' families (Table 4.1). The mythology of equity

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2 Interview 2.2, KC, 2/4/92.

20 Interview 1.2, KE, 12/3/91.

27 In the rural areas, the natal home is literally a much freer and more comfortable place for women, because (even married) daughters do not have to veil themselves or not speak to elders or non-family like daughters-in-law. Besides, the load of domestic work is usually negligible while they are visiting, although in some cases daughters specifically come home to help with crops. Sharma (1980, 19) also shows the central difference between natal and affinal worlds for women, an opposition not particularly significant for men.
according to this scheme is that daughters ultimately get as much as sons through a lifetime of gifts, and even more because of access to affinal wealth.

The myth of equivalence between dowry and pre-mortem inheritance can be disproved by contrasting dowry payments with total wealth. In many middle- and upper-middle class families, sons' weddings often cost as much as daughters' (Chapter 3, p. 92-3). Furthermore, except for cases of landlessness (in which case dowry was still given), even the smallest unit of property (except for informally acquired jhuggis) was worth several times more than the higher priced dowries mentioned. For instance, while Medha's wedding did cost Rs. 1-200,000 and include a Rs. 30,000 cash dowry, she reported that her father had at least 100 bighas of rural property, including cash crop and commercial land, so her three brothers would get far more than her wedding expenses if there was a customary division. Even when several male shares needed to be made of more modest estates, the value of property was always much greater (except in extreme cases, e.g. Uma's sister-in-law's wedding negotiations where many families sought Rs. 20 lakhs cash).

Another vivid proof of the mutual exclusivity of dowry and inheritance is in the expensive weddings of women in sonless families, where women who fully expected to inherit natal property also got as many or more wedding prestations than other women in the community. Both Indira and Vimla described unusually elaborate gifts and entertainment at their weddings, a product of their fathers' wishes to display their status as prominent businessmen, and not at the request of their in-laws. Shobha also claimed that people in her village who had given property to daughters usually...

29 Interview 3.13b, SN, 12/24/92.

29 Interview 1.14, KE, 2/24/92.

10 Interview 1.10, KE, 12/11/91; Interview 2.13, KC, 2/17/92.
gave at least as much if not more dowry/gifts than others.¹¹ In these cases, inheritance was a supplementary distribution of assets and was not affected by the amount given at marriage, while dowry related to establishment of kin ties and demarcation of status.

When inheritance consisted of "joint family" living quarters or land for subsistence agriculture, there was no immediate monetary profit for males from the inheritance, whereas dowry always resulted in out-of-pocket expenses, but property was a heftier chunk of resources nonetheless. The contentions of 38.3% of the respondents that they would not take property because they had already been given dowry (or expected to get presents), or attitudes such as Gita's (who had no daughters but unmarried adult sons herself) - "if there is such a law [for daughters to always get shares], then why did we need to get our daughters married at such great expense?"¹² - revealed a common ideological connection drawn between dowry and property. However, this could not be supported in economic terms, and was rather a rationale to justify disinheritance.¹³ Dowry cannot be regarded as equitable pre-mortem inheritance unless it is assumed that women are inherently entitled to smaller shares of family resources, or that they should get less because they "take" liquid assets rather than immovable property which has no explicit market value.

The idea of women receiving natal property in addition to dowry plus affinal resources invoked a fear that women would thereby get "a double share" and impoverish the brothers. This assumed that not all nuclear units would get property from both sides even if women habitually took

¹¹ Interview 3.9. SN. 12/14/92.

¹² Interview 3.5. SN. 12/9/92.

¹³ In contrast to claims by scholars such as Harrell and Dickey (1985) that dowry is a different and parallel form of property transfer as compared to inheritance, Sharma claims that giving dowry is a convenient way of deflecting the question of inheritance, i.e. dowry is really a form of disinheritance [emphasis mine], 1980. 47-8).
natal property. However, these fears were also tied to legitimate concerns that enforcing women's property rights might lead to in-laws pressuring women to claim exact inheritance from the natal fund, i.e. an extension of dowry harassment. The usual position of daughters-in-law at the bottom of the chain of control makes manipulation and coercion in such cases likely.

This angst was used to manipulate women in various ways. As a mother-in-law in a household with very meager resources and despite having a son who was keen to get his in-laws' help in raising their living standard, Harjinder used this fear to enforce her authority over her daughter-in-law in forbidding her to take natal property, claiming that they would lose social dignity if the in-laws (i.e. she) were perceived to be taking things continually from the daughter-in-law's parents.11 On the other hand, Renu narrated an incident of clear dowry harassment where her niece-in-law's in-laws were pressuring her wealthy brother-in-law and his wife to give them money for adding on to their house.12 Significantly, the (niece's) in-laws were using the rhetoric of women's right to receive natal property to validate their claim on their daughter-in-law's parents, while the parents were using the facts of the in-laws' harassment to raise the accusation of dowry demands and denying the daughter property. In such family situations where young married women had little control over any financial resources, it was hard to postulate a realistic empowering way for daughters to claim natal property.

Given the current structure of domestic control and hierarchies between bride-givers and bride-takers, the troubling prospect of increased harassment of women and their families if there were fewer taboos against women's property is not unrealistic.

11 Interview 2.10. KC, 2/12/92.
12 Interview 2.13. KC, 2/17/92.
Many women pointed out that parents had to spend a lot of money not just for daughters' weddings but also for the years afterwards, sending gifts when grandchildren (particularly grandsons) were born, and at other festive times, with an especially large role during the marriages of grandchildren. Parents' responsibility in this matter was supposed to be transferred to a woman's brother. However, as seen in the calculations of wedding payments (Chapter 3, pp. 112-3), women's natal families or brothers rarely helped with the major expenses of their children's weddings. Kalpana voiced a common contention, \(^1\) that wedding contributions from the woman's relatives were more like gifts, and that sisters usually reciprocated with equal amounts at brothers' children's weddings, unwilling to impose on brothers to that extent or to be that indebted.

Besides gifts, other kinds of economic assistance from natal families were also rare, despite ideological assertions about the family's long-term responsibility for their daughter's well-being. From KE, only 21.4% of 14 women (14.3% of whom were widowed early) were given occasional financial assistance by their brothers, and one woman (3.3%, from a sonless family) was helped substantially by her father. From KC, there was only one case (6.3%) of a mother helping out with childcare, one of a brother giving gifts when the sister visited, and one of general financial help.

The extent of help was much greater in SN. Ten percent of 30 women reported widows being extensively helped by their natal families. 36.7% mentioned getting gifts from brothers on a regular basis. 10% relied on the parents for financial assistance for living expenses, and one (3.3%, with husband and children) lived in her mother's household. \(^7\) Most remarkably, 20% of respondents described living in their natal homes for several months in the year, especially during lean times.

\(^{1*}\) Interview 2.4. KC. 2/6/92.

\(^7\) Some women had multiple responses.
using the natal families' resources to ensure their survival and that of their husbands and children. This latter circumstance is one of the few genuine examples of foregoing a concrete property share in exchange for short-term economic benefit over years. Such family help was largely absent in middle-class families except in unusual circumstances like widowhood, but a more realistic possibility in poorer families who (as shown in pp. 210-1) had fewer taboos of financial help between parents and daughters.

Help given to married daughters was likely to be a source of conflict because brothers resented sisters getting a substantial share of what they believed to be their assets, despite the sister's financial need or the disparity in wealth between the families. Even though help given was rarely equivalent to an inheritance share, any alienation of resources became grounds for family rifts. For example, Preeti's maternal grandfather had given her family a house and land in addition to regular monetary help, because he had been quite wealthy, while her father had never been able to hold down a good job. However, after the grandfather's death, the maternal uncles, who were also independently wealthy, said that there was no legal validity to the gift and took the property back, and Preeti's father or brother lacked the financial resources to challenge this usurpation. ¹⁸ In contrast to the ideal that daughters are looked after by their natal families lifelong, in times of trouble or joy, brothers could be quite resentful of any transfers of property to sisters, and women had good cause not to seek help from natal families for fear of causing rifts and severing connections.

As Table 4.3 shows, married women did not primarily prefer to seek help from natal families, making the gesture of not taking property in order to leave a residual claim to natal wealth largely symbolic. A majority of married women from the middle-class households (50% from KC and

¹⁸ Interview 3.26, 1/6/93.
<table>
<thead>
<tr>
<th>Preferred Sources of Financial Help*</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Husband</td>
<td>50</td>
<td>81.3</td>
<td>26.7</td>
<td>46.7</td>
</tr>
<tr>
<td>Neighbors</td>
<td>0</td>
<td>0</td>
<td>43.3</td>
<td>21.7</td>
</tr>
<tr>
<td>Parents</td>
<td>35.7</td>
<td>12.5</td>
<td>20</td>
<td>21.7</td>
</tr>
<tr>
<td>Parents-in-law</td>
<td>7.1</td>
<td>25</td>
<td>26.7</td>
<td>21.7</td>
</tr>
<tr>
<td>Bank Loans</td>
<td>21.4</td>
<td>25</td>
<td>3.3</td>
<td>13.3</td>
</tr>
<tr>
<td>Sons</td>
<td>21.4</td>
<td>31.3</td>
<td>0</td>
<td>13.3</td>
</tr>
<tr>
<td>Friends/Colleagues</td>
<td>28.6</td>
<td>12.5</td>
<td>3.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Loans from Moneylenders</td>
<td>0</td>
<td>6.3</td>
<td>20</td>
<td>11.7</td>
</tr>
<tr>
<td>Brothers</td>
<td>7.1</td>
<td>12.5</td>
<td>13.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Brothers/Nephews-in-law</td>
<td>7.1</td>
<td>18.8</td>
<td>6.7</td>
<td>10</td>
</tr>
<tr>
<td>Distant Relatives</td>
<td>7.1</td>
<td>0</td>
<td>13.3</td>
<td>8.3</td>
</tr>
<tr>
<td>Workplace Loans</td>
<td>0</td>
<td>12.5</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>Sisters</td>
<td>7.1</td>
<td>12.5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Pawning/Selling Something</td>
<td>0</td>
<td>0</td>
<td>6.7</td>
<td>3.3</td>
</tr>
<tr>
<td>Maternal Uncles</td>
<td>14.3</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
</tr>
<tr>
<td>Daughters</td>
<td>0</td>
<td>6.3</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>No one</td>
<td>7.1</td>
<td>18.8</td>
<td>10</td>
<td>11.7</td>
</tr>
</tbody>
</table>

Table 4.3: Sources of Financial Help Preferred by Respondents (In Percentages).

* Percentages show frequency of responses in particular categories; since some answers could be multiple, the percentages do not add up to 100.
81.3% from KE) said they would mainly turn to their husbands for help, and many did not even consider the husband as being a separate economic pool. Thus, the resources of the nuclear unit formed the primary basis of reliance. In SN, where many men spent most of their income on drinking and gambling and women sought informal sector work to feed their families, this number was noticeably lower and the family funds were rarely joint; neighbors, rather, were cited by 43.3% of SN women as the most important resort for help.

Sons were an important source for the middle-income families (cited by 26.7% of middle-class respondents), but in the low-income neighborhood, little expectation was placed on children. Few women from SN had adult sons, and the sons of those who did contributed little to household income on a regular basis. Next in importance as sources of help were parents and in-laws at 21.7% each. In addition, many more named parents as a possible last resort when other avenues were exhausted. In-laws were referred to by the poorer families more frequently, but middle-income families, especially from KC, also mentioned them as potential sources of help. However, reliance on parents and in-laws was more prevalent among younger women: only 30.8% of 13 women naming parents-in-law as resorts of help were over 29, and only 15.4% of 13 women citing parents as sources were over 29. Given that women generally had lesser access to financial resources, they were rarely named as possible sources of help whether as daughters or sisters. These figures indicate that the extended family was not a frequent source of support: while spouses of middle-income women were named as important resources, poorer women relied less on spouses and more on neighbors. Only about a fifth of all the respondents felt they could rely on parents or parents-in-law, and reliance on brothers, brothers-in-law and sisters was even lower. Thus, refusing property in expectation of

Sons were the major helpers in paying back debts where those were incurred, followed by brothers and daughters (from all the neighborhoods).
financial help from family was largely a social illusion, especially in the urban context where wage incomes were the means of subsistence, and there was no possibility of living off the land with the family.

Non-familial sources of financial help were significant, showing the strength of employment- and residence-related urban ties. Revealing the eddies of family politics in answer to the hypothetical question about sources of help, many women insisted that they specifically preferred not to turn to relatives when they were in trouble, because the embarrassment of asking family members for money could haunt their prestige in a way that asking relative strangers could not. Middle-class women said they would prefer to ask friends or colleagues (20%), or to get money through easy, low-payment bank or work-related loans (6.7%), i.e. through paths which bypassed kin. Women from KE were particularly apt to name friends and colleagues (28.6%), because they were often employed and hence had networks of acquaintances who were not in contact with their families. The issue was far from hypothetical for the poorer families, who could promptly name possible avenues of help: even if they could face the embarrassment of approaching family, their family members often had little extra income, and the most common sources were neighbors at 43.3% (especially if money was quickly required, non-relative neighbors often being preferred) and professional money-lenders at 20% (whose rates were far higher than bank or work loans).49

Furthermore, families from SN were less likely to have their loans forgiven because they frequently borrowed from non-familial sources or distant relatives who were unlikely to write off debts, and even close kin that they borrowed from had little money to spare and could rarely forgive loans. Seventy percent of the SN respondents said they needed to repay any loans they took and 20%

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49 Sharma (1980, 190-2) also points to the importance of neighbors for relatively poor rural families.
said they needed to repay loans with interest, while only 21.4% of women from KE and 50% of women from KC reported the necessity of repaying loans, whether to relatives, colleagues or banks. Some women from KE and KC who relied on parents, in-laws or children for financial assistance looked upon these sources as extensions of the family who would usually expect no repayment unless a specific deal about payback had been struck, as compared to 26.7% of middle-class women who could rely on such indirect assets, only 6.7% of SN women were in this situation.

While married women both ideologically and practically relied on the resources of their nuclear unit, and rarely on parents except for cases of extreme economic hardship, women who were outside of marriage, e.g. single or divorced women, clearly had a much greater need for the resources of the natal family, having no access to marital or affinal resources. In these cases, some families made provisions for daughters, but in others property was still believed to be fundamentally a male entitlement and was only grudgingly or temporarily put in women's control.

In contrast to very rare instances of married women sharing inherited property with their brothers, single or divorced women were more likely to receive some property from their families. With no male heirs in Kanta's maternal family, her mother had foregone a share of property (two apartments and some cash) in favor of an unmarried sister, who was seen to deserve special protection from the parents. The parents of a divorced friend of Kavita's had built a set of separate rooms for her, ostensibly so that she need have no dependence or conflict with her brother or sister-in-law. Within Sharmila's affinal family, her husband had been saying that when the family property, a house, was divided or sold, a share should be given to one unmarried sister, though the

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41 Interview 1.12. KE, 12/14/91.
42 Interview 2.6, KC, 2/7/92.
other (married) sisters were apparently not to be given anything. In these cases, families clearly recognized the special vulnerabilities of women who had no access to the means which were believed to be women's paths to wealth.

However, families were far from unanimous about the support extended to women in such situations. In the case of Sharmila's affines, it was not known how the other brothers felt about the one sister getting a share, but in a similar instance, when Kavita's paternal grandmother tried to give shares to two widowed daughters, her sons vehemently resisted attempts to have their shares curtailed even by a small amount, even if it meant helping their sisters. Jaya's mother-in-law, widowed early in life, was given property and looked after by a relatively well-off sister, but the father and brothers had been unwilling to do more than give crops, or occasionally, cash. These situations reflected an ambivalence about the daughter who could get no property through a husband yet who nonetheless could not be given a full entitlement; while some family members contended that custom should be set aside in these exceptional circumstances, others were unwilling to curtail habitual male privileges.

Women who had not encountered any such situations also hypothesized that women without access to marital or affinal wealth would not get rights to natal property easily, although their families might try to make some alternate economic arrangements for them. Rani speculated that "even if a woman is not married her parents or brother are not going to be happy giving her a share, they will say 'let her get married,' and if she does not, they can say 'stay with us and we will look after you,' but nobody will want to give property." Bina felt that parents-in-law might look after widowed women.

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41 Interview 2.9, KC, 2/11/92.
42 Interview 2.6, KC, 2/7/92.
43 Interview 3.1, SN, 12/7/92.
44 Interview 1.9, KE, 12/10/91.
## Table 4.4: Respondents' Attitudes Towards Divorced Women Receiving Maintenance Money From Husbands/In-laws

<table>
<thead>
<tr>
<th>Attitude Towards Divorced Women Receiving Maintenance Money From Husbands/In-laws</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should get maintenance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Should get, for taking care of herself</td>
<td>57.1%</td>
<td>43.8%</td>
<td>33.3%</td>
<td>41.7%</td>
</tr>
<tr>
<td>Should get, for help in raising children</td>
<td>14.3%</td>
<td>12.5%</td>
<td>16.7%</td>
<td>15%</td>
</tr>
<tr>
<td>Should not get maintenance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Should not get, her parents should be responsible for her care</td>
<td>21.4%</td>
<td>18.8%</td>
<td>33.3%</td>
<td>26.7%</td>
</tr>
<tr>
<td>Should get only if husband was at “fault”</td>
<td>21.4%</td>
<td>6.3%</td>
<td>33.3%</td>
<td>23.3%</td>
</tr>
<tr>
<td>Should not get, can remarry instead</td>
<td>0%</td>
<td>6.3%</td>
<td>23.3%</td>
<td>13.3%</td>
</tr>
</tbody>
</table>

* Percentages show frequency of responses in particular categories; since some answers could be multiple, the percentages do not add up to 100.
and parents and brothers were supposed to be responsible for widowed or deserted women, but "nowadays in case the share gets less, they [brothers] try to further educate those sisters." i.e. hoping to make sisters employable so that they no longer "needed" to be given property. These comments reveal that women realized property was viewed as a profound male entitlement whatever the woman's situation, giving the lie to the idea that women do not usually get natal property because they "get" shares from in-laws.

Given that women had little hope of receiving assets from the natal family whether married, unmarried or married but poor, and with the only potential sources of regular support being affinal or marital resources or personal income, it is not surprising that women opted to stay within marriage even when there were severe marital troubles. Relatively few women (18.3%) said that women should never leave their marriages under any circumstances. Therefore, marriage was not viewed as an immutable bond that should never be broken, and women who opted to stay in problem marriages were perhaps deterred for sound economic reasons rather than cultural prescriptions.

Divorced women's ties to the affinal family were perceived to be severed, and alimony or maintenance was rare, with no cases from the poorer areas. As Table 4.4 shows. 41.7% of women supported the idea of women getting maintenance for their own upkeep after divorce, and another 15% felt that they ought to get maintenance for child support. Yet a large number expected that divorced women would go into other forms of economic dependence like another marriage, or reliance on parents or brothers, or else seek employment, all scenarios avverting women's direct need for natal

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47 Interview 2.1. KC. 2/3/92.

48 Five percent of the respondents said that women should try their best to compromise, and 13.3% said it was all right to leave if there was great misery or danger, both groups indicating that divorce should be initiated only in extreme circumstances.
property. Given these alternatives, women's best economic options were to stay within marriage where they were likely to have a higher standard of living and greater social acceptability.

It thus comes as no surprise that of the total of 35 cases of marital disputes cited among family and close friends of the respondents (12 from KE, 11 from KC, 12 from SN, including cases of problems with the in-laws, problems between the couple, or situations of male bigamy), there were 28.6% cases of reconciliation, 20% of remarriage following the divorce, and 31.4% where the dispute was ongoing or an informal separation had taken place. In other words, only 22.9% cases had resulted in the woman formally severing the marriage without entering into another conjugal relationship, indicating that women were not wont to depend solely upon their own earnings or rely on dubious help from the natal family. In the absence of good economic opportunities or inheritance for women, being married was indeed one of the few ways to enjoy property with any security.

In sum, the ideology of dowry and ongoing gifts to women being equivalent to inheritance does not bear up in practice. Not only are marriage expenses (whether for sons or daughters) and other ritual gifts relatively negligible in value compared to property, but there is little expectation of other help from the natal family for children's marriages, annual gifts, or more serious economic crises. With non-familial sources of financial help counted as most important, and marriedness being crucial to financial well-being, it is not surprising that dowry gifts come to be regarded as the major socially sanctioned path of receiving some resources from the natal family. If not for dowry, women would have no assets other than personal savings and resources of the nuclear household.

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47 In Sharma's study, women did rely on brothers for help in case of marriage breakdowns, coming back to stay with their natal kin, an important factor in their refusals of property. However, there were no cases of legal divorce (1980. 155-7).

48 Ocko (1991.332), in his analysis of Chinese newspapers, who also found that property for women was mediated through marriage, calls marriage "social property."
Surrogate Sons: Brotherless Women Inherit Property

Among Indian communities with patriarchal inheritance norms, transmission of property through daughters in sonless families has been a historically popular device for keeping assets in the family line. Among certain ethnic groups, daughters' full inheritance in sonless families is explicit in customary law (e.g. Mitra (1989) on the Santals). In many other communities, the frequency of this practice, though not formally articulated in law, can be inferred from family histories of uxorilocal residence. A geographical transfer of "home base" to live among women's natal kin is the hushed secret of many family chronicles. In terms of the gender codes enshrined in property relations, it is fascinating to note that in such cases the husband of the property-owning daughter is culturally depicted as an emasculated, slothful and ridiculous figure, presumably because his lack of paternal property is a profound signifier of powerlessness (Hershman 1982, 75-79); it is seen as impolite and cruel to remind him of his "unusual" and "unmanly" residential situation. The very term "gharjamai," literally meaning the domestic or at-home son-in-law in several north Indian languages, is significantly asymmetrical, with no parallel term for women living at their in-laws', whose enjoyment of affinal property is naturalized.

In the present study, brotherlessness was indeed one of the rare situations in which women received natal family property; all of the five brotherless respondents (8.3% of total respondents)

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51 Adoption of other blood relatives like nephews, sons-in-law or non-relatives within the caste as "sons" is the other primary device for securing property in the Indian context. Well-known political examples, e.g. Lord Dalhousie's "Doctrine of Lapse," which prevented sonless rulers from adopting so that their kingdoms could "lapse" into British domain, show the preference for this practice. Many Bengali folktales end with a sonless king offering the poor but deserving stranger "half the kingdom along with the princess," rather than the princess herself succeeding the king.

52 In Hindu shastric texts this is framed as the "appointed daughter" or putrikaputra, variously interpreted as "the daughter appointed as son" or "the son of an appointed daughter" (Kane 647, 657-9; Agarwal 1994, 87).
whose parents had property had already inherited or expected to inherit (this included two women from SN; one other SN woman who was brotherless had no parental property). In the last few generations, daughters (rather than sons-in-law or nephews) seemed to have become preferred heirs. Uma's grandmother, for instance, had inherited her parents' rural house as the only daughter and it had always remained in her name.\textsuperscript{53} The nine bighas farmed by Ganga's father lifelong had all been given by her sonless maternal grandfather to his daughter.\textsuperscript{54} In a recent case, a couple from SN had just bought some rural land fairly cheap from a woman who had inherited her natal family land and cash in the absence of brothers, but who was selling it as her post-marital residence was far away from the land.\textsuperscript{55}

The preference for daughters as heirs in sonless families can also be connected to other cultural changes viz, the erosion of notions of joint family unity and a greater attention to individual "nuclear" branches. Shobha's comment, "those who don't have sons give properly to their daughters; they think that if their own daughter stays there then no-one else can seize it,"\textsuperscript{56} hints at the present valuation of rights and responsibilities towards one's immediate family that have superseded ideologies of preserving joint family property in male hands as the ultimate goal.

Whether or not women were actually brotherless, however, many of them believed that this was one of the few ways in which property could come to women. 23.3% women, mostly from SN (Table 4.1), brought this up as a criterion, and 10% mentioned it even in contemplating shares for

\textsuperscript{53} Interview 1.14, KE, 2/24/92.

\textsuperscript{54} Interview 3.14, SN, 12/24/92.

\textsuperscript{55} In Hershman's study (1982, 79), it was usually nephews rather than sons-in-law who inherited. Sharma (1980, 55) found that brotherless daughters did inherit in line with the new laws, but often tended to sell the property to male cousins at a low price, thus maintaining goodwill with natal kin.

\textsuperscript{56} Interview 3.9, SN, 12/14/92.
women in ideal divisions of property (Table 4.2). In fact, many women from SN were insistent that brotherlessness was the only legal way for women to get property. Sushila, who had got a share of her father's savings along with her stepsiblings, declared that "the legal right [to property] is for those who are the only daughters and have no brothers or if they have only one brother who has no children. Once the brother has children then the woman has no right any more." Even Medha, who believed she should be able to share some of her father's substantial property with her brothers, proclaimed that daughters' rights did not even "develop" ("hak banta nahi," alternatively translated as rights were not even "created") when there were sons in the family. These assertions were apparently based on situations in their villages or among their kin. This mode of inheritance for women was interpreted as the "new" and modern reform that had come about under the post-colonial state, viz. the preference for daughters as heirs over distant male relatives or sons-in-law that was more common in the last century.

In the inscription of the property rights of brotherless daughters as both an exception to the rule and one of the only rules, the spectral quality of women's property entitlements is highlighted: the image of propertied women can be ideologically contained by this rationale with no spillover into "normal" families with sons. The absent presence of male heirs mediating this standard is best revealed in the niches of these proposed transmissions, where women's ownership of property is repeatedly marked by surrogate male presences. For example, Vimla's parents often said to her, "you are our son." and she took this to connote not just taking their property but also being responsible for

57 Interview 3.17, SN, 12/28/92.
58 Interview 3.13b, SN, 12/24/92.
their eldercare "like a son," feeling she could not have taken property if there had been a brother, except in the unlikely situation that he was very wealthy and she very poor. 40

Furthermore, Vimla was the surrogate heir not just in her brother's but also in her son's place. Even though she had a sister she was treated as the only designated heir, her sister had indicated that she did not want any natal property because her in-laws had a lot, and also that she thought of the natal property as being for Vimla's son, the only male grandchild (Vimla also had a daughter). Similarly, although in Indira's natal family women had been offered property even when they had brothers (predictably, the divorced aunt had accepted part of her share and the other aunts had written away their shares "because they did not need it"). Indira considered herself to be the main heir to her father's considerable wealth. This was not only because of the prosperity of her sister's in-laws, but mainly because her elder son had been raised by her parents and her father loved and depended on her husband "like a son." In these cases, the women inherited not only "as" sons but also "for" sons, underlining rather than erasing the fundamental male entitlement to property. Significantly, this also made the so-called "modern" form of the practice a mirror-image of the ancient scriptural notion of the putrikapura. 41

Women's inheritance of property in sonless families is a vivid example of an apparently empowering avenue for women with little radical potential. Here, women's access to property depended on genetic accidents, and even actual ownership was haunted by ghosts of unborn and future male heirs. Meanwhile, the phantom of this route of property transmission appeared in

40 Interview 2.13, KC, 2/17/92.
41 Interview 2.13, KC, 2/17/92.
42 See footnote 52.
discourse as a common way of giving women property, while the rarity and subversiveness of the practice were muted.

**Property as Payoff: Eldercare and Other Family Responsibilities**

"Both daughters and sons should be given something. But furthermore the son, or daughter, who looks after the parent the most should be given the property, because usually all the others have separated themselves, are living and eating by themselves and do not even ask about the parents. Just when it is time for the parents to give things [before dying], they all show up and start calling them "mother" and "father": then all they have to do is to put them on the funeral pyre, feed some people at the funeral to hide their shame, and get ready to take the property and live it up" (Parvati)."  

An alternative paradigm to viewing inheritance as the transmission of family wealth over generations is the commonly recurring standard of eldercare, that elderly parents give children property as a reward for tending to their physical, financial and emotional needs. While only 10% of respondents overall (none from SN, Table 4.1) pointed to it as a rationale for property division, one SN woman had actually received all of her mother's property in exchange for caregiving, and many other instances of eldercare awards across generations were cited by the respondents. Though not the commonest basis of property division, this was nonetheless an important path of non-customary property devolution.

Although Parvati, a widow of 50, who was often perturbed by her four sons' allegedly selfish lack of attention to her needs, framed the concept of eldercare-based property division in the gender-neutral way cited above, the rationale of eldercare is more commonly used in these milieus to justify male inheritance, by invoking the customary gendered division of labor among siblings whereby sons are supposed to be responsible for elderly parents' financial needs, medical crises and even funeral

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62 Interview 3.15, SN, 12/25/92.
costs. Yet, the application of the eldercare principle could be especially significant for women who often take on caregiving, marking one of the negotiable spaces for women to get property in defiance of norms of male inheritance. However, the standard of eldercare can also be one of the most intransigent bases to deny women property, if customs against accepting help from married daughters is evoked. To understand whether property indeed devolves precisely in proportion to eldercare, or whether this rationale is simply a screen to justify giving property to sons, explicit eldercare rewards and the barriers to women assuming these responsibilities need to be examined closely.

Using property as a reward for services rendered or for potential responsibilities (as 1.7% of the respondents did) is of course symbolically the raw opposite of the view that property is a gift of love towards all children (and also distant from the perception that ancestral resources are carried on through inheritance). Parvati’s comment makes explicit the vulnerability and fear of abandonment that runs through the idea of using property to pay caregivers, fears especially tangible for people with meager resources. For instance, Durga related that her mother was afraid to cash in the remainder of her natal family’s land in Bangladesh, fearing that if she went with her sons and they took the money they might then abandon her and she would no longer have the potential of inheritance to hold over them. But while women were likely to be worse off in this respect because they typically owned less property, men also felt the vulnerability of age and tried to use their property to obtain financial or social security. Lakshmi’s grandfather wanted to divide up his land among his sons in exchange for Rs. 250 a month as "khuraki" (maintenance, literally money for food) from each son, but they were unwilling to give this money for what they perceived to be a family

\footnote{Interview 3.18, SN, 12/28/92. Durga’s mother’s situation is a vivid illustration of a trend recently uncovered by researchers (Chen and Dreze 1992; Gulati 1993), that widows with even minimal property tend to be treated with more care and respect in their families as compared to widespread neglect of widows without property.}
entitlement, while the son who he was staying with thought he should get more land if he was going to bear the entire financial "burden."

In a world governed by capitalist relations, the elderly without liquid cash are increasingly vulnerable: disposition of family property is one of the few avenues of power.

The above dynamics illustrate that eldercare is far from being the natural, loving duty it is ideologically proclaimed to be: rather, "payment" for eldercare more often shows traces of disintegration of usufructuary rights in family land and a greater reliance on concepts of individual property and conditional inheritance. In addition to financial vulnerability, physical frailty also appears as a frequent cause for concern: expectations of caregiving frequently evoke images of bodily fluids, a recurrent theme being that the person who does the actual work of taking care of an elderly relative without bladder or bowel control is the true heir.

Numerous examples of women receiving property in return for taking on eldercare, in preference to customary male heirs, bear evidence of a male heirs' abandonment of the elderly despite lip service to sons' responsibility in this area. A dramatic instance where property was left to non-kin or neighbors who had been caregivers was that of Kavita's mother looking after a widow in their neighborhood, who left her land to Kavita's mother and brother. Another atypical example was that of Jaya's mother-in-law who, although widowed early and largely supported by her natal kin near their place, had brought her (the mother-in-law's) father-in-law over to her home and looked after him in his last years. She was rewarded with his entire property, while his son, Jaya's uncle, was disinherited for staying away from his father and living near his own in-laws. In other cases it was...

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" Interview 3.6, SN, 12/10/92.
" Interview 2.6, KC, 2/7/92.
" Interview 3.1, SN, 12/7/92.
daughters who had looked after mothers and been given family assets, e.g. Uma's paternal aunt who had lived in the rural home with Uma's grandmother was treated as de facto owner of that house and property, while Uma's father had opted to live in the city and travel abroad. In these instances, women's caregiving conferred direct economic benefits, to the extent that customary heirs had been disinherited.

In one of the clearest cases of commodification of eldercare, Bindu's mother had come to live with her and her family, and had given Bindu her savings of Rs. 15,000 because she had agreed to look after her. None of the other sons or daughters received anything. Bindu's mother had lived earlier with one of her sons, but when he died the other married sons had not been willing to assume responsibility for her. Thus, Bindu received the privileges of being a default/surrogate son along with the work, and she felt she had lived up to taking the money by paying entirely for her mother's funeral (typically a son's job), and taking care of all her mother's food, clothing and also bodily care while she was alive.

Given the sexual division of labor whereby women are responsible for domestic work, including the management of intimate body fluids as part of childcare and eldercare, it is not surprising that women had the advantage in getting unexpected eldercare awards, which were based on their gender roles extended to cover people not included in the customary scheme. (Within that scheme, women are expected to be eldercaregivers to parents-in-law, and their husbands are given property in "return."). In terms of the standard as contemplated by Sushila (25 years old and with a

1 Interview 1.14, KE, 2/24/92.
2 Interview 3.3, SN, 12/8/92.
four-year old male child), "whoever is going to clean up my urine and feces and is going to put up
with taking care of me, that's who I want to give everything to". 

Several mothers mentioned that the provision of eldercare should be connected to inheritance
and wanted daughters to be included as equal heirs, making similar connections about the superior
quality of daughters' caregiving. For instance, Maya, with two married sons and a married daughter,
proclaimed that "she [the daughter] plays an equal role in taking care of her parents, helps in their
troubles, she comes by when her mother feels sick, so she should have a share". 

Madhuri, having
experienced only daughterhood and not marriage or parenting, was even more extreme, saying "when
do sons help nowadays, it is the daughters who take much more care of parents; they might get some
share of property but they help more than sons do". 

If property division were indeed proportionate
to eldercare, women could thus have a favorable claim based on their physical care (if not financial
assistance)

However, as the portrait of property divisions showed, women rarely inherited any property,
and the examples of property awards cited above were highly atypical; only one of the 60 respondents
(plus women in 6.7% of the respondents' families) had inherited anything in this manner. Much more
commonly, eldercare was supposed to be the province of the sons, and property dispensation was
believed to reflect that responsibility, whether or not particular sons got property specifically as a
result of eldercare. Ritu and Vimla's husbands, for example, had both been the youngest sons and
caretakers of their parents, and inherited the parents' residences by family consensus.

69 Interview 3.17, SN, 12/28/92.
70 Interview 3.30, SN, 1/8/93.
71 Interview 2.11, KC, 2/12/92.
72 Interview 1.11, KE, 12/13/91; Interview 2.13, KC, 2/17/92.

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elderly care was not necessarily the only basis for distributing property in those families. Vimla's husband's brothers (and not his sisters) had received other property from their father. On the whole, all males were heirs and all females disinherited. As with many other families, one brother was responsible for the bulk of the caregiving, but all the males shared the property under the banner of sons undertaking elderly care. Among the kin of the SN women, it was very common for a parent to be living with one of the sons in the village, while other sons gave some crops or cash but were clearly not the primary caretakers; however, all males expected equal shares of land. Lakshmi's family dispute narrated above is a vivid case in point showing that, while some property awards may have been related to elderly care, shares of property were rarely distributed in proportion to the amount of caregiving.

The persistent trope of the daughter's emotional and financial severance from her natal family upon marriage and the son's continuing responsibilities and privileges to and from that family strongly affect women's refusals of property, viz. the belief that they have no claims if they do not assume any corresponding responsibilities. Brothers' sole right to property is often seen by sisters themselves as a justifiable return for all the duties that are habitually assigned to the sons. As Kiran, a relatively newly married woman with an infant son living in the husband's "joint" family, said:

My brother is the one who is going to be useful to my father and be with him in his times of joy or sorrow, so that is why he should have it [property]. We are away in our own homes. If my father runs into any problems, my brother is the one who will have to worry about it. We can maybe go there, but we can't help if they need money.71

Kiran's comment was typical of many women who implied that they should forfeit property because they were unable to help their parents, due to lack of financial resources, residential patterns, and most strongly, ideological restrictions. Kiran explained, "Among us the 'duties' have been fixed. We

71 Interview 2.8, KC. 2/11/92.
can worry about them [parents], if they really need help we could think about helping them in the time of trouble, but we are supposed to be 'attached' to our own [i.e. affinal] homes first". Suman also pointed out that her natal family had recently had many crises involving divorce, illness, etc., and although she was worried, she had not felt able to leave her allegedly primary responsibilities, her tasks in the nuclear family, to be with her parents in another city. However, her brothers had had to go since their presence was expected in hard times.\textsuperscript{74}

As a parent receiving assistance, Seema felt that her son ought to be rewarded and encouraged not just for physical and emotional support, but also as financial compensation for his assets that were diminished by helping the parents.\textsuperscript{75} Her son had contributed large sums to the renovations of their house (which he would inherit, thus protecting his own assets) but also to his sister's and his own weddings. Thus, she felt that "since the son helps the parents with everything, and the daughter is in her own home not doing anything and saving on their [sic] own, while the son could also be saving on his own and could put aside a lot. I think that gives him slightly more rights." Here, the expenditure of time, energy, money, and even loss of the "freedom" to look after one's nuclear unit solely was sought to be compensated by property.

What is unfair in this customary division of duties is not that those who do actually expend resources are duly compensated, but that daughters are not permitted to share in eldercare (and hence property) per strict ideological proscriptions. In many cases this ban was framed in terms of the Hindu wedding ritual of \textit{kanyadan} (see Chapter 2 for anthropological perspectives on the term).

\textsuperscript{74} Interview 1.5, KE, 12/5/91.

\textsuperscript{75} Interview 2.2, KC, 2/4/92.
translated as "gift of a virgin" daughter," in which the giving away of the daughter constitutes a high holy act for the father. This is supposed to be the supreme selfless gift, to which the bulk of other material gifts are merely supplementary. As I learnt from some of the middle-class women, 21.4% of KE and 31.3% of KC respondents, the act is interpreted as one in which the daughter is given away along with the dowry with no rights retained in her, and so parents accept nothing from her--stark symbols of woman-as-property. In the strictest form, parents do not even drink water at their daughter's marital home; the "modern adaptation" of this is to eat a piece of fruit or drink a cup of tea, and usually leave a payment for large meals or extended stays, even if the stay is for an emergency in the daughter's home.

Women from families observing this practice made an explicit connection between kanyadan customs, eldercare responsibilities, and property inheritance. Bina said, "if we don't even eat at our daughters' homes then why do we have to give them things?...The son is doing all the work for us and we have given the daughters what we wanted already, so why bring them into the remainder that we haven't given?" In these cases, both the privileges and responsibilities of eldercare were blocked by the act of a Hindu woman's marriage itself.

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76 Like the contested Hebrew-to-English translation of the word "virgin" as in "Virgin Mary," here too the word "kanya" can mean both "young daughter" and "sexually virgin." In the case of child marriages, the meanings usually converge.

77 In some families this may be done by the maternal uncle and is a sign of the mother's family's participation.

78 As Trautmann puts it, "The idiom of kanyadan is the patrilineal idiom of complete dissimilation of the bride from her family of birth and her complete assimilation to that of her husband" (291).

79 Interestingly, food or drink or visits are acceptable when a grandson, the daughter's son rather than the daughter, is an earning member and the ostensible host.

80 Interview 2.1. KC, 2/3/92.
It appears quite significant that no women from SN brought up notions of kanyadan and the resultant blocking of any help from daughters. No similar taboos were ever mentioned; in fact, there were several instances where married women gave their families ongoing financial and other help. In contrast to KE where no cases of helping natal families were mentioned, and KC where two women narrated instances of sisters helping with family weddings and other financial crises and one woman gave her parents some financial support, there were several kinds of help proffered by the SN women. Among 13.3% of 30 respondents and in many other households in the neighborhood, the woman's parent, brother or sister lived in her nuclear family. In 10% of cases, women paid for natal family funerals, debts and legal expenses out of their own earnings. Medha described her motivation in doing this as wanting to be by her brother's side helping him through troubled times, an act of love and support. Besides financial help, other assistance was provided by Deepa and her sister who would take turns staying with their father in the village a few months at a time, doing the cooking and domestic work because there were no women in their natal household. There were clearly no cultural proscriptions against the women's natal family members staying or eating.

Although there were fewer restrictions on sources of help among SN families, no women had been given shares of property despite their assistance. Also, a much smaller percentage of SN women as compared to KC women (only 10% as compared to 25%, Table 4.2) believed that eldercare should play a role in the dispensation of property. The conclusion may be drawn that in this group, eldercare was a matter of assisting one's natal family related primarily to social and affectional ties and not to financial considerations. Several women who had helped their families professed to believe in equal love and equal duties of sons and daughters, but also cited numerous barriers to claiming their own

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81 Interview 3.13a, SN. 12/23/92.
82 Interview 3.25, SN. 1/5/93.
natal inheritance e.g. potential rifts with brothers. Thus, their own support was not necessarily tied to a calculated consideration of property. Even among the women from KE and KC who had helped natal families, there were only two instances of women wanting to claim natal property, including one brotherless woman. Here, too, eldercare was generally not undertaken in expectation of receiving property (except in the case of sonless property, where eldercare was seen as a necessary duty).

Although relatively few respondents mentioned the ideological relevance of eldercare in delineating how property should be distributed, several instances of actual inheritance showed that women did inherit property in dramatically unusual ways as a result of caregiving. However, perhaps because of strong ideological proscriptions women did not usually provide eldercare and did not typically expect inheritance in return when they did so. While only some of the sons (and daughters-in-law) actually did the caregiving in most cases, the rights of all male heirs to inheritance were nevertheless proclaimed to be connected to eldercare. The issue of eldercare generally functioned as a screen for disentitling women from property; that is, sons inherited more in accordance with ideological prescriptions about sons undertaking the bulk of eldercare, whether or not they actually did any caregiving.

**Medha's Case: Complex Negotiations**

Women's feelings about natal property revealed a complex mix of fears and strengths, pragmatic indifference and generous assistance, love and alienation. A detailed analysis of one response, Medha's attitude to taking natal property, provides one of the most vivid illustrations of the discursive complexity over property. An example of "the inchoate multiplicity of actions by individuals possessing varying degrees of consciousness about the significance of their resistance to

\[81\] Interview 3.13b, SN. 12/24/92.
larger systems of power" (Merry 1995. 16), it shows that women's refusal of natal resources is not
necessarily a mark of women's consciousness being consumed by hegemonic norms, while also
revealing the difficulty of structuring lives free from the deep hold of patriarchal power relations.

Unlike most Indian girls in rural areas, Medha had grown up with dreams of opportunity. Her
grandfather, who owned a large amount of rural property, had indulged her as a child, often saying
playfully that she could stay at her parents' all her life, could study instead of getting married, and
work as a nurse or teacher. Not surprisingly, this had not come to pass, and she had married and
borne three daughters by the time she was 21. However, she still cherished those visions of
independence, and valued the experiences provided by her job. Having passed her matriculate
(school-leaving) examination, she was the most educated woman at SN (though low on the
educational scale compared to KE and KC), one of the few SN women with formal employment, and
an enthusiastic community worker.

A strong believer in the importance of women having property/assets of their own, Medha
had been trying to get a jhuggi in her own name, had her own bank account, and had also used some
savings to buy jewelry for herself and her daughters. Her appreciation of her need to be economically
self-sufficient was further enhanced by the scant reliance she could place on marital and affinal
assets: her wages were crucial for the nuclear family because her husband stopped giving her food
money when he went on drinking and gambling binges, and although they expected to inherit some
farmland presently joint between her husbands' brothers, she did not trust her brother-in-law who had
cheated her out of her wedding jewelry and also pocketed the cash dowry. She also felt a strong
affection and responsibility towards her natal family, to the extent that she kept her full income secret
from her husband, being committed to certain expenses he did not approve of, such as helping her
natal family with legal or funeral expenses.
Thus, Medha was completely aware of the value of financial resources, had few illusions about getting control over any property through her husband or in-laws, and had a strong responsibility towards her natal family, showing herself to be a woman who did not passively accept notions of women's access to financial resources mediated through husbands, nor support notions of women's severance from the natal family upon marriage. Yet she did not believe that daughters stood to gain by taking equal property shares. As she formulated it:

It might be good if people gave completely equal shares of money to all their children, but I think that one should not take equal shares from the brother. The brother has to make a living from that small area, and why should the sister take an equal share when she has a right to a part of her in-laws' property too? I also think that if I take a smaller share then he will look after me with more care. For example, if five shares are made of the property they will be very small shares, but instead if three shares are made for three brothers, the fourth is shared by sisters and the fifth is redistributed among the three brothers, then the sisters will have rights over all three brothers. She can stay with any of them and they might all look after her.

It appears from these words that Medha was unable to conceive of a system of property distribution in which each couple could get property from both sides of the family, or visualize a gender-neutral world in which women could have equal economic power and responsibility and would not need looking after. Or rather, she could not realistically see this happening, and thus her plan was to choose the most empowering avenue in the present scenario.

As she planned it, she could take advantage of some natal family property, while giving up some to secure brotherly insurance, thereby simultaneously raising the living standard of her own nuclear unit and not causing her natal home to be visibly impoverished. To this end, she contemplated asking her eldest brother to give her and her husband two shops on a strip of land which he was planning to develop commercially, a not inconsiderable value that would certainly assure them a materially better life than they had now, but a very small portion of their father's total assets. Even to do this she would have to contend both with her brother, who was more willing to give them less
valuable agricultural land, and also with her husband, who wanted her to claim ownership over a larger portion because her family was wealthier than his.

Medha preferred to have use rights over the shops so that they could make a good living, and not accept the other land with less profit potential; but also not to take so much that she lost her brother's support or gave her in-laws a reason to deprive her husband of his/their share. This conceptualization of property rights for women hovered between acceptance of customary patriarchal notions, e.g. women "getting" property through affinal families or women getting lifelong help rather than dowry, and active negotiations to maximize immediately profitable assets as well as long-term insurance. Her vision of property distribution vividly shows how women may be practically or emotionally unable to be free of constitutive ideology, yet able to negotiate solutions that optimize their needs rather than becoming passive martyrs of custom.

As Merry contends in her analysis of the contemporary significance of law, the very notion of individual resistance to regimes of power is double-edged, often harming the resister in the very act of opposition, but also "disrupt[ing] those modes of conceptualizing and categorizing the world which lie at the heart of modern processes of power" (1995, 18). Medha's strategy, while contrary to her own maximal financial gain, nevertheless represents a keen evaluation of the structures of power governing her life, a "reshap[ing of] the way communities and identities are understood" (Merry 1995, 23). In that sense, her negotiations of property, which altered customary patterns only in minimal ways, were nonetheless acts of ideological contestation, unmarked forms of resistance.
Conclusion: Multiple Positions, Optimal Compromises

It seems evident that responses to property division are predominantly "negotiated" readings of culture as Hall (1987) would put it. In delineating how property should be divided, some women echoed the patriarchal ideology that seemed contrary to their material interests, but often revealed their own dissociation from such beliefs, while underlining their socioeconomic powerlessness e.g. by proclaiming that they did not have the power to alter traditional property distribution even if they themselves had other schemes of succession in mind. Furthermore, in naming connections between inheritance and factors like eldercare, dowry, or long-term financial help, these women demonstrated a process of cultural sensemaking in which they weighed their realistic possibilities of intervention against financial options. Without a broader change in socioeconomic relations, it would be difficult for women to proffer substantial help to the natal family and get property in return, and thus dowry from the natal home along with the "protection" supposedly offered through marriage was the safest economic route, whereas radically different actions could leave them too vulnerable. Most remarkably, the images used by these women, particularly images of love from and towards parents, demarcated a realm of feeling escaping from and indeed contrary to dominant discourse, a construction of entitlements very different from and yet at least as powerful as the notion of individual jural rights. Thus, what appeared to be a cacophony of discordant and deluded attitudes from women towards property were often complex attempts at optimizing material survival and bridging emotional alienation within a system giving them limited agency and subjectivity.

* In "Ideology," Hall argues that people are not necessarily passive recipients of dominant cultural norms, and posits a range of subjectivities that goes from those in complete identification with dominant ideology to those with varied negotiations to those who are entirely oppositional.
In celebrating the spaces of discursive leakage, however, it would be troublesome to forget the resilient seepage of hegemonic discourse. The backdrop to women's negotiations of property divisions discussed here is, after all, the depressing portrait of how little property or substantial economic assets they actually owned, and how that limited their opportunities and aided their impoverishment and dependence in national and global terms. In that light, the rationales for refusing property that were optimized tradeoffs in women's minds were ultimately individual intellectual exercises and emotional pacifiers justifying apparent inertia, having little transformative momentum, at best covert acts of resistance from agents locked in fundamental economic dependence. Under this form of patriarchy, women maximized their short-term priorities at the cost of undermining their long-term interests, and feelings of love and loyalty towards parents and the natal family served to bolster male privilege. Despite exceptional cases of women receiving family property and subtle negotiations by women to retain natal ties, patriarchal principles of inheritance remain both ubiquitous and markedly stable.
CHAPTER 5

KNOWING THEMSELVES: WOMEN'S ATTITUDES TO WEALTH AND WELL-BEING

How important is property to women's lives? To measure women's resources through the lens of property ownership (as the previous chapters have been doing) is to put faith in conventional economic indicators of well-being; to measure women's wealth in accordance with "customary" law based on religious texts, however, is to foreground those realms in a world of late capitalist relations. Each of these perspectives is a partial view of the sociocultural nexus because women do not live entirely by either market rules or ancient scriptural prescriptions; rather, these factors are ingredients in a recipe of cultural sensemaking. Within this study that explores the myths and realities of property, this chapter describes some of the concepts which women themselves prioritized in evaluating their sociocultural options: what women considered to be their most valuable resources; the toughest obstacles to progress; and the best solutions to these troubles. While it cannot be claimed that these views, women's constructions of their lives, are the "most authentic" means of explicating the social nexus, they are important complements to women's decisions and sensibilities as revealed in the attitudes documented in previous chapters.
The focus of this chapter is women's priorities, the value that they assign to various issues relating to their lives. The first topic explored is one that begs the question in light of the discussion in previous chapters which focussed on hegemonic constructions of property transmission: what does property mean to women? What do women consider to be the most important financial resources? According to them, how useful are land, housing, or traditional women's wealth like jewelry? The importance of the property question is judged in the light of factors which women identify as the most pressing problems for women in society. The uses of the legal realm for bringing about social change, an important query in this project, is then explored in the context of evaluating these important problems and perceived solutions, as well as by examining women's attitudes to and actual encounters with the law. Thus, the significance of property is analyzed in the context of ideologies of wealth and power as understood and critiqued by the women.

Reconceptualizing Stridhan (Women's Wealth)

Contrary to the popular Indian image of the jewelry-bedecked woman who values gold and is befuddled about money, this study shows that women were far from ignorant about the most valuable investments in current times, viz. banking, investing in financial schemes, buying property or running businesses. Only a minority of women in this study found the customary female heritage of jewelry to be of any value at all, and few considered this a prime asset. This conclusion is important in contesting perceptions that women are given what they really value --jewelry rather than property-- in the property-dowry split between brothers and sisters, and that women live in a different financial realm as compared to men. In fact, it can be shown that despite their refusals of natal property, women were not at all unaware of the advantages of owning property, nor naive about the personal and social benefits of having financial resources.
In the Hindu scheme of entitlements, women were not supposed to be entirely resourceless; while the bulk of property passed through males, women could have usufructuary/maintenance rights usually in the affinal family (or else in the natal family if single or separated), plus their own fund called *stridhan* or women’s wealth, typically in the form of jewelry or other domestic valuables like utensils. In most Indian Muslim and Christian communities with patriarchal inheritance practices, similarly, natal wealth was supposed to come to the woman through that portion of the dowry which consisted of her personal valuables. The jewelry given to the bride by the in-laws also became part of her individual wealth. In addition, she could add to this wealth through inheritance of jewelry or other valuables from mothers and mothers-in-law.

If one could envisage an economic system where gold (or other metals for making jewelry) was equal in worth to land, and an equitable bulk of the two was distributed among male and female siblings, then *stridhan* could indeed be counted as a fair share of property for women. In contemporary India, however, while the price of gold has risen at extremely high rates and made old jewelry correspondingly valuable, this is nothing compared to the explosion in property values. Most couples do acquire some jewelry upon marriage and rarely get property until later in life, but other modes of saving are counted as being far more important: basic savings accounts, fixed deposits (similar to Certificates of Deposit), non-bank-based investment schemes, or stocks and shares, depending on the amount of extra cash available and knowledge of these systems.

However, the perception that women should get property only in the form of jewelry or *stridhan* still dominates ideologically. The women in this study who said that women got dowry or gifts instead of natal family property were echoing this belief (Table 4.1). This notion is also a principal jurisprudential theme in the Indian postcolonial debate about Hindu women getting equal shares of property: the Second Hindu Law Committee’s draft of a succession bill (1947) supported
<table>
<thead>
<tr>
<th>How A Woman Could Best Use Savings or Surplus Resources</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Save in a Bank/Investment Scheme</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Because they increase the most there</td>
<td>71.4</td>
<td>75</td>
<td>40</td>
<td>56.7</td>
</tr>
<tr>
<td>Because they do not get used up</td>
<td>14.3</td>
<td>0</td>
<td>30</td>
<td>18.3</td>
</tr>
<tr>
<td>Because they do not get stolen</td>
<td>0</td>
<td>0</td>
<td>23.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Because withdrawal is easy</td>
<td>7.1</td>
<td>6.3</td>
<td>13.3</td>
<td>10</td>
</tr>
<tr>
<td><strong>Invest in a business</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If a woman has the talent for it</td>
<td>28.6</td>
<td>37.5</td>
<td>20</td>
<td>26.7</td>
</tr>
<tr>
<td>Because it makes the most profit</td>
<td>7.1</td>
<td>12.5</td>
<td>13.3</td>
<td>11.7</td>
</tr>
<tr>
<td><strong>Invest in land/property</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35.7</td>
<td>31.3</td>
<td>3.3</td>
<td>18.3</td>
<td></td>
</tr>
<tr>
<td><strong>Save as Jewelry</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Because it increases in value</td>
<td>14.3</td>
<td>6.3</td>
<td>13.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Because it can be pawned easily</td>
<td>7.1</td>
<td>6.3</td>
<td>13.3</td>
<td>10</td>
</tr>
<tr>
<td>Because it can be used later for children's weddings</td>
<td>0</td>
<td>6.3</td>
<td>10</td>
<td>6.7</td>
</tr>
<tr>
<td>Because it is nice to wear</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td><strong>Spend</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On living expenses/weddings</td>
<td>21.4</td>
<td>37.5</td>
<td>23.3</td>
<td>26.7</td>
</tr>
<tr>
<td>On self</td>
<td>21.4</td>
<td>31.3</td>
<td>3.3</td>
<td>15</td>
</tr>
<tr>
<td><strong>Save money at home</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>6.7</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td><strong>Do not know</strong></td>
<td>7.1</td>
<td>0</td>
<td>3.3</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Table 5.1: Respondents' Attitudes About How A Woman Could Best Use Savings or Surplus Resources (In Percentages).
the first Committee's suggestion that daughters be given half of sons' shares of an intestate father's property, and claimed to balance the equation by giving daughters double of sons' shares of a mother's property (Parashar 1992, 123-5). Notwithstanding that mothers' shares were highly unlikely to be equal or even close in value to fathers' resources, completely equal divisions of fathers' property were seen to be unfair to men on these grounds. Interestingly, while women's inheritance of land through the natal family was legally limited in this way, they have been able to get somewhat greater access over marital property by claiming certain kinds of wedding prestation as personal stridhan and not joint property. But on the whole, stridhan seems to restrict women's wealth by inscribing them within an allegedly ancient system of entitlements that is markedly distant from contemporary women's notions about premium resources.

As Table 5.1 shows, within the world-system of capitalist relations, banks and other investment opportunities have clearly become prime resources to women. A comment from Asha (a 60-year old widow with a couple years of schooling, living with her son's family), "if anything is needed in the house then one should try to take care of that; if nothing more is needed, then one can put it in the bank, what else could one do?" represents the ubiquity of banks as financial reservoirs. The women's responses showed that this was true not just among the middle-class who were more solidly placed within the formal capitalist economy and supposed to have a more sophisticated view of finance, but also for those from rural backgrounds whose families had mainly agricultural

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1 Women were finally deemed to be "simultaneous heirs" in cases of intestate succession because of provisions in the new Constitution.

2 The extent and meaning of stridhan has been the subject of an ongoing debate in the courts. Some important cases are: Pratibha Rani V. Suraj Kumar AIR 1985 SC 628, Vinod Kumar Sethi V. State of Punjab AIR 1982 P&H 372, Suresh Kumar vs. Saroj Bala AIR 1988 P&H 217.

3 Interview 1.1, KE, 12/3/91.
resources. 76.6% of women from the middle income group and 80% of women from the low-income group named this as one of the optimal means of saving. For 35.7% women from KE, 18.7% from KC and 36.7% from SN, these were the only forms of savings contemplated. Apart from the poorest like Champa (with a maximum family income of about Rs 700) who had no conception whatsoever of how one might save, and others like Manta (with an erratic family income of around Rs. 1350 at best) who said that though saving was theoretically good "I have never been able to save anything, so I don't know the most advantageous way". women even at the lowest income range voiced the importance of putting money in the bank.

However, some of the differences between the middle-income and low-income groups were in the kinds of financial investments and the uses associated with banks. While middle-income urban families were routinely paid through direct deposits to banks and saved there, having a bank account was specifically important to many SN women because this represented improved security, given their futile experiences of saving at home. Ideas of putting away money in a bank to prevent it being used up at home were also more commonly voiced from SN, rather than areas where surplus income usually always existed.

A significant distinction was also in the forms of investment contemplated; while the "multiplication" of money in the form of accrued interest was the primary attraction for most, women

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4 The attitude of banking money as the prime means of savings showed a very small negative correlation with age, i.e. younger women were slightly more likely to trust this form of savings, the correlation coefficient is -0.12, and the P-value 0.3. On the other hand, there was a very small positive correlation between age and citing property as the prime savings mode (a correlation coefficient of 0.157 at a P-value of 0.23), i.e. women's likelihood of citing this increased with age, and a minimal positive correlation between age and naming jewelry as the prime saving (a correlation coefficient of 0.067 at a P-value of 0.61). None of these figures point to strong statistical correlations between age and attitudes toward saving.

5 Interview 3.10. SN, 12/21/92.
from SN found bank accounts per se beneficial, with only two women naming "fixed deposit" accounts and a few others referring to the advantages of bank schemes like getting loans against savings. On the other hand, KE and KC women frequently preferred financial schemes with much higher returns than basic accounts, including investment packages. As Kavita, a 25 year old married dance teacher with a household income of Rs. 6000, said:

If she [a woman] is quite intelligent she is going to invest it somewhere because the profit would be more, at the bank she would only get 2-3% but outside, in the "kitties" I was telling you about she could get a lot more, it would be all profit and no loss.

Poorer families were likely to have less savings and may have counted on the entirety of banked money as emergency fallback, while those with higher incomes could afford to have extra money for investments. This difference as well as possibly greater knowledge of investments among the middle-class leads to an ever-greater gap in resources between classes: the savings of the poor, already less in amount, further make substantially lower interest because the savings of the wealthy are invested more profitably. Thus, women's apparently similar goals of saving money through banks may have had markedly different motivations and consequences.

A significant number of women from various income groups pointed to the profitability of starting businesses with savings (Table 5.1). 43% of women from the middle-income group and 30% of women from the low-income group cited the potential usefulness of businesses. However, of these

"Kitties" are the Indo-English word for women's revolving credit schemes, where women put in money every month and get the whole "kitty" or total every few months depending on the total number of participants. Getting the money out of turn, for special needs or emergencies, involves a heavy forfeiture. This money is important for large household expenses and women's personal fancies, and the gatherings are also significant as socially sanctioned all-women's economic networks, especially now that they have spread from wealthy groups to middle-class households and poor neighborhoods. 12.5% women from KC and 3.3% from SN said they belonged to such groups.
only one woman from KC and one from SN named businesses as the sole optimal means of saving; the majority referred to banking one's savings along with investing in businesses, with a few adding on jewelry and property in addition to banks. Thus, investing in a business was clearly regarded as being extra and supplementary for the most part, mostly a means of extending savings in the bank at a higher rate of profit.

In addition to preferring businesses for optimum profit, a significant corollary cited in naming businesses as a favored means for women was the notion that this was possible only for particular kinds of women, those who were sharp and aware ("hunshtyar") enough and those who were perceived to have a "knack" or talent for businesses. For such women, numerous opportunities and advantages were named: the chance to run a home-based business and bring in money without deserting the domestic arena; contrarily, the chance to leave home for part of the day; the ability to get goods and cash to support one's family, or for one's personal use; and significantly, grounds of empowerment beyond financial reasons, "because it makes a woman feel she is able to do something if she can manage that herself" (Bindu, who ran a small tea-shop in SN*). Having a business was frequently seen as an avenue for women to enter the capitalist market whatever their education or professional qualifications, a space to earn a living but not a full-time job with the resultant domestic stress.

Owning property in the form of land, residences or shops was also named as one of the lucrative avenues for women to make money (Table 5.1). However, while 33.3% women from the middle-income group, brought up this option, only one woman from SN (3.3%) did so. The women who found this method favorable mentioned the way this asset "generated" money through rent or

* Interview 3.3, SN, 12/8/92.
produce and increased in value, with little scope of attrition because it was not used for daily needs, and also the possible security of owning one's home. The absence of SN women's responses in this category appears particularly discordant because as seen in Chapter 3, owning large amounts of land, especially in rural areas, was most prevalent and desirable among the SN families. One way to explain the discrepancy may be to follow the logic propounded by Madhu (a 26 year old single woman earning Rs. 4,000 a month), that it was only possible to envisage property as an option when there were enough savings: "if I have a lakh or two lakh rupees, I may even buy a piece of land, but if I have Rs 10 or 15,000 then I'll just keep it in the bank." Savings put aside by the SN women, who seldom had paid jobs and earned far less than women in the other groups when they did, were likely to be much smaller in amount; this could partly explain the difference. However, men from these families owned and often bought land though they too earned comparatively less than the middle-income groups: thus, it should be considered that women's routine disinheritance from family land, along with the meager savings, played a significant part in placing ownership of property even beyond the bounds of hypothetical possibility.

The supposition that women from SN did not name property as a lucrative resource because they mostly had no realistic avenues to acquire any is confirmed by responses to the direct question about women's advantages of owning property (Table 5.2), where only 10% of the women claimed that property is not beneficial or makes no difference to one's well-being (though slightly more women from SN, 13.3%, did claim this as compared to 6.7% from the other groups). Arguably the most crucial difference in how benefits of property ownership were visualized by the different groups was in the uses of property: from KE and KC, the responses were clustered around issues of esteem

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9 Interview 1.6, KE, 12/7/91.
<table>
<thead>
<tr>
<th>Benefits of Women Owning Land/Property</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helps divorced/widowed/vulnerable women</td>
<td>28.6</td>
<td>25</td>
<td>26.7</td>
<td>26.7</td>
</tr>
<tr>
<td>Generally useful, gives one strength</td>
<td>50</td>
<td>31.3</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Beneficial for one’s own maintenance</td>
<td>14.3</td>
<td>12.5</td>
<td>23.3</td>
<td>18.3</td>
</tr>
<tr>
<td>Beneficial for children’s care/weddings</td>
<td>0</td>
<td>6.3</td>
<td>30</td>
<td>16.7</td>
</tr>
<tr>
<td>Gives independence/confidence/freedom/pleasure</td>
<td>14.3</td>
<td>31.3</td>
<td>6.7</td>
<td>15</td>
</tr>
<tr>
<td>Beneficial for family, helps husband</td>
<td>0</td>
<td>18.8</td>
<td>16.7</td>
<td>13.3</td>
</tr>
<tr>
<td>Beneficial in old age because people help out of greed</td>
<td>0</td>
<td>12.5</td>
<td>20</td>
<td>13.3</td>
</tr>
<tr>
<td>Beneficial in old age, generally</td>
<td>7.1</td>
<td>12.5</td>
<td>13.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Husband cannot sell it when drunk or angry</td>
<td>0</td>
<td>0</td>
<td>23.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Beneficial for children’s inheritance</td>
<td>7.1</td>
<td>0</td>
<td>16.7</td>
<td>10</td>
</tr>
<tr>
<td>Beneficial to own a residence</td>
<td>14.3</td>
<td>6.3</td>
<td>3.3</td>
<td>6.7</td>
</tr>
<tr>
<td>Depends on kind of land and its use</td>
<td>7.1</td>
<td>0</td>
<td>3.3</td>
<td>3.3</td>
</tr>
<tr>
<td>Makes no difference to women to have property</td>
<td>7.1</td>
<td>6.3</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Not beneficial to have property</td>
<td>0</td>
<td>0</td>
<td>6.7</td>
<td>3.3</td>
</tr>
<tr>
<td>Do not know</td>
<td>7.1</td>
<td>6.3</td>
<td>0</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Table 5.2: Respondents’ Attitudes about the Benefits of Women Owning Property (In Percentages).
and individuality, i.e. symbolic status coming from wealth, while the SN women were far more concerned with basic maintenance issues, e.g. a woman's primary responsibility for feeding and caring for her family and her insurance against violence and neglect. Thus, from KC and KE there were responses like "it gives a woman some 'freedom,' she can do what she likes with that, it's a very different situation from sharing the husband's property." "It's good to have some property in her name because she would have strength." "Land gives them financial security and confidence" and "of course they should have land, women are also a part of society, they're not second-rate citizens." In contrast, from SN there were frequent reactions like "it could be beneficial because if the husband couldn't make a living the woman could work on it and make a living for herself, she could feed and clothe her children well and fulfil her own wishes to get nice things for herself" and "if the husband beats her or drives her out or dies, then she can earn her own living and cut off that, or give it to hired labor and get money to raise the children." Women from the middle-class often formulated responses in terms of individual rights in land as a path to independence and strength, while immediate living concerns weighed much more heavily on the poorer women.

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1 Parminder, a 34-year-old married woman with no wages or property of her own. Interview 2.3. KC, 2/4/92.

11 Bina, a 52-year-old married woman who had their residential flat and a shop in her name. Interview 2.1. KE, 2/3/92.

12 Ritu, a 35-year-old-married property owning office property. Interview 1.11. KE, 12/13/91.

13 Uma, a 27-year-old married woman working in a publishing house and planning to buy joint property with her husband. Interview 1.14. KE, 2/24/92.

14 Parveen, with a small income from home-based sewing but no jhuggi of her own. Interview 3.19, SN, 12/27/92.

15 Protima, a victim of physical and psychological abuse such as withholding household expenses, Interview 3.12, SN, 12/22/92.
However, it is important to mark the similarities between the groups, especially in terms of women's overwhelming fear of financial survival without husbands. Because security and well-being were typically associated with a husband's income and assets, one of the principal uses of property was as a stand-in for husbands "in case something happens" e.g. marital break-ups, untimely widowhood and also the helplessness of old age (26.7% of total responses, Table 5.2). Several women also cynically pointed to the uses of property in arousing greed and thus ensuring care in their old age (13.3%). Significantly, the contrast between the large number of women who declined individual property available through the natal family and the many who could immediately cite numerous benefits of having property underscores that women were not naively unaware of the differences in power and capabilities brought about by having property, but were restrained by other social and ideological limitations. Even those like Shabnam, who with three children and a husband who often found no work as a daily wage laborer, had difficulty imagining how women might best save their resources, had no problem envisaging that property could be theoretically beneficial "because she could keep her children going and have peace and happiness her whole life."

In contrast to the overwhelming preference for banks and investment, and even businesses or property, relatively few women found jewelry to be the optimum resource (Table 5.1). Only 16.7% of the 30 middle-income women named it as one of the preferred ways of saving, and none of them referred to it as the sole means. On the other hand, a third of the 30 respondents from SN named this as an important savings option, though only two of these women (6.7%) thought of jewelry as the only means of savings. The higher response from the lower-income area may indicate that jewelry was a more important resource for this group because women could more realistically acquire and

\footnote{Interview 3.8, SN, 12/12/92.}
<table>
<thead>
<tr>
<th>Importance/Non-Importance of Jewelry As an Asset for Women</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Not Important Because</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has to be left in bank vault/ Not safe to keep around</td>
<td>35.7</td>
<td>50</td>
<td>20</td>
<td>31.7</td>
</tr>
<tr>
<td>Market price of gold fluctuates</td>
<td>7.1</td>
<td>12.5</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>Value of gold is lost in repeat sales</td>
<td>21.4</td>
<td>6.3</td>
<td>10</td>
<td>11.7</td>
</tr>
<tr>
<td>Cannot be sold easily</td>
<td>21.4</td>
<td>12.5</td>
<td>6.7</td>
<td>11.7</td>
</tr>
<tr>
<td>Can be taken away from a woman by force</td>
<td>0</td>
<td>0</td>
<td>13.3</td>
<td>6.7</td>
</tr>
<tr>
<td>Not important, generally</td>
<td>14.3</td>
<td>18.8</td>
<td>20</td>
<td>18.3</td>
</tr>
<tr>
<td><strong>Important Because</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can be pawned/sold quickly when necessary</td>
<td>14.3</td>
<td>25</td>
<td>26.7</td>
<td>23.3</td>
</tr>
<tr>
<td>Can be given to children later</td>
<td>7.1</td>
<td>18.8</td>
<td>23.3</td>
<td>18.3</td>
</tr>
<tr>
<td>Increases in value</td>
<td>21.4</td>
<td>12.5</td>
<td>13.3</td>
<td>15</td>
</tr>
<tr>
<td>It is nice to wear</td>
<td>0</td>
<td>12.5</td>
<td>13.3</td>
<td>10</td>
</tr>
<tr>
<td>One then has something of one's own</td>
<td>7.1</td>
<td>12.5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Only when there is a lot of spare money</td>
<td>7.1</td>
<td>6.3</td>
<td>3.3</td>
<td>5</td>
</tr>
</tbody>
</table>

Table 5.3: Respondents' Attitudes Towards the Importance/Non-Importance of Jewelry as an Asset for Women (In Percentages).
save some, and store and exchange it in a relatively flexible way, while their restricted mobility and little education made it more difficult to deal with the other options individually, however lucrative they may have seemed.

Interestingly, attitudes to jewelry appeared more varied when the women were specifically asked about its usefulness, as Table 5.3 shows. 57% of KE women, 31% of KC women (total 43.3% from the middle-income groups) and 40% of SN women found it relatively unimportant for various reasons. 23.3% of women from the middle-income group and 33.3% from the poorer group claimed it as an important resource overall. A more mixed reaction, naming both positive and negative uses, came from only 14.3% of the women from KE, but 43.8% of women from KC and 26.7% of women from SN. Compared with the numbers in the previous paragraph, the number of women preferring jewelry as a significant resource remained identical except for a slight increase from KC. In KE, the wealthier of the two middle-income groups where many more women were in paid work and more educated and mobile, there appeared to be a strong consensus that other financial resources were relatively more flexible and profitable. But one of the most striking distinctions to emerge was the ambiguity about the value of jewelry in the lower of the middle-income groups. KC: although storing savings as jewelry was said to be inadvisable mostly on the grounds of security combined with inaccessibility of bank vaults and difficulty in trading, there was still a strong tendency to value gold as something women could individually trade, wear and pass on to children. Even though banking and investing were seen as prime opportunities in line with the times, it seemed harder for the women to dismiss the values associated with jewelry.

Despite a certain ambivalence about jewelry, however, it seems generally very clear that gold was not women's premium resource of choice, and that other forms of saving and investment were regarded as safer, and more flexible and profitable alternatives. This conclusion has important
implications for the widespread cultural notion that stridhan consists of jewelry, the form of wealth preferred by/for women under a certain construction of feminine nature, and hence given to them as part of the dowry in lieu of other kinds of assets. Women themselves rarely appeared to have any such illusions, and their customary acceptance of jewelry from their natal and affinal families may be better regarded as acquiescence of the only culturally sanctioned assets for women, rather than a claim over preferred resources. Hence, the idea that women have no desire or ambition for property/resources may be effectively counteracted by pointing to the figures in this section. They also help to dispel notions that women's entitlements should be based on a long-gone or mythically ancient socioeconomic system (when jewelry was apparently as valued as other resources, at least by women) while resource distribution between males remains entirely in tune with the pulse of the current political economy. Refusal of property may be grounded in numerous cultural rationales, but women's apathy and naivete about financial assets cannot be counted among them.

Crucial Problems, Imagined Solutions

A woman can never become independent, whatever "rank" [class?] she may belong to. This cannot be solved; perhaps all women could learn kung-fu and karate and become strong and learn to live by themselves; but even after they can do this, there are some things they cannot do. We have a Punjabi saying that people are afraid when they see even a man's slipper outside a house whereas ten women in a house doesn't scare anybody. Even if women start thinking about their lives, society won't let them change: Rani, a 46-year old Punjabi woman living with her husband, two sons and daughter-in-law.1

This is the problem: if the husband is nice then the woman doesn't have anything to worry about if he can take good care of the household, but if the husband is bad ("bura") then she has a lot of misery and her life becomes unbearable, because for a bite of food she has to feel the man's shoe upon her back and hear his verbal curses.

1 Interview 1.9, KE. 12/10/91.
while she has to be responsible for the children. Parvati, a 50-year old Nepali widowed head of household living with a brother, three sons and a daughter-in-law.19

Rani and Parvati's attitudes typify some of the themes that were perceived to be the greatest social problems for women. On one dimension, these statements represent the most frequently voiced opinions from the respective areas, the first a problem of women not getting equal status in society, the latter a fundamental economic problem of women's primary responsibility for and difficulty in providing for their families' needs in the context of ever-present violence. However, it is also significant that these two views, along with other cited problems like inferior educational and occupational opportunities, disproportionate responsibility for the domestic realm, economic dependence and family control, together demarcated various strands of patriarchal domination delineated in feminist theories, viz. the realms of home, work, sexuality, violence, representation. Like Marilyn Frye's popular image of oppression as a birdcage where concentration on single wires gives only partial pictures of domination or liberation, here too different women named their prioritized problems depending on their own sociocultural standpoints, but when taken together these appeared to describe the ingredients of a patriarchal structure.

A large "Danger" sign does need to be flagged here. Despite finding conspiracy theories thrilling as a feminist(!), looking for and finding patriarchal relations within disparate responses smacks too closely of "discovering" my own a priori assumptions in the results, and the imposition of a pre-fabricated "feminist" sensibility on the respondents. Is it possible to project the operations of "Patriarchy" here? Hennessy argues that, despite the current critical emphasis on relations of domination at a local level and within micro-practices, meta-discursive constructs like "patriarchy"
are still analytically valuable for examining broad connections between apparently distinct social phenomena:

[M]aterialist feminist attention to patriarchy as an organizing social arrangement, however, is aimed precisely at shifting from this limited notion of power as rights and liberties to a more pervasive concept of the operation of power across economic, political and ideological arrangements" (1993, 25).

While not attempting to interpret the following responses about problems and solutions through a pre-given checklist of "patriarchal relations" or read nascent "feminist" consciousness into the respondents. I would still argue that the range of the women's responses pointed to some prime mechanisms of patriarchal control: violence, constructed economic dependence, and the backdrop of symbolic notions about gender. In terms of micro-practices, each woman foregrounded that which affected her most deeply, providing an analysis of specific dimensions of domination, many (though not all) of which were grounded in gendered constraints.

While the principal problems described touched on various dimensions of patriarchal relations, the corresponding solutions envisaged did not challenge the fundamental roots of patriarchy or place women within a radically altered cultural context. Rather, the focus was on individual women changing their situations, or relying on social relations to take a turn for the better. Thus, analysis of a problem did not necessarily lead to the corresponding logical solution, but rather to answers which were, for the most part, small enough in scope to handle and based on existent realities. The noticeably absent mention of property relations in this context is a vivid example of bypassing solutions which could drastically transform social relations.

A significant number of middle-class women (Table 5.4. 64.3% of women from KE and 25% from KC, across various age groups and educational levels) located the central problem to be the persistence of ideas about gendered roles and capabilities despite changes in women's educational and
### Table 5.4: Principal Social Problems for Women as Perceived by Respondents (In Percentages)

<table>
<thead>
<tr>
<th>Principal Social Problems for Women as Perceived by Respondents</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Difficulty procuring food/clothes/medicine</td>
<td>0</td>
<td>0</td>
<td>46.7</td>
<td>23.3</td>
</tr>
<tr>
<td>Women do not have equality/ equal strength/ freedom/ enough respect/ are too dominated</td>
<td>64.3</td>
<td>25</td>
<td>0</td>
<td>21.7</td>
</tr>
<tr>
<td>Double burden of domestic and paid work</td>
<td>28.6</td>
<td>31.3</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Troubles with joint family life/with in-laws</td>
<td>14.3</td>
<td>18.8</td>
<td>10</td>
<td>13.3</td>
</tr>
<tr>
<td>Troubles with husband: alcohol, beatings</td>
<td>0</td>
<td>0</td>
<td>23.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Hard life if one has no husband</td>
<td>7.1</td>
<td>0</td>
<td>20</td>
<td>11.7</td>
</tr>
<tr>
<td>Problems with working outside the home</td>
<td>0</td>
<td>25</td>
<td>6.7</td>
<td>10</td>
</tr>
<tr>
<td>Lack of mobility</td>
<td>0</td>
<td>18.8</td>
<td>6.7</td>
<td>8.3</td>
</tr>
<tr>
<td>Lack of education</td>
<td>21.4</td>
<td>12.5</td>
<td>0</td>
<td>8.3</td>
</tr>
<tr>
<td>Feeling unwell/Physical problems</td>
<td>0</td>
<td>0</td>
<td>16.7</td>
<td>8.3</td>
</tr>
<tr>
<td>Problems finding work/Unequal wages</td>
<td>14.3</td>
<td>0</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Worries about getting children married</td>
<td>0</td>
<td>6.3</td>
<td>3.3</td>
<td>3.3</td>
</tr>
<tr>
<td>Childlessness/Too many children</td>
<td>0</td>
<td>0</td>
<td>6.7</td>
<td>3.3</td>
</tr>
<tr>
<td>Vulnerability in old age</td>
<td>0</td>
<td>6.3</td>
<td>3.3</td>
<td>3.3</td>
</tr>
<tr>
<td>Dowry related troubles</td>
<td>0</td>
<td>6.3</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>No problems</td>
<td>21.4</td>
<td>18.8</td>
<td>16.7</td>
<td>18.3</td>
</tr>
<tr>
<td>Solutions to Principal Social Problems for Women As Perceived by Respondents</td>
<td>KE N=14</td>
<td>KC N=16</td>
<td>SN N=30</td>
<td>Total N=60</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------</td>
<td>---------</td>
<td>--------</td>
<td>-----------</td>
</tr>
<tr>
<td>Women getting a business/a job/paid work</td>
<td>14.3</td>
<td>31.3</td>
<td>20</td>
<td>21.7</td>
</tr>
<tr>
<td>Educating women</td>
<td>35.7</td>
<td>25</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Women's own self-reliance and strength</td>
<td>21.4</td>
<td>18.8</td>
<td>13.3</td>
<td>16.7</td>
</tr>
<tr>
<td>Explaining to husband/in-laws reasonably</td>
<td>21.4</td>
<td>0</td>
<td>16.7</td>
<td>13.3</td>
</tr>
<tr>
<td>Women having enough financial resources</td>
<td>7.1</td>
<td>6.3</td>
<td>16.7</td>
<td>11.7</td>
</tr>
<tr>
<td>Hoping society will change eventually</td>
<td>14.3</td>
<td>6.3</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Getting help from women's organizations</td>
<td>0</td>
<td>6.3</td>
<td>3.3</td>
<td>3.3</td>
</tr>
<tr>
<td>No possible solutions</td>
<td>21.4</td>
<td>6.3</td>
<td>13.3</td>
<td>13.3</td>
</tr>
<tr>
<td>Do not know/Inapplicable/Other</td>
<td>14.3</td>
<td>37.5</td>
<td>30</td>
<td>28.3</td>
</tr>
</tbody>
</table>

Table 5.5: Solutions to Principal Social Problems for Women as Perceived by Respondents (In Percentages).
employment patterns. As Rani's response at the beginning of this section indicates, the difficulty was seen to lie not in women's absolute inferiority of strength or lack of independence, but in the cultural resilience of that belief. Even if women made themselves physically strong, it was likely that they would still be judged by hegemonic ideas of female weakness, whereas men's symbolic strength was vividly represented by the footless "male" shoe, an object arbitrarily signifying gender (as a male shoe) and connoting physical power, inviolability and resistance in the emptiness resonant with the absent phallic presence.

Within this category, women articulated different aspects of the problem. The oldest woman in my sample, 77-year old Sonal who had been principal of a school in Pakistan, described the problem as lack of sufficient "respect" (izzaat) for women in society:

The real thing is that a woman is not just an object to be consumed/enjoyed ("bhog basti"), she gives birth to the children, takes care of them, educates them, she makes so many sacrifices for them and so she should get more respect than males. Our scriptures say that mothers should get 11 times as much respect as fathers.

To Sonal, the problem was linked to a widespread crisis of faith manifested in sexualization of women, and could be corrected by a return to scriptural precepts. To Shivani, who had just finished college and was job-hunting, double standards in hiring appeared to be the most egregious aspect:

19 While there appeared to be some positive correlation between age and the attitude that the main problem was lack of equality or respect (the correlation coefficient is 0.217, the P-value 0.095) the results are skewed by the lack of responses from SN in this category. Because women from SN were a younger group, 35 or below in all but four cases, their not mentioning this factor makes fewer younger women fall in this category: from the other groups, women from all age categories, including a substantial number of young women, referred to this.

20 Carol Rose (1992) applies game theory to the subject of women and property to argue that perceptions about unequal strength are just as damaging to a social group as a real inequality, because other groups drive bargains with them on the basis of those perceptions and assume concessions on their part.

21 Interview 2.15, KC, 2/21/92.
to Sharmila, who had worked as a private yoga tutor in Calcutta before marriage, the restrictions upon "independence" associated with curtailed mobility for married women was most irksome.  

Others like Ritu, Suman or Parminder, all married women between 35-37, named the problem explicitly as the domination of a "male" society, of keeping women unequal by will rather than on the basis of any essential difference. Suman commented that.

the social problem is that the woman is kept completely under control, she's not allowed to progress in any area... as far as the difference between "men" and "women" goes. Indian society believes that the woman is below us, in many kinds of work they consider that she won't be able to do this but we will....Indian traditional society wants to keep women down.

Of note here is the realization of women's (and hence her own) subjugation coupled with the use of the first person plural to designate "society." Although apparently an attempt to speak in the persona of the "Society" of males, it can also be read in terms of women's own imbrication within systems that dominate them, of women's subjectivity constituted within and through patriarchal positions.

Several women did make more explicit references to their own complicity, by pointing out that the root of the problem and the mechanism of perpetuation was the socialization of girls and boys. As Madhu, being single at 26 and hence perceived to have more leeway to make social critiques, liked to point out, the distinction could be as seemingly innocuous as "the mother saying to the daughter 'could you make tea for the guests?' and to the son 'could you go to the market and get this?'" Yet what starts out as a simple and comparable division of labor eventually translates into a substantial difference in education, income and resources, through all of which gender difference becomes ever more entrenched and essentialized. Uma felt that the trend for urban women

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22 Interview 1.4. KE. 12/4/91; Interview 2.9. KC. 2/11/92.

21 Interview 1.11. KE. 12/13/91; Interview 1.5. KE. 12/5/91; Interview 2.3. KC. 2/4/92.

24 Interview 1.6. KE, 12/7/91.
such as herself to be highly educated had not really transformed the norm that men were to receive education and become breadwinners; although she herself was atypically employed, women's education was usually a way for them to bide time before the inevitable marriage and assumption of the domestic role. Such realizations about the deep roots of socialization seemed to produce hopelessness, because the apparent progress in education, paid work or social valuation of the girl child could then be seen as superficial dents in a system where the sexual division of roles and labor resiliently reproduced a system of domination. Bina's comment in this context brilliantly captured the frustration of her own childrearing, and the operation of patriarchal relations as a meta-discourse over various realms of social behavior: "it seems that we are only able to rear our boys as boys and our girls as girls despite all the changes in society." Seemingly "progressive" trends were thus minor makeovers, and the transcendence of gendered identity (and hence rank) remained insurmountable.

The world of work also figured prominently among perceived problems (Table 5.4), but significantly, different aspects of the exploitation and hardship of labor were highlighted by women from different groups. From KE and KC, 30% of the women, including single women who had just started jobs, married women who were or had been in paid work or had never held jobs, and older women with married children, expressed strong opinions about the excessive strain upon women who worked outside the home. For instance, Vimla, a schoolteacher whose household included her mother-in-law, claimed that despite her husband's occasional help, the primary domestic responsibility was hers alone, and having had to keep an eye on her children even while they studied or played, she had had no time to further her education for future promotions. Some women felt that the double burden

25 Interview 1.14, KE, 2/24/92.
26 Interview 2.1, KC, 2/3/92.
27 Interview 2.13, KC, 2/17/92.
was aggravated for those who lived within a joint family: according to Bharti (not herself in this situation), families expected all daughters-in-law to behave and work as they did a couple of generations ago even though women were now earning money to support their families, and so women with jobs felt like they lived in two worlds that were decades apart. Even Bina as a mother-in-law pointed to this problem, though she confessed her inability to solve it as her sons and daughters had already been raised. In these cases, one of the greatest sources of unhappiness was indeed the popular feminist notion of the double burden, but the responses were not necessarily products of a Western education and were formulated from concrete daily experiences.

Notably, in the poorer area there were no complaints at all on this issue, even though women who did income-generating work still bore the major responsibility for the domestic realm. The major crisis here (Table 5.4, for 46.7% of the SN women) was formulated as one of procuring enough money for the survival of the family, particularly the children. Because this job fell on the women whether or not the men gave them enough money, their primary focus was on doing anything and everything to garner enough resources, including potentially breaking the law. Thus, the disproportionate volume of women's work was an inevitable fact that they did not even comment upon. Rather, several women from SN expressed concerns about not being able to find sufficiently good jobs, and social constraints about women going out to work, while also pointing to the extreme hardship of women with no men to support them (Table 5.4).

2 Interview 1.7. KE. 12/9/91.

29 Interview 2.1. KC. 2/3/92.

There was a moderate negative correlation between age and the perception that women's main problems were economic survival related (the correlation coefficient is -0.3, the P-value 0.019) i.e. younger women were more likely to make this connection. However, the results are skewed here because most respondents who brought this up were from SN, and hence represented a younger profile. (See footnote 19).
In the other neighborhoods, particularly KE, far more women worked, and often had substantial incomes, whereas in SN, even the few women who had formal jobs additionally depended on other sources of income based in the informal sector. Whether they had paid jobs or not, they had to compensate for husbands who sometimes failed to give any household expenses. Moreover, they usually undertook all the domestic work, which was typically far more work than in middle-class households, which were more likely to have gadgets or maids. Thus, complaining about the double burden or asking for men to share domestic chores may have appeared pointless; the biggest worry was making enough money for the family’s survival, with overwork for women being a given.

Unlike Rani’s metaphor of the footless show signifying symbolic male power, Parvati’s comment prefacing this section visualized the shoe as having a powerful corporeal effect, being an everyday instrument of assault. This was one of the few references to violence, the big dirty secret of systems of domination, even at SN where it was at least mentioned as one of the problems faced by women (Table 5.4, by 23.3% of the SN respondents). Yet even women who brought it up were careful to name domestic violence as a general problem for women in the neighborhood and to distance themselves individually from it.

In areas like SN where individual households had little privacy and women were less isolated from the larger community, the secret of violence was not very well-preserved. My first tangible encounter (besides the stories from the women who came to Ankur workers for help) was in the midst of my conversation with Protima, an episode preserved in muffled echoes on tape. In the late afternoon, her elder brother-in-law, his voice thick with drunkenness, threatened her—“Daughter of a whore, fuck your mother. I’ll fuck you all”--ostensibly angered because she left her home and spent the night at her sister-in-law’s to avoid her husband’s drunken rage. Protima was one of the most financially desperate women in the neighborhood with several small children, no formal job, no
financial support from her husband, no connections with her natal family, suffering regular near-
public physical and verbal abuse. Yet her answer to the question about problems for women was "I
don't know, maybe problems with the body (illness). I don't have the intelligence ("dimak") to answer
this question", completely blocking out questions of violence or domination. Thus, no correlation
can be drawn between the responses which named violence as a problem and the experiences of those
respondents, because those who mentioned it could have been directly unaffected, while those most
affected could have been too frightened, mortified or mentally distanced from the phenomenon to
bring it up.

It must be noted that the silence on this issue from KE and KC should also be read in terms
of the above untraceability. There were no specific references to the issue in response to this question
or other discussions. The only traces of violent behavior revealed to me were a canceled appointment
at Harjinder's because her daughter-in-law had temporarily run away as a result of domestic trouble,
a reference by Poonam to beatings in the early days of her marriage when her husband drank a lot and
reacted to his mother's complaints about Poonam, and a plea by Rama to end the interview quickly
so that her in-laws did not get upset. I am unwilling to impose narratives without a lack of concrete
evidence, but neither can the absence of violence be proclaimed when the propensity of middle-class
and wealthy areas to keep domestic violence private and pin it upon the poor and uneducated is well
recorded.12

11 Interview 3.12, SN, 12/22/92.

12 While activists associated with domestic violence programs have spoken out about the
pervasiveness of domestic violence in all classes among Indians (e.g. Passaro 1995; Radhakrishnan
1994; Bhattacharjee 1992), little detailed research exists in this area. Some studies on domestic
violence do show its prevalence in all socioeconomic classes (Miller 1994; White 1993; Stefanizzi
1993; Lupri 1990; Strauss et al. 1988, 144-5), but many others, using data on reported crimes, claim
that such violence usually occurs among poorer groups (R Jain 1992, 12; Roberts 1987; Finkelhor
1982).
Solutions suggested for the above problems (Table 5.5) were, on the whole, limited and pragmatic, even pessimistic for the most part. A large number of women (41.7%, including those who said they could not think of any problems) indicated simply that they could not conceive of or did not know enough to formulate solutions. The other avenues commonly named were: getting paid work or financial resources, education, self-reliance, gradual social change, reasonable discussion. Thus, the focus was on change at the micro-level, on the individual woman improving her own circumstances through education, work, strength of will or at the very least, keeping things calm by negotiating the status quo only very gently.

Naturally, there was a certain degree of match-up between problems outlined and solutions proposed. For example, many of the 23.3% women (including 46.7% of SN respondents) who suggested solutions for problems of basic sustenance looked towards women getting jobs or being able to acquire sufficient financial resources (21.7% overall, 20% among SN respondents). Among those who pointed to the pain of husbands' alcoholism and abuse, all but two (i.e. 16.7% of 23.3% SN respondents) foresaw the only "solution" to be explaining matters to husbands reasonably and hoping for transformation. (The other two suggested getting independent financial resources and legal help). Given that domestic violence is an exercise of power often grounded in the economic dependence of the abused upon the abuser, laying hope in this sort of transformation seems tragic because it reinforces the power dynamic without improving material conditions substantially.

Perhaps most idealistic was the notion expressed by 20% of the respondents that educating women would go a long way towards changing societal attitudes of gender equality. Education was the most important solution for KE women (35.7%), who were also the most educated group. Yet highly educated women had themselves analyzed that gendered constructs of women's worth and roles did not alter despite women's education and placement in the work force. As for those who looked
towards women's employment as a major solution (21.7% overall), they were, not surprisingly, those who had pointed to the discrimination against women in the labor market and social constraints about women in the workforce. However, the silences from employed women on this score, along with the widespread realization of the stresses of the double burden, indicate that paid work in itself is unlikely to solve problems of gender equality without a transformation in notions of the gender division of labor.

In contrast both to ideas of placation and transformation, which were largely passive and reinforced the status quo, and of education and employment which were associated with at least some degree of positive empowerment for the individual, variations on the prevalent theme that the solution was for "women to be strong and self-reliant" (expressed by 16.7% respondents) were double-edged. On the one hand this could imply women resisting subordination by demonstrating their equal capabilities, as in Renu's hope that "if the woman worked and brought her earnings into the home...she wouldn't have to listen to being put down by anyone...women should make themselves advance, they should stand on their own feet, they should fight for themselves."

Renu herself was a 53-year old married woman who had worked long ago, before her marriage, as a secretary; she strongly supported women empowering themselves through their own paid work and believed they should be independent enough to disdain family property. Parminder's conception was simple and powerful--"it is essential that women become proud of themselves"--with a focus on emotional strength altering current socialization, while Suman, Hema and Pushpa (of them, only Hema was the main economic support of the family) went back to the idea of economic strength, of deriving pride and resilience against criticism by working hard and being able to raise one's children well.

11 Interview 2.12. KC. 2/17/92.

11 Interview 2.3. KC. 2/4/92.
through that work, or of becoming wise in legal and financial matters through education and employment. Jaya, who was married but owned a shop and hut of her own and supported women owning separate property and resources so that they had options beyond their husbands' whims, emphasized both economic strength and socializing women to be strong, regretting that her parents had not given her enough education for her to get an office job, and planning to take her daughters to various environments to give them diverse experiences and options.

However, the rationale of "women's self-reliance and strength" was also sometimes a call for women to internalize their resilience, to call upon their power not in order to be able to transform their lives but to be able to bear their lot better. Thus, Vimla proclaimed that women should be self-confident and try to solve their own problems without hiding behind a weak image, attaching as an illustration the story of her niece-in-law being harassed by husband and in-laws for dowry, to whom they had said that she should learn to handle household disputes rather than running to the natal family for solutions. This tale of a woman's mortal danger is a vivid example of the idea of women's strength being reduced to a coping device in the absence of any material improvements. However, in 60% of the ten responses in this category, education or employment or financial resources were mentioned as a means of achieving self-reliance. Even though these supplements usually do not by themselves alter widespread attitudes, they could aid individual empowerment and decrease vulnerability, and certainly offer alternatives beyond stoic resilience.

Have we forgotten completely that the subject at hand is property? The resounding silence on this topic with regard to important problems and solutions seemed to indicate that the issue was

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15 Interview 1.5, KE, 12/5/91; Interview 3.2, SN, 12/8/92; Interview 3.11, SN, 12/21/92.
16 Interview 3.1, SN, 12/7/92.
17 Interview 2.13, KC, 2/17/92.
more an intellectual exercise for the researcher than an urgent concern for respondents. However, I would argue that the very silence combined with the cited problems and solutions pointed to the importance of property relations. The most important problems described (persistence of cultural ideas about women's inequality, economic hardship and dependence on the husband), the most favored solutions (women gaining jobs, financial resources, education or self-reliance and strength) together with the overwhelming vote for the benefits of property discussed in the previous section all point to the uses of financial assets like property for addressing women's most urgent concerns. Yet property is viewed as such a distant entitlement for women that it is placed beyond the bounds of speculation, despite its potential for change.

Women made no direct references to property in pondering problems, but their disparate responses revealed that property relations were indeed a sealed box that they would not approach in their solutions. A vivid instance of this evasion is revealed in comparing the responses to the uses of property with the responses about primary problems. From KE and KC, a majority of answers (Table 5.2) indicated that property is useful because it gives women strength (40%), independence, confidence, etc. (23.3%), while a large number of women also said that one of the principal problems for women was that they were not credited with having enough strength, independence, etc (Table 5.4, 43.3%). Similarly, many responses from SN (Table 5.2) pointed to the usefulness of property in sustaining themselves (23.3%), or their children (30%) or helping the husband defray family expenses (16.7%), while numerous women described problems with providing adequately for their families (Table 5.4, 46.7%). Yet the solutions women named covered means of betterment like education or employment and cultural strategies of empowerment, that even they knew to be feeble, completely bypassing how equal distribution of family assets would be a symbol of changes in socialization and cultural norms, and a pathway to less dependence on husbands' resources and a
means of economic sustenance. The notion of property thus functioned yet again as a specter, this time a ghost whose presence no one would acknowledge because admitting its corporeality or attempting to exorcize it might point to a change in work and entitlements far more radical than individual women were willing to take on.

The Shadow of the Legal Realm

Although this study set out to probe the intersection between property and law with respect to gender, there were few findings about the influence of law on the lives of the respondents. Few women had direct knowledge or experience about legal encounters; and by all accounts, families tended to avoid litigation even at the cost of incurring substantial losses. Legal remedies were rarely resorted to as a means of solving critical problems; rather, legal strategies were used by and against women narrowly, in response to particular cultural transgressions. Like property, law also functioned as a specter in the sense that it was an overdetermined fetish, a creature of myth with little substantive experience attaching to it, both its benevolence and its burden being overvalued in some contexts. For many women, the legal realm connoted empathy and advantage, yet they also realized its frustrations, social costs and inefficacy in altering social relations.

While the interviews yielded relatively little information about legal skirmishes, questions of law followed me, as I would be pulled into houses for hushed conversations with families I was not planning to visit for interviews. People knew I was not a lawyer, but interested in legal encounters for my research, and the knowledge that this was presumed to require appeared to place me in a somewhat informed state, despite my main disclaimers. Perhaps this was a way for the families to mull over legal strategy without taking the formal step of a legal appointment. In SN, a young married woman visiting her mother's house with her infant daughter intercepted me one morning
before I got to the neighborhood, telling me about the tension, violence and poverty at her in-laws and asking me about the ways in which one could get a divorce. We talked about the logistics of divorce, but also the socioeconomic aftermath which might have been even harsher than the existing one, especially since her natal family also thought that she ought to go back and be more accommodating while asking her husband to behave a little better. However, in just a few days she went back after her husband came to get her, with no apparent change in situation in the affinal home. From KE, I got queries about property and inheritance: a retired woman wanting her never-employed husband to be unable to get his hands on her savings; a couple in their 60s trying to ensure that their widowed daughter-in-law could get a substantial share of their property and that the other son and daughter-in-law who were unwilling to give her anything could be stopped from manipulating her out of it. In all these cases, no legal steps were actually taken (at least in the short term); at best, the empowering possibilities of legal action were pondered for future usage. Nevertheless, these instances reflect some patterns about use of the law also brought up in the interviews: the predominance of marriage and property as subjects of dispute; the optimism of thinking about law as a safeguard against one's deepest worries; and the seemingly contrary horror of being engaged in endless litigation.

Marriage breakdowns were one of the areas where litigation could rarely be avoided. Among KE and KC families, irreconcilable marital differences were inevitably resolved through legal divorces (11 divorces mentioned, and only one informal separation as a form of marriage resolution). Of these divorces, there were six cases (54.5%) where maintenance was also asked for by the woman, and one custody dispute (9%). Maintenance was usually sought from particularly wealthy families, although the circumstances of women who were themselves from wealthy families filing maintenance suits is very significant in the context of property relations: as Suman narrated, her brother-in-law was having to pay maintenance because his ex-wife's brothers, though having plenty of family money.
had submitted an affidavit that they would not support their mentally handicapped sister.36 Thus, although the marriage was potentially fraudulent because the affinal family was not apprised of the bride's mental condition, the affidavit implied that the wedding ceremony itself transferred the right of economic sustenance to the husband and broke off any entitlements to natal family wealth. As for dowry return, no formal cases were reported from these areas, although there was in fact a certain amount of exchange after a marriage ended, each side usually reclaiming the jewelry they had invested, with other items like furniture or appliances being more contested. The nature of maintenance and dowry disputes from these areas indicates that here, legal resolution of marriage was the most important thing, and marital relations could not be left ambivalent, particularly because of concerns over inheritance or children's alleged legitimacy. Suits for maintenance or custody were attached only in special circumstances, e.g. great differences in wealth, punishment for perceived "fault." etc.

In SN, on the other hand, legal marriage dissolutions were the exception rather than the rule, and usually occurred as an outcome of other issues. Only three of the 12 marital disputes mentioned by these women (25%) had been resolved by formal divorces in court, and these had not come about as a result of pleas to end the marriage but in conjunction with maintenance, dowry return and custody suits. In Parvati's case, for example, the judge gave a formal divorce while deciding a custody suit in her favor, even though she had not formally sought divorce in response to her husband's bigamy.37 When Hema's niece was sent back by her in-laws, her family filed the requisite police case for getting their dowry back, and the legal outcome was both an order for the goods to be returned

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36 Interview 1.5, KE, 12/5/91.
37 Interview 3.15, SN, 12/25/92.
as well as a divorce. Thus in these cases, divorces were secondary to other issues more urgent for the plaintiffs, often property as in the latter case.

Most families in SN preferred to end marriages by coming to an agreement at a community meeting e.g. of village councils (panchayats), or by settlement between families. Maya, who at the time that I met her had trouble with both her sons' marriages, described how the cases would probably be resolved if the women did not come back; they would ask for the arbitration of the village council ("panch faisla"), probably at the bride's village, and each side would bring two relatives who had been present at the wedding. In the presence of the council and those relatives, they would draw up a document that stated the woman was not willing to come back and that each partner was now free to marry. The bride's family would probably get back the jewelry, utensils etc., but the groom's family would "deduct" the approximate amount they had spent on wedding expenses. Maya's family intended to pay maintenance expenses to the daughter-in-laws' families only if the women came back, i.e. as recompense to the women's natal families for looking after "their" women. The families did not want to go formally to the courts because they dreaded both the expense and the prolonged involvement; they wanted to resolve matters as cleanly and quickly as possible. In families with rural connections, such methods of negotiation were much more common and served the families most efficiently. But in the urban or suburban milieu there was no equivalent community-level dispute resolution structure, and hence more of an imperative to formalize matters in law.

The other major area of discord was dispute over land, a subject whose prevalence and co-existence with coercion and violence has become a common metaphor for antagonistic class relations, gang strongholds and bureaucratic corruption in India. The disputes reported reflected common

\[4^a\] Interview 3.2, SN, 12/8/92.

\[4^b\] Interview 3.30, SN, 1/8/93.

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problems: disagreement over land boundaries; forcible occupation of land/houses by gangs or tenants; fraudulent land sales; resentment between siblings over property shares. There was as much trouble reported in the rural areas as there were disputes over urban land, but a high degree of passivity towards formal litigation in both cases. Only one of the nine reported land problems (11.1%, not involving daughters'/wives' rights to property) from KE and KC ended up as a legal case. this was in Shamila's family where her father and uncles were fighting their stepbrothers for shares of rooms in the ancestral home.\textsuperscript{42} Even here, her father's side gave up because they could not make the time to go to court or pursue lawyers, and opted to take a much smaller share.

Even in instances where the violations seemed legally straightforward, people with an apparent advantage preferred to lose substantial property resources rather than enter into legal skirmishes, which they ultimately viewed as more wasteful and ineffective. Kavita's mother-in-law used most of her jewelry to buy a plot of land that a group of alleged gangsters then occupied for a club, and Kalpana and family bought the flat in KC with the little money they got as "compensation" after losing their previous house because the owner of that land had already sold it once before selling it to them.\textsuperscript{43} They preferred to live with their losses rather than venture into court.

In SN, too, of 11 cases of property dispute (not involving daughters' or wives' shares), there were only three cases (27.3%) being fought in the courts (including the case against the city filed by a large number of SN families charging destruction of huts and crops on squatter land without adequate notice). In many other instances, people preferred to take their problems to either a designated head of the village ("pradhan" or "mukhiya"), or beyond that to the village council, rather than get into complicated legal procedures. While this appeared to be an acceptable form of

\textsuperscript{42} Interview 2.9, KC, 2/11/92.

\textsuperscript{43} Interview 2.6, KC, 2/7/92; Interview 2.4, KC, 2/4/92.
adjudication to them, its degree of justice should also be critically regarded by remembering that in
the two legal cases which were being fought, both in Medha's family, the matter had been taken to
court because the parties felt that village heads took bribes and ruled accordingly. Thus, local bodies
were likely to have their own problems with corruption and a bias towards influential people, but
could be trumped by a "higher" justice sought in the formal legal arena (also potentially corrupt, but
where the disempowered got a theoretically neutral hearing).

In most cases, people from SN also decided to settle privately, or simply accept the situation,
rather than getting into any form of adjudication. Thus, when Bindu's husband's five bighas got sold
by a person who forged his signature and procured a copy of the title, or when Reena's father's land
got occupied by a neighboring farmer (also a cousin), these men did not start any proceedings even
though they lost the majority of their resources. Bindu's husband felt that he did not have the money
to pay lawyers and keep going back to the village for the many years required, nor any guarantee of
winning; Reena reported that her father simply felt he was not sharp ("chalak") enough to fight or
win a case and preferred not to antagonize his cousins.

Given this widespread apathy and even revulsion for legal solutions, it is all the more striking
that where women's property was concerned, families seem to have had little hesitation in going to
court to challenge wills or orders (viz. cases discussed in Chapter 3), even though their chances of
winning these cases were not very high. In every reported case where a woman was getting property
in a non-customary fashion, e.g. a certain share for daughters, a reward only to the eldercaregiver, or
equal rights of female heirs in cases of intestate succession to personal property, male heirs mounted
a legal challenge, but all outcomes were reported to be either in the woman's favor or appeared to be

41 Interview 3.13b. SN. 12/24/92.
46 Interview 3.3, SN. 12/8/92; Interview 3.21. SN. 12/30/92.
going her way. These legal cases, in the background of prevalent passivity to litigation, thus indicate examples of cultural transgressions outrageous enough to warrant extreme solutions. They were usually also a last resort when efforts to manipulate women ideologically had failed; the courts were seen as an area where women, thought to be relatively less conversant with the public realm, could finally be defeated. Yet paradoxically, the results reflected the limited benefits that women could get within the formal legal arena where customary entitlements to property were technically invalid. Legally, it appeared to be a losing battle to try to stop women from getting legitimate shares, but because this seemed to be territory which male relatives could not concede without formal contest, cases were fought in these areas with limited or no success against women, while many blatantly criminal violations in other areas went unchallenged for fear of prolonged litigation.

Women's attitudes towards turning to the law for solutions mirrored this duality of apathy and advantage (Tables 5.6 and 5.7). On the one hand, their silence about the legal realm in pondering solutions to critical problems (Table 5.5), and their perceptions of the limited usefulness of law when asked specifically about whether laws or courts could help women (Table 5.6), reflected the general social disenchantment with litigation. The inefficacy of law in altering social behavior and the lack of enforcement of numerous laws already on the books were said to be particularly egregious. Yet a large number of women were surprisingly optimistic about using the courts (48.3%, Table 5.7), believing that they would be given a fair hearing, that the legal system would "listen" to them. Even

46 Table 5.6 below indicates that gender-based taboos on going to court do exist: women who are seen in court may be thought to be morally corrupt, greedy and immodest. Thus, threatening to start a case against a woman has the power to affect her social and moral standing, which may be as or more important to her as the property contested. Hence litigation itself may be a substantial threat whether or not the woman has the resources or persistence to fight and even win.

47 In this sample, younger women were slightly more likely to believe that there could be legal solutions to social problems; the correlation co-efficient between age and this attitude is -0.23, the P-value 0.08.
<table>
<thead>
<tr>
<th>Respondents’ Attitudes to Whether Courts/Laws Can Help Women</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, women can seek redress there</td>
<td>7.1</td>
<td>18.8</td>
<td>13.3</td>
<td>13.3</td>
</tr>
<tr>
<td>Yes, women can get financial help there</td>
<td>0</td>
<td>0</td>
<td>23.3</td>
<td>11.7</td>
</tr>
<tr>
<td>Yes, they can be a last resort</td>
<td>7.1</td>
<td>6.3</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td>No, there are enough laws, but poor enforcement of laws</td>
<td>35.7</td>
<td>50</td>
<td>16.7</td>
<td>30</td>
</tr>
<tr>
<td>No, laws do not change people’s behavior</td>
<td>35.7</td>
<td>43.8</td>
<td>6.7</td>
<td>23.3</td>
</tr>
<tr>
<td>No, legal solutions take too long</td>
<td>21.4</td>
<td>0</td>
<td>3.3</td>
<td>6.7</td>
</tr>
<tr>
<td>No, laws are for weak, women should be strong</td>
<td>0</td>
<td>0</td>
<td>13.3</td>
<td>6.7</td>
</tr>
<tr>
<td>No, bribes are needed to win in court</td>
<td>0</td>
<td>12.5</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>No, other forms of arbitration are better</td>
<td>7.1</td>
<td>0</td>
<td>3.3</td>
<td>3.3</td>
</tr>
<tr>
<td>No, legal solutions increase problems</td>
<td>7.1</td>
<td>0</td>
<td>3.3</td>
<td>3.3</td>
</tr>
<tr>
<td>No, other</td>
<td>0</td>
<td>0</td>
<td>16.7</td>
<td>8.3</td>
</tr>
<tr>
<td>Do not know</td>
<td>21.4</td>
<td>6.3</td>
<td>13.3</td>
<td>13.3</td>
</tr>
</tbody>
</table>

Table 5.6: Respondents’ Attitudes to Whether Courts/Laws Can Help Women (In Percentages).

<table>
<thead>
<tr>
<th>Respondents’ Attitudes to Whether Women Will be Treated Fairly in the Courts</th>
<th>KE N=14</th>
<th>KC N=16</th>
<th>SN N=30</th>
<th>Total N=60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, treatment is/ought to be equal</td>
<td>14.3</td>
<td>43.8</td>
<td>53.3</td>
<td>41.7</td>
</tr>
<tr>
<td>Yes, generally</td>
<td>28.6</td>
<td>0</td>
<td>6.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Yes, if go with someone familiar with the system</td>
<td>0</td>
<td>6.3</td>
<td>7.1</td>
<td>3.3</td>
</tr>
<tr>
<td>No, because women going to court are regarded poorly</td>
<td>14.3</td>
<td>18.8</td>
<td>20</td>
<td>18.3</td>
</tr>
<tr>
<td>No, because the poor are treated badly</td>
<td>14.3</td>
<td>18.8</td>
<td>6.7</td>
<td>11.7</td>
</tr>
<tr>
<td>No, because bribes determine outcomes</td>
<td>0</td>
<td>6.1</td>
<td>0</td>
<td>1.7</td>
</tr>
<tr>
<td>Cannot answer, no knowledge of this</td>
<td>21.4</td>
<td>25</td>
<td>16.7</td>
<td>20</td>
</tr>
<tr>
<td>Do not know</td>
<td>28.6</td>
<td>0</td>
<td>10</td>
<td>11.7</td>
</tr>
</tbody>
</table>

Table 5.7: Respondents’ Attitudes to Whether Women Will be Treated Fairly In the Courts (In Percentages).
some of those who believed that one could win in courts only through bribery, or that women lost
social standing by entering courts, believed that in spite of these, women would in general receive
justice.

Those who refrained from litigation were hardly exaggerating the time, money and complications involved in cases, and women did lose a certain social-moral advantage by fighting in court. But still, this faith in litigation may not have been misplaced. First, there is the evidence about actual cases where women did win when they sought property (even though many of the women who felt optimistic about using the courts had not heard any such accounts). This evidence is strengthened by taking into account the fact that the few women who had been to court also concurred that judges had listened to what women had to say and taken their situations into account in making decisions (although one of them believed that currently bribery might rule the courts). That women's successful encounters described in these few cases were not entirely a coincidence is also borne out by statistics based on actual legal cases in the next chapter, where in terms of numbers women were quite likely to win when they went to court. These positive outcomes confirm the contentions of scholars who argue that women stand to benefit more as individual jural subjects before the law rather than when they rely on customary entitlements.39

However, women's hope of a fair reception in the courts did also reflect a rosy expectation of care and protection for women from the state. For example, there was frequently a fascinating play between possibility and moral expectation in envisaging women's treatment in the courts, in the play on "will" and "should": "Of course they will be treated fairly, why shouldn't they be?" being a

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39 E.g. Lazarus-Black 1992; Burman 1984; Starr 1984. However, others have argued that legalization may have mixed benefits and may increase women's vulnerability rather than empowering them (Kishwar 1994; Neube 1991; Thornton 1991; Mann 1982; Merry 1982).
popular answer. This indicated a faith in jural equality, rather than a response informed by other women's (or their own) experiences, and downplayed the law's hegemonic allegiances by emphasizing its alleged protective functions. Such trust might be cause for disillusionment for women when it is recalled that the inscription of women's needs within systems of law is often less than satisfactory, even though more women may triumph in terms of absolute numbers.

Thus, women's attitudes toward law reflected both a potentially exaggerated optimism and a seemingly contrary indifference towards using law as a tool. While the formidable resources required to fight cases or the loss in social status for women should not be underestimated, and the reluctance to view law as a vanguard of deep social change motivated the indifference to legal solutions, women's perceptions about the odds of winning a case by insisting upon their legal rights seemed realistically favorable if they persisted in court. At least for those problems to which there may be satisfactory short-term solutions, and where cultural constraints do not outweigh the advantages of legal wins, women may be able to use law as a favorable catalyst for altering the status quo.

Conclusion: The Limits of Critical Analysis

The exploration of women's priorities in this chapter reveals the limits of theories of "false consciousness" which claim that the "oppressed" are unaware of the structure of privileges within their society, and have no perceptions of the conditions of their exploitation or visions of change. Among these women, who shared gendered restrictions/ "oppressions," although their privileges by age, education, employment or religion varied, there was an analysis of patriarchal relations as succinct as that by any "enlightened" theorists, a view from their "standpoint" at the bottom (of the gender hierarchy) so to speak, but there was no naivete about what financial resources they could
handle most profitably, or what risks they could not take for fear of endangering their material status quo. They could relate to the frustrations of court battles, but often understood too that as women they might benefit from protection under law. Thus, they realized how gender affected their lives unfavorably and favorably, while also having insights into male/public culture; they did not live in a non-monetized, altruism-propelled, curtained world of their own. If the conditions for change they suggested made only moderate, individual alterations in the system, this may be read not as an inability to visualize alternatives from within an "oppressed" position but as a realistic acknowledgment of their currently limited options and their economic and cultural dependence upon, and constitution within, existent social locations.
"Between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears, not into a pristine nothingness, but into a violent shuttling which is the displaced figuration of the 'third-world woman' caught between tradition and modernization." (Spivak 1988, 306)

While the hegemonic site of law in society and its overdetermined significance in the business of everyday life make the relationship of feminism and law deeply ambivalent, women's legal encounters have often been the signposts of feminist history and even loaded symbols in national history. Like Roe v. Wade in the U.S., Mohammed Amin v. Shah Bano Begum, better known as the "Shah Bano case," determined not only the immediate terms of discussion about women's legal rights in India in 1985, but became the currency of debate about personal law and State patronage and has shadowed political destinies for over a decade. Gender also frequently provides the grounds for showcasing political philosophies and inscribing "national character": in the case of post-colonial States like India, laws and judgments help create a national persona that is both reflective of "ancient" customs and a unique history as well as supposedly "modern," progressive, emancipatory ideals. As
Spivak suggests, the figure of "Woman" is thus refracted and fragmented in numerous competing and contradictory ways within law: individual women get represented as empowered agents, invisible presences, signifiers of sexual, family and property relations, while law gets coded as arbitration, protection, conservation, or liberation.

In this section, I trace a map of Indian women's recent encounters with the law relating to property (inheritance and succession), and this macro-history of the public realm is meant to complement women's perceptions of legal entitlements explored in the previous chapter. These cases may be read as metonymic instances of a nation's way of negotiating its jurisprudential self, the dance between the postcolonial1 State's utopian yet politicized lawmaking processes and the life later assumed by laws translated into court cases. The analysis also reveals how deeply the construction of gender is implicated in the nation's vision of its own nature, goals and character, via the imagemaking by the judiciary.

The interplay between this chapter and the preceding ones occurs on several registers, dealing with questions of class, women's entitlements to property under customary law, and the efficacy of legal solutions. This chapter profiles women who persisted in claiming family property, in stark contrast with the interview respondents who largely avoided this (Chapters 3 and 4), fearing family wrath; the accusations and strategies used by family members in cases discussed here show the actual extent of such rage and the unusual strength required to withstand the pressure. Furthermore, property cases discussed here invoke the rationales of eldercare, dowry in lieu of property, and women's right to affinal rather than natal wealth that came up in the interviews (Chapter 4), showing that these are

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1 India has been "independent" since August 1947, although the legal system, like most of the administrative and bureaucratic machinery, is still strongly colonial in structure and language.
not simply excuses from women justifying their decisions, but are actually used by judges themselves to stretch legal boundaries.

As for the apathy towards litigation combined with optimism for women's "protection" within the court system voiced by many of the interview respondents (Chapter 5), this overview of legal process shows that their feelings may be substantially justified: it was simultaneously true that cases could last years (even decades for many property cases) with little hope of a fair outcome, but individual women also generally fared well when they brought cases to court (even when gender issues got framed in ideologically disturbing ways). But while preceding chapters showed that women's socioeconomic circumstances were related to their property ownership (Chapter 3), and to their attitudes about pressing social problems and prized financial assets (Chapter 5), the significance of class in the legal realm seen in this chapter is more ambiguous. In general, substantial resources are required to persevere in the legal arena, explaining the widespread disinclination of families to engage in litigation. However, notable instances like that of Shah Bano and Vera Aranha (discussed later in this chapter), as well as many of the cases discussed in the following sections, show that amounts of property were not necessarily very large when women laid claim to shares, and that some women with minimal resources met with surprising success. Subsequently, such unusual successes have often been recuperated as glowing icons of the legal protection of women, masking numerous other inequities, or have had their radical potential undone by subversive social or political action, but the potential spaces of empowerment within law regardless of gender and class position are immensely significant nonetheless.

Because contemporary law in India is deeply intertwined with Indian history, both colonial and ancient, history as event and history as myth, this chapter starts with an overview of how gender has historically been inscribed within Indian law. The ambivalence of women's rights marking the site of
both cultural heritage and emancipatory progress has its origins here. This pattern is then followed through in a brief look at the numerical picture of wins and losses by women in cases dealing with property, alongside detailed readings of recurrent judicial tropes. In considering that women seem to have an apparent advantage in the courts when overall numbers are considered (although gender cannot be pinpointed definitively as the causal variable across all those cases), but far more difficulty being established as jural equals and citizens with basic entitlements, the principal question is whether and how feminist theory should engage with questions of jurisprudence.

Mise-en-scene: Legal Hi-stories And Mythmaking

Contemporary/post-colonial Indian law is clad largely in the second-hand clothing of the colonial era, accessorized with the glitter of contemporaneity, claiming to extend rights and opportunities to all who would be enfolded within its new fictive nationhood. Gender difference, and particularly women's bodies, often become the space where each of these discourses -- ancient customs that are claimed as the new nation's unique history, egalitarian rhetoric invoking Enlightenment philosophy, and elite/colonial control of subaltern/colonized groups -- seek to brand themselves.

As many historians of British India have recently argued, colonial lawmakers' inscription of the (Indian) female body as a site of reform was a mechanism of social control (Chakravorty 1992; Spivak 1988; Chatterjee 1990; Mani 1990). A combination of "rationalist" sensibility and the selective interpretation of chosen "ancient" texts by certain British-picked Indian scholars was used to proclaim the "natural justice" and "real" Indian spirit of British-made laws. Yet the very presence of concepts such as "native" Indian law versus "modern, Western" law may be viewed as highly essentialist formulations. In what Spivak names as the "epistemic violence of the legal project," the colonial
enterprise consisted of rereading a polymorphic and ambivalent religio-legal system into a nexus of binary codes compatible with British conceptions of legality.

At the end of the eighteenth century, Hindu law, insofar as it can be described as a unitary system, operated in terms of four texts that "staged" a four-part episteme defined by the subject's use of memory: śruti (the heard), smruti (the remembered), sastra (the learned-from-another) and vyavahara (custom) (the performed-in-exchange). The origins of what had been heard and what was remembered were not necessarily continuous or identical. Every invocation of śruti technically recited (or reopened) the event of originary "hearing" or revelation. The second two texts—the learned and the performed—were seen as dialectically continuous. Legal theorists and practitioners were not in any given case certain if this structure described the body of law or four ways of settling a dispute (1988, 281).

Thus, pre-British Hindu law that used multiple layers of interpretation and had diverse local/regional manifestations was reduced to unitary meanings and binary schemes that could be used as ammunition for British control.

Similarly, Islamic law, which had functioned as the overriding State law in most parts of India in the centuries immediately preceding British occupation, had heterogeneous sources of religio-legal authority and was originally based on sources divided according to their use of memory and interpretation: "In the classical theory of Islamic law, the four material sources of law are the Koran, the Sunna, the consensus of the community (Ijma) and the analogical deduction (Qiyas)" (Parashar 1992, 54). Islamic law became more rigidly codified around the tenth century with great emphasis on the principles of Shariat in matters of family law, and Indian Muslim rulers generally followed the Shariat since the thirteenth century, yet it is widely believed by scholars that Hindu subjects could seek justice under Hindu law except for criminal matters, and that disputes were frequently settled by local landlords and councils (Parashar 1992, 54-60). Hence the general application of the Shariat was not coterminous with rigid ecclesiastical jurisprudence.
Such a diversity of dispute resolution systems was only superficially maintained by the British; administrative, financial and criminal laws were universally applicable, but people (only Hindus and Muslims) were supposedly governed by "personal" law in other matters. Most importantly, the British did in fact frequently codify and criminalize "personal" laws in the process of maintaining hegemonic control. Macaulay's remark expresses the spirit of their transformative "non-intervention" perfectly: "We do not mean that all the people of India should live under the same law...Our principle is simply this--uniformity where you can have it, diversity where you must have it--but in all cases certainty" (quoted in Parashar 1992, 67). Hence came the move to seek unilateral, "authentic" meanings from ancient texts to fit the "rational" and "universal" spirit of post-Enlightenment "Western" law.

While the British project of legal codification was used as a means to contest native elites' hold on discourse, Indians themselves were implicated in the project in complex ways. To add "authenticity" to this "epistemic violence," it was usually Indian scholars who were authors of textual reinterpretation. Ideas of the nation-state and the rights of the bourgeois individual also propelled some Western-educated nationalists into constructing the Indian past as being mired in ignorance, superstition and tyranny. As Chakrabarty puts it:

In the nineteenth and twentieth centuries, generations of elite Indian nationalists found their subject-positions, as nationalists, within this transition-narrative that, at various times depending on one's ideology, hung the tapestry of 'Indian history' between the two poles of the homologous sets of oppositions, despotic/constitutional, medieval/modern, feudal/capitalist. Within this narrative shared between imperialist and nationalist imaginings, the 'Indian' was always a figure of lack (1992, 339).

Yet meshed with this self-hatred and assimilationist desire of nationalists was also the contradictory presence of resistant cultural areas that were designated as being uniquely Indian, characterized by Chakrabarty as "certain cultural operations by which the 'Indians' challenged and modified these received ideas in such a way as to put in question two fundamental tenets underlying the idea of
'modernity': the nuclear family based on companionate marriage and the secular, historical construction of time" (1992, 343). The centrality of the woman question marked these crucial spaces of resistance to the ideology of modernity.

According to these Indian proponents of "modern" egalitarianism, the exceptional place occupied by women was the last precious bulwark of "Indian" history and tradition. Femininity was constructed in terms of an ahistorical "Indianness," and the privileges and pleasures of the joint family founded upon women's socioeconomic subordination were retained despite the alleged virtues of the nuclear household. In the following passage, Chakrabarty delineates this elite Indian subject avowing conflicting ideologies of power:

the speaking-subject...is nationalist and patriarchal, employing the clichéd Orientalist categories, the 'East' and 'the West.' However, of importance to us are the two denials on which this particular moment of subjectivity rests: the denial, or at least contestation of the bourgeois private, and, equally important, the denial of historical time by making the family a site where the sacred and the secular blended in perpetual reenactment of a principle that was heavenly and divine. (1992, 348)

This fractured colonial subject, protective of a sacred realm for women and supportive of abstract egalitarianism, was an enduring figure in the postcolonial era of lawmaking and survives within the contemporary legislature and judiciary.²

Research on the lawmaking process for the newly independent Indian State also shows significant traces of this discursive conflict.³ In "The Aborted Restoration Of 'Indigenous' Law In India," Galanter points out that several post-Independence proposals to institute an indigenous system

² Bhattacharjee (1992) provides an interesting contemporary example of this play of discourse about "Indian" identity and the sacred place of "Woman" among immigrant Indians in the U.S.

³ Among several excellent analyses of the post-colonial jurisprudential debates in India are Som (1994), I. P. Singh's chapter "Legislative Dialectics: A Study of the Hindu Code Bill" (1989, 47-57); L Sarkar (1976); and most of all, Parashar (1992).
of law such as a panchayati system (of village councils) or at least a more mixed system, suggested by groups like Gandhians, was met by strong opposition from the Indian legal establishment. Those who were invested in the British legal system believed that the problem in India lay in corruption and an inefficient bureaucracy, and hence sung the glories of British law and were horrified at the idea of a "native" alternative. Galanter quotes a 1950 speech by Ramachandran that won an award from lawyers: "...the British period gave us a rule of Law beneficial to our interests. If at all we are beholden to anything British, it is their system of Justice and Jurisprudence, that have taken an abiding and glorious place in the life of our country" (1989, 41). The legal system was thus at the heart of the construction of authority and power in the new nation, and the British-educated urban male elite ensured their own domination in political and socioeconomic arenas through its preservation.

Parashar's (1992) detailed analysis of the Parliamentary debates over the laws for the new nation, the Hindu Code and personal laws of other minority communities, clearly reveals that the gender card was played repeatedly, the aim being not a radical transformation of gender relations within the born-again social structure but the self-conscious construction of a "modern" national imaginary that would step beyond regressive customary practices while honoring "ancient glories" and women's circumscribed place within them. In the hands of the native elite who assumed the mantle of government, lawmaking was thus propelled by political and developmental initiatives that were part of a project of image-construction rather than social reform.

One of the most prominent examples of this contradictory approach to gender equity is in the aborted Hindu Code Bill (re-submitted in the form of several bills that now constitute the Acts of Hindu law) presented as being in accordance with the spirit of the new Constitution. In the Bill, the

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4 These are the Hindu Adoptions And Maintenance Act (1956), the Hindu Minority And Guardianship Act (1956), the Hindu Marriage Act (1955) and the Hindu Succession Act (1956). The "Hindu Code" originally presented by the then Law Minister B.R. Ambedkar was far more internally...
Hindu Marriage and Divorce section was said to represent "an essential aspect of national development, namely social progress," adoption laws for Hindus were brought in line with Constitutional principles stressing that "the unit of society was the individual," and the reform of Hindu succession was meant to be part of the complete and uniform code for Hindus envisioned in the Constitution (Parashar 1992, 87-8). This was a dramatic change from British days when personal laws were regarded as being relatively sacrosanct; change could be undertaken now as being necessary for "modernizing" the nation.\footnote{Sathe's (1992) analysis of sexism in the text of recent judgements shows the persistence of such attitudes among the judiciary as well as the legislature.}

In fact, some remarkable reforms such as the right of non-married women to adopt children, the legal invalidation of all forms of customary divorce in favor of court-sanctioned divorces, and the equal division of self-acquired property among all children, passed despite stiff opposition because the justification of timely social reform was used effectively. The significant improvement of women's rights to property brought about through the law that widows could get absolute ownership (as opposed to usufructuary rights) of the land they had been given in lieu of maintenance from their husbands' family estates passed favorably because it was justified using both the discourse of women's equality in a modern nation and the view propounded by certain ancient scholars that women could own property. However, all this was clearly done with a view to demarcate and exert new hegemonies of control and not to do away with hierarchies of authority. As Parashar puts it, "the views of the supposed beneficiaries of the reforms--women and untouchables--were not considered important. The State had assumed the role of social reformer but paternalism in the performance of that role was also taken for granted" (1992, 88).
In many cases, it was all too apparent that the agenda of development was an exercise in public relations and not substantive gender equity. One of the most blatant examples of this double-talk was around the question of succession to "ancestral" or family property of Hindus (as opposed to property "self-acquired" by the individual). Under traditional Mitakshara division, all sons became co-sharers or "coparceners" along with their father, paternal uncles etc. at the very moment of birth, while daughters got only a fraction of their father's share from which their brothers and mothers also took another cut. The first Hindu Law Committee recommended a change making daughters simultaneous heirs along with wives and sons of Hindu males, and refused to distinguish between married, unmarried and widowed daughters' shares. Despite a huge opposition to the law based on the claim that the Committee ignored sons' financial responsibilities and spiritual duties linked to owning property and allowed outsiders (i.e. sons-in-law!) into the joint family, this initiative made it through Parliament by relying on both scriptural authority and Constitutional directives. Yet the superficiality of this reform was revealed when it came to the quantum of the daughter's share: the Hindu Law Committee gave daughters only a half share as compared to sons," righteously claiming that this was double the quarter share recommended in the smritis, and that daughters would get double the sons' shares in the mother's property (Parashar 1992, 124).

Even the then Law Minister, who had been the prime proponent of the Hindu Code, revealed the limits of his reformist vision: when the Select Committee of the Constituent Assembly suggested that daughters and sons be treated as equal with respect to the quantum of maintenance, "Ambedkar, the great champion of Hindu law reform, described this alteration as an effort by his enemies to make the entire reform process appear ridiculous, and thereby cause the entire reform process to be...

* The Hindu Law Committee report says most women witnesses thought daughters should get equal shares but were persuaded to accept the idea of a half share, not intimating why such compromise was deemed necessary (Parashar 1992, 124).
abandoned" (Parashar 1992, 124). In response to suggestions that the Mitakshara coparcenary be drastically reformed, the Law Minister claimed that this could perturb many families, promising that subsequent legal reform would target the coparcenary (which has not happened to date), and asserting that "it would not be proper 'in the name of doing justice to women' that action should be taken to alter such transactions" (Parashar 1992, 127). Those who wanted to retain male privilege in joint family property were thus reassured that legal loopholes had been left to ensure that the status quo would not be unduly disturbed, and that wills could be written to disinherit women if so desired (Parashar 1992, 128).

Thus, the discourse surrounding Hindu law reform indicates that women were supposed to be token recipients of munificence from a patronizing state, and not equal players in the public sphere. As Parashar contends, if there had been a genuine commitment to changing Hindu women's status, then economic reforms that altered women's structural disadvantages in society would have been executed alongside (1992, 141). As it happened, the reforms reinforced hegemonic order and authority, ceding little substantive privilege.

While the discourse of modernity, individual rights and the egalitarian nature of the nation-state was used to characterize changes in Hindu law, the language of non-interference and freedom of religion pervaded the lack of attempts to make the personal laws of other communities uniform or equitable. Aiming to ensure that the elites among these groups retained their privileges and that

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7 As Coontz and Henderson argue regarding Neolithic societies, the rise of a civil State was usually marked by a "subversion of traditional, kinship-based forms of social control" and a diversion of kinship ties to the "private" sphere, while kinship was also contradictorily undermined by emphasis on conjugal bonds (1986, 150). In contrast to the dynastic bloodbaths which they describe, the twentieth-century process of establishing a post-colonial State involves a more urbane suppression of pre-colonial kinship-based hegemonies in order to legitimize the powers of the new political elites. However, in cases such as the one under discussion, many kinship-related privileges continue as a reward for allegiance towards the new powers.

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electoral banks were not unduly jeopardized, the government justified the inaction by the claim that they could not interfere with religious laws unless requested by the community (although Hindus had not asked either). However, the issue of women's rights were used as grounds for reform in the few cases of change to make the legislation amenable to public discourse.

Thus, the Shariat Act of 1937 which brought the principles of the shariat formally within Indian Muslim law was presented as legislation safeguarding women's rights: it ostensibly prevented Muslim males from claiming that disinheriting daughters was local practice, because under the shariat they would become subject to Islamic and not customary law. However, agricultural land was exempted from this law and women got only a half share compared to their siblings as per Islamic law, so the law merely cemented Islamicization of Muslim people's lives rather than achieving secularization or uniformity (Parashar 1992, 147-50). Similarly, Indian Christian law which has no sacramental grounds and was derived from the laws of various European colonizers combined with regional practice, has stayed untouched under the banner of non-interference in religion despite its atrocious inequities with respect to provisions for adoption and divorce, with the aim of placating the politically influential clergy.

Because of this two-step move, where Hindu law appeared to be radically changed while other laws were left well alone, Hindu law gets portrayed as progressive and equitable, the hegemonically valued ideal law trumping others in crossover cases; while the truth about scant change in fundamental hierarchies remains concealed. Simultaneously, the laws of other communities, particularly Muslim law, can be represented as the space of the primitive Other where women cannot be given equitable

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*Parashar's chapter, "Reform in Minority Religious Laws" (1992, 144-200) provides a detailed analysis of the legal negotiations surrounding laws for the various groups.

² E.g. Santhal and Bhumij inheritance cases pp. 279-83.
rights because of intransigent religious obstacles that the State could not alter. Hence Hindu law is
interpellated as secular, national law and the Indian/Hindu State characterized as feminist in
commitment, with the privileges of male Hindu middle-class elites written into legal practice as
common-sense ideology.

The "Shah Bano case" reconfirmed such ideological inscriptions while also transforming
women's relation to law. As a 78 year old Muslim woman with hardly any resources or education who
asked for minimum maintenance from the lawyer husband divorcing her to avoid paying for support.
Shah Bano persisted through the courts notorious for bribery and procrastination and won in the
Supreme Court in a landmark case.1 A poor, old, barely literate, Muslim woman, she remained in a
classic "subaltern" position where her particular needs and her subjective engagement with the law did
not find any place in the glut of writing about the case, yet the situation itself brought about the fiercest
post-Independence Hindu-Muslim tension, throwing up virulent anti-Muslim strains in hegemonic pro-
Hindu discourse, as well as a vocal pro-Islam lobby where the preservation of minority culture got
equated with Muslim women's subordination according to mandates in religious texts. Despite
Constitutional provisions for a uniform civil code, the national government's solution, strongly guided
by looming elections, was to pass the "Muslim Women's (Protection Of Rights On Divorce) Act" that
not only did not "protect" Muslim women but made their rights to maintenance less than that of other
Indians. While placating powerful Muslim leaders, this measure reinforced the "progressive" (Hindu)
State vs. "primitive minorities" dualism, and continues to fuel communal tension, e.g. in the riots of
1992, with the idea of "special privileges" for the Muslim community.

1 Among myriad discussions and analyses of this case are the volume edited by Engineer
(1987), Shah and Sunder Rajan's 1989 article analyzing displaced legal subjectivity, and Tahir
Mahmood's 1986 interview explaining why the decision was contrary to an Islamic reading.
Yet Shah Bano's win marked women's jural presence within law and their recourse to the egalitarian rhetoric of "modernity" in irreversible ways, snowballing a series of cases from other women who ran across blatant legal inequities in their own customary laws. Mary Roy won her challenge to the Travancore Christian Succession Act's unequal division of property among siblings (AIR 1986 SC 1011). Vera Aranha demanded maintenance from her husband in a case with strong echoes of Shah Bano (she was 63, a former stenographer and partially blind, while the lawyer husband tried to file a pauper's petition and persuaded the Catholic Church to consider annulment even though they knew he was adulterous), and though the amount of maintenance given was very low, the Bombay High Court did decree Jacob Aranha's arrest unless he paid his arrears (Legal News And Views June 1992, 213). Representatives of the journal Mamushi continue to fight a case of public interest litigation on behalf of Maki Bui for Ho widows' rights to family land (Kishwar 1994b, 11-22). Although some women were defeated and some continue to struggle within the legal system, there were many radical victories, and most tellingly, the effects of these legal challenges showed in the perturbation of communities. A telling example is that of Indian churches, worried about retaining their substantial tithes in the wake of the Mary Roy decision, who are scurrying to sponsor legal programs that can help parishioners with will-writing strategies for effectively preventing daughters from claiming land.11

Patterns And Figures

In considering the relationship between gender and judicial authority, it is important to remember the question of "who can speak for whom" that is crucial with regard to issues of identity/experience, "colonization" of discourse (as defined by Mohanty 1991), and the construction

11 Reported by Suhasini Ali, then chair of India's National Commission For Women, at a plenary speech at the Association For Women In Development Conference in October 1993.
of epistemology. One of the most useful formulations in this context is Spivak's elaboration of the Marxist terminology for representation: the distinction between the two meanings of "representation" revealed in the two German words for it, *Vertreten* and *Darstellen*, meaning respectively "representation as 'speaking for,' as in politics, and representation as 're-presentation,' as in art or philosophy" (1988, 275). This goes to the very heart of judicial authority in representations of gender because, while judges are nominated to act on behalf of people and supposedly in their best interests, their powerful roles in legitimizing discourse allows them to portray those interests according to their own ideologies. Thus, the representatives of justice could be re-presenting people's motivations, needs, and subjectivities. In the following cases, for instance, women who won their suits may have done so because judges inscribed female nature or women's rights in distinctly patriarchal ways, and created easy legal remedies at the cost of ideological disempowerment for women.

In the following sections, cases dealing with property/succession are analyzed for their constructions of gendered subjects, the post-colonial State, and legal entitlements and responsibilities. These qualitative analyses provide a foil for the numerical distribution of wins and losses. Though each case cited in the AIR makes a unique contribution to case law, many cover similar ground and are best discussed in aggregate form, while distinctive points about judicial discourse on women, nation or law in other cases are given detailed attention.

Within these areas of discourse, some themes recurred in judicial rhetoric, illustrating not only the problematic of women's "sacred" realm vs. women's rights as a symbol of "modernization" outlined by Spivak (1988) and Chakrabarty (1992), but also illuminating the construction of gender and authority at the core of this analysis. These included:

a: Reinterpretation of social or political theory and judges' tendency to generalize across historical periods or political economies in applying the theory.
b: Religious interpretation by judicial authorities, with speculation on the "true nature" and "essential characteristics" of various religions, often translating religious texts into legal logic.

c. The characterization of contemporary social life and its development with respect to the (distant or immediate) past.

d: The needs, roles and expectations of people within a joint family versus a nuclear family.

e: Essentialist depictions of "woman" and references to differences in intelligence, agency, motivation and need between women depending on their education, social class and urban or rural residence.

f. National historiography, especially the construction of "ancient" history and alleged postcolonial transformations.

g: Meta-jurisprudence: Judges' comments on the unique characteristics of Indian jurisprudence and the particular wisdom of framers of the Indian Constitution, especially in comparison with "The West." and the recurrent tendency to read the "social welfare" or "intent" behind certain pieces of legislation as if they were transparent.

Naturally, not all the cases studied dealt with issues of gender directly. But in fact a surprisingly large proportion of cases did involve either gendered questions or included women as participants (though sometimes women were only included in long lists of codefendants and played no directly active role). Of a total of 159 cases under "succession," I considered 27 (16.9%) to have no relevance to gender issues or women (plus 13 cases which were generally irrelevant but had some gendered aspects were also excluded from the statistics below). i.e. 119 or 74.8% cases were finally considered.

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12 Of course, all cases ultimately reside in a world where labor and resources are intricately gendered, so "non-applicable" cases are not fundamentally gender-free either.
Of the 159 cases, 22% dealt with the validity of wills, 16.4% with the quantum of shares and partitions, 15.7% with dispensation of "self-acquired" vs. "joint family" property, 11.3% with widows' property in lieu of maintenance, 9.4% with questions of probate, 5.6% with gifts related to Muslim law, 5% with adoption issues, 5% with topics pertaining to guardianship, custody and valid marriages, 3.1% to other questions of women's property, 1.9% with property of Christians, and 4.4% were other miscellaneous issues. While the above cases were tabulated to reflect the single most crucial issue and were not double-counted, each case often dealt with several topics, and the juxtaposition of certain subjects provided clues to the most urgently contested legal arenas. For instance, cases of valid wills, shares from partitioned land, and the issue of particular estates being "joint family" (and hence having limited alienability especially for women) versus "self-acquired" often overlapped, indicating that these legal avenues provided the most fertile grounds of challenge.

The total number of wins for women was impressive: 66.4% wins in 119 cases, 29.4% losses, and 4.2% cases where women both gained and lost something. However, despite an overall positive picture, the map of successes and failures for women in the following sections is best understood through a crucial contradiction: women seemed to have an advantage when overall numbers were considered, but closer attention to the details of judgments revealed a pattern of superficial victories and deeply troublesome characterizations of women's nature and of gendered rights.

Different Spaces For Daughters, Sons and Wives: Property Cases

Property cases encapsulate many of the themes showcasing gender issues. They show judges' invocation of women's helplessness and yet lesser entitlement, their understanding of family and responsibility, discursive struggles over the meaning of religion and the validity of marriages, their approbation of the current legal system and their appreciation for social and jurisprudential progress.
In carrying out legal directives, the judges revealed many of the same assumptions about women's rights and responsibilities with respect to property, maintenance and eldercare seen in the interviews, such as dowry as a form of property or daughters' entitlement to affinal family property only, thus reflecting the strong influence of social attitudes over legal standards.

Not only did women win in succession cases by a numerical majority, but judges were also clearly sympathetic to their causes in some cases. Notably, however, such women were interpellated as being morally righteous, unretaliating, simple or helpless, i.e. constructed as deserving "feminine" candidates of patronage. Thus, in AIR 1988 Bombay 348 the judge openly rebuked a brother for trying to oust his sister from their parents' property:

The defendant has not succeeded in painting a very glorious picture of himself before the Court. On his own showing, he is a grabber. He has no regard for the rights of his own sister: that she wants only a quarter share but he was not inclined to give even that pittance (350).

The moral tone here clearly spilled beyond legal boundaries. By referring to the potential illegality of the man's adoption as an adult, his sister's plea for less than her fair share and his attempt to carry out a legal ouster to deprive her entirely, the judge portrayed the defendant as someone grasping the wealth of his adoptive family all for himself, someone with no positive ideological excuse in the tradeoffs of property division.

Similarly, widows in other cases were framed as deserving the Court's extra protection because of age, lack of knowledge of the legal system, etc., while their opponents' attempts to scheme them out of their property was regarded harshly. In AIR 1988 Kerala 133, the widow who sought a share from the brothers-in-law controlling joint family wealth was described as

\[\text{\footnotesize \textsuperscript{14}}\text{ In Althusserian terms, this refers to how one is "hailed"/named/constructed within hegemonic discourse.}\]

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...an old lady in late sixties and literate, not well versed in the ways of the world...leading the sheltered life of a widow in an orthodox family...very much under the influence of the first defendant, kartha\textsuperscript{1} of the family and brother of her late husband. She had no sons or support to look to (135).

Again, the Court assumed the favored garb of protector of the most vulnerable. It is no coincidence that the lack of sons was added to her sources of weakness (she had two daughters), because the judge assumed that sons would be responsible for financial and social support. A similar role for daughters, who were presumably virilocally married and retained no interest in property, was not even brought up, and a conclusion that she had "no support" was drawn.

In a similar example (AIR 1988 Kerala 315), the presence of daughters who were viewed as being just as vulnerable as the widowed woman was used to buttress the image of helpless women. In finding that a will where the elder son got no property was valid, the judge focussed on the father's responsibilities to all his children, including one deaf-mute daughter and one daughter who was a nun. Yet while showing obvious contempt for the son, "ungratefully, the defendant questions the generosity of his father" (316), the Court seriously considered the son's contention that disininheritance of the elder son was in itself a mark of the father's mental incapacity, and could justify the will only by bringing up the gifts already made to this son in lieu of property. Thus, despite the son's getting nothing in this case, the "natural" property rights of sons were legally emphasized, whereas the disininheritance of daughters is so routine that it would be unlikely to raise similar questions about mental capacity.

Women's perceived helplessness and weakness could thus be a strong ground for receiving judicial support. That is, in such decisions women got judicial approval for successfully matching a

\textsuperscript{1} Karta/Kartha: the titular head, usually senior male member of the Hindu joint family, and manager of the coparcenary property with discretion to sell or acquire property in the family's best interest (Diwan 1991, 339-42). Women cannot be kartas "in accordance with the texts of Hindu law" (Diwan 1991, 340), another vivid example of contemporary questions of equity closed by reference to alleged ancient authority.
patriarchal image of "Woman." This is further proved by strategies adopted in cases such as AIR 1988 Andhra Pradesh 250, where a sale made several years previously by a woman whose husband appointed her as her sons' guardian was claimed as invalid by the family including the woman, alleging that she had no right to sell because under present Hindu law women did not have the right to be appointed as legal guardians who could make financial decisions. The Court did not invalidate the sale because the woman acted under the implicit authority of her husband, the official kartha, but it investigated the profound legal questions of whether women could be guardians of their children, surrogate karthas of the family with the husbands' permission, and even whether they were "adult members of the family" (as karthas needed to be) under Hindu law. In finding that women could not legally occupy those roles, it underlined the fundamental alienation and secondariness of women within "reformed" Hindu law. While the woman in the case at issue could not win by calling upon her innate legal paralysis within Hindu patriarchy, the judgment makes it clear that it was the firmness of her surrogate contract that was the determining factor, and that she did not in fact have rights to adult status or guardianship within the Hindu joint family.

Decisions dealing with property distributed on the basis of eldercare showed more mixed reactions from judges, with support swinging between the validation of strong inequities in Hindu property law and an understanding of property awards as rewards for caregiving. In AIR 1991 Calcutta 166, the judge found a will where a mother left her property to one daughter (out of two daughters and a son) to be valid, and the distribution not unnatural as alleged, because the daughter had resided with the mother and "looked after her comforts (171)." whereas the son had not only failed in his "bounded [sic] duty" (172) to maintain his mother but had also stolen from her, tried to defraud her and forced her to leave her home in fear of her life. Despite the judge's clear support for eldercare as the basis of property, however, the trace of entitlement patterns differentiated by gender was seen in the reference
to the son's duties to maintain and hence get a share of property, although here deflected because of obvious evil intent.

Similarly, in AIR 1990 Supreme Court 1742, where a will was contested by one of two daughters, the judge also found the will valid despite the potentially suspicious circumstances of there being no stated reason why the sons of one daughter were the only heirs. Here neither daughter had bad relations with the father, but the judges in the lower and High Courts emphasized the gift to the children of the daughter with whom the man lived (i.e. an eldercare reward), the special closeness with these grandchildren due to greater proximity, and the "happy marriage" of the disinherited daughter. Other reasons given by the High Court were "provid[ing] for the lesser fortunate or avoid[ing] the property from passing out of the family" (1745). Here, differences in wealth between daughters were hinted at as being the rationale for property division; thus, "happy marriage" was an euphemism for the disinherited daughter's affinal prosperity, although the wealth in question was presumably the son-in-law's, and sons are rarely disinherited for having individual wealth or rich spouses. Even more importantly, the judge's reference to "the family" nodded to the male line of inheritance created by the bequest, to what appeared to be the only grandsons, thereby giving legal support to one of the customary forms of property division in sonless families despite the absence of such principles in law.

In other cases, such as AIR 1989 Kamataka 63, male entitlements to property were even more blatantly protected. Here, the father made a gift of one acre of land to the daughter he was living with (he had two daughters), calling the sons "lazy and vagabond" (66). Because this land was part of the joint family estate and the daughter did not have a direct share to it, one of the few ways he could give it to her was by claiming that it was a "gift for pious purposes." The sons claimed that the gifted land was the most productive portion of the joint family estate of six to seven acres and thus that their father was depriving them of the means of livelihood, pointing also to his obvious contempt for them and
throwing in allegations about his having a concubine. The court focussed on the jointness of property and held that the gift was too large and hence unjustifiable.

This case is a vivid example of the intransigent obstacles to women getting family property. Whether or not women maintained ties with the natal family and assumed responsibilities like eldercare that were customarily undertaken by sons partly in lieu of property, the persistence of the legal notion of the joint family to which only males had property rights by birth prevented the parent from rewarding daughters for help or changing the gendered nature of inheritance despite the sons’ ill-treatment. The Court’s support of the idea that only sons were permitted to derive a livelihood from “joint family property” and hence that daughters should only draw on individual or affinal resources, while reflective of the letter of the law, showed the paralysis of the judiciary in the inability to apportion property according to paths of affection or reward, and followed the patriarchal ideal of generational resource distribution that excluded women from sharing their natal families’ wealth.

One of the most notable facts of judicial behavior in such cases was the ease with which customary social practices predating the laws came to be viewed as “natural behavior” motivating the dispensation of property. Thus, the most blatant forms of gender discrimination were normalized through judicial authority by being depicted as immutable essential “facts” about Hindu practices, while the equity lauded in post-colonial laws simply faded away in that context. This behavior is a hallmark of the fractured postcolonial subject delineated by Chakravarty (1992), and connected to the inscription of the “third-world woman” violently swung between “tradition” and “modernity” as suggested by Spivak (1988).

On the one hand, judges were obviously enamored of “progressive” changes made in Indian law as a result of post-colonial legislation which mirrored a modern image of their adjudication. For example, in AIR 1988 Karnataka 139, the Hindu Adoptions and Maintenance Act was praised as being
"revolutionary" because it allowed a widow to alter all coparcenary shares of joint family property by her power of adoption. Several cases dealing with section 14 of the Hindu Succession Act elicited profuse praise from judges about the "ameliorative social reform" (e.g. AIR 1990 Orissa 155). In AIR 1988 Andhra Pradesh 309, while ruling that a widow's alleged "unchastity" would not stand in the way of her receiving maintenance from her husband's property, the judge praised the broad intent of the Hindu Succession Act and claimed that "the Legislature felt the need most acute to remove many a disability under which the Hindu women are reeling from [sic] in matters of inheritance" (314). Such decisions reflected well on the progressive, rational identity in which judges liked to garb themselves.

Yet at other times, the judiciary put the weight of its authority behind extra-legal ideologies about property and family roles that appear to run counter to the spirit of such legislation, making legal reform appear to be mere cosmetic surgery for that "modern nation" look. Thus, in justifying why a will where a man left property to his nephew and only maintenance rights to his wife was not unnatural (AIR 1989 Allahabad 75), the judge argued strongly that "he appears to have decided to keep the property within his family....there was apprehension in the mind of the testator that after his death his brothers-in-law would usurp the immovable property" (emphasis mine, 77). The judge appeared to accept the lawyer's contention that:

...among the Hindus it is not uncommon that if the owner of the property has no issues [children] he wills his immovable property in favor of some member of his family in whom he has implicit confidence so as to prevent the property being passed on by his widow to the members of her own family (77).

On the judge's part, there was not only no critique that such Hindu customs were presumably overridden by the new legislation, but also no recognition that the property in question, apparently self-acquired, could well be regarded as being as much the wife's as the husband's because of her lifelong contribution through labor and savings, and hence that she should have had the right to inherit and
bequeath it as she wished. The idea that women have no ongoing responsibilities to their natal families and can only be thankful recipients rather than co-sharers of marital property was reinforced by the Court.

In several other cases too, e.g. AIR 1988 Calcutta 196, AIR 1988 Punjab & Haryana 198, AIR 1990 Supreme Court 1888, the disinheritance of daughters was seen as a mark of "natural" dispensation of property, a sign of mental stability because customary patterns were followed, and the marriage of daughters was regarded even by the Court as bringing about a disentitlement to property and being equivalent to sons having self-supporting incomes. In AIR 1990 Delhi 59, the Court claimed that a man's will made out to the son and not a daughter of a second marriage was quite rational because he "may well have wanted to solemnize his daughter's marriage during his lifetime and that may have led him to disinherit her," and quoted a previous judgment saying that "the two currents of natural affection and settlement of properties can flow in distinct channels, and that the change in the course of one need not necessarily have any effect on the direction of the other" (62). The Court thus lent weight to the notion that dowry or marriage expenses can be regarded as equivalent to property shares, and fed the assumption that giving dowry was a legitimate ground for disinheritance, even though the son here got a house and a business and the daughter could at best have got some money in the bank, i.e. a far smaller share, if she had been given a dowry. The further justification of "channels of affection" provided gratuitous support for ideologies of women's disentitlement from property, implying that property distribution must follow pre-determined cultural routes, changes in law notwithstanding, and could not be affected by emotions or needs.
Defining Religion, Faith and Custom

Some of the most remarkable cases dealt with the interpellation of a gendered religious identity. In the absence of a uniform civil code, gendered rights to property vary by religion, and hence a particular religious identity has to be constructed or claimed in order to ask for property. The legal reasoning involved in negotiating such identities reveals the seemingly arbitrary social parameters used to denote religion.

A vivid example is AIR 1991 Kerala 175, where the case hinged upon whether the property at issue belonged to a Hindu or Christian man. The sons in this case questioned their late father's right to bequeath a piece of land to one of his daughters as part of her dowry, claiming they were a Hindu joint family and that the father as kartha could only alienate land in the best interests of the other coparceners (males). On the other hand, this daughter claimed that her mother was Christian and her father had converted upon marriage, making the property personal and not part of the joint family, his to dispose off at will. Thus, the implication was that religion could be read off from choice of spouse or possible conversion, and could posthumously alter the effect of one's financial decisions or multigenerational contracts about property. "Proof" of religious identity came not from specific matters of faith or choice of deity but from extraneous signifiers associated with religion: in this case, the alleged religiosity of the names "Adichan Nadar" (connoted as Hindu) vs. Yesudas (signifying Christianity), and their appearance in school, marriage or business records, determined religion and hence property decisions. On the basis of the conclusion that Adichan Nadar remained Hindu, the judge then debated whether the marriage with a Christian woman was valid, and if so, "whether a son born to a Hindu in marriage with a Christian woman could be considered as a member of the family" (181). The family in question was, of course, the Hindu coparcenary, but in terms of the legal debate it was the only relevant one because it brought membership to property.

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The judgment in this case is replete with examples of the ambivalent boundaries between the operation of supposedly secular "national" law applicable to Hindus and the persistence of "ancient" Hindu biases, such as the reference to a previous case where it was held that "succession and inheritance in Hindu Law do not exclude illegitimate children and their mothers particularly among the Sudras." There was no trace of recognition that the category of "Sudras" ("low-caste" in Hindu caste schemes) should be critiqued or held to be irrelevant within the post-colonial State. But most significant of all was the erasure of the daughter's claim as a necessary component of Hindu identity; a re-evaluation of the sales was ordered by the High Court, with the rights of sons proclaimed to be firmly predominant within Hindu law. The gift to the daughter, rather than being a simple transfer of resources at the time of marriage, was explained as a "compensation" for the "difficult" job of marrying a woman who had once been abducted. Thus the woman's subject-position with regard to property was multiply violated: not only was she "devalued" by standards of alleged sexual "impurity" in terms of the patriarchal ownership of the womb, but her market value was "made up" by a gift to her husband and not to her, and further contested by the brothers who resented alienation of "their" property.

Yet religious identity was also a fluid signifier for women's rights to property. While in the above case proof of Hinduism was associated with barring property gifts to women, in the following cases Hindu law was appealed to as the surest avenue for women to claim natal property. The irony of Hindu law being a partial guarantor of women's property rights can be explained by the duality and the hegemonic Hindu nature of the Indian legal system. Because customary laws of other religious communities (in these cases "tribal" laws of Bhumijs and Santhals) had not been re-codified in any way; supposedly to keep those groups appeased, women's "reformed" if inadequate rights under Hindu law could appear as the only refuge. Significantly, however, women making such pleas could only
camouflage their claims in the alleged haven of Hinduism by transliterating their rights to natal property into their wifely rights.

In AIR 1988 Patna 129, for instance, Rani Hembrom sought to get her father's land (which she had been cultivating for many years) for herself and her sons (no daughters are mentioned), but she could make no direct claim because women were barred from inheriting land under Santhal Tribal law. By asserting that she had got married to Anand Tudu in a "Gharjamai" form of marriage (i.e. he was a stay-at-home son-in-law, see Chapter 4), however, she could claim that a share of property ought to come to her through him, as he ought to have inherited in the same way that a predeceased adopted "son" did under the Hindu Adoptions and Maintenance Act (daughters' direct rights to Hindu family property also being minimal). The Court granted her case, calmly accepting that the Hindu law could be applicable despite the conflict with customary law, thus casting Hindu "personal" law as having overriding power and being nationally valid, while voicing little concern about the absence of uniform civil rights that could give substantive equality to women of all religions.

Ironically, as Mitra points out (1989, 223-7), among Santhals the "Gharjamai" form of marriage is meant to give the married daughter the traditional rights and responsibilities of a son in the areas of property and maintenance, while the presence of the "at-home" son-in-law is merely a mechanism for the daughter to have the cultural respectability of marriage. Despite the overall patriarchal bias in Santhal law, this device is a means for women to inherit property directly. Yet the framing of issues and the judgment in Rani Hembrom's case implies that such spaces for more balanced gender rights in non-Hindu systems were invisible within the Hindu hegemony of the legal structure, where only the dominant patriarchal discourses from other religions were found to be textually acceptable. Their "primitive" attitudes towards women compared to the allegedly reformed nature of Hindu law notwithstanding. Furthermore, the blatant biases against women in the Hindu Adoptions
and Maintenance Act remained unstated as the convoluted paths for Rani Hembrom to get natal property under the patronage of Hindu law were portrayed as the sole haven guarding women's entitlements.

While Rani's ease involved a clear abduction of *Santhal* law and a judicial extension of the alleged benevolence of Hindu law, in another case, AIR 1991 Patna 138, there was a much clearer plea to claim actual Hindu identity as a way for a woman to secure property. Here, the daughter Ginibala wanted her parents' property, but could do so only if she proved that her family was "Hindu enough" for Hindu laws to be applied to them. The Court claimed to be using the principle that "[i]t is possible that aboriginals of non-Hindu origin can become sufficiently Hinduised so that in matter of inheritance and succession they are governed by the Hindu Law, except so far as any custom at variance with such law is proved" (141) Thus. Ginibala would have to "show that the family and/or other Bhumijs of the village and/or neighboring villages have adopted Hindu religion and have been following all the rites and customs normally followed by Hindus" (143). Because the law is rigidly segmented according to alleged religious identity, a distinct polarization between religions had to be set up, and the fluidity and overlap seen in the articulation of religious practices (e.g. Apffel-Marglin 1995) could not be accommodated within legal discourse.

Thus. Ginibala's claim that she was Hindu was based on factors such as the fact that she spoke Bengali, and that a festival for the Hindu goddess Saraswati had been arranged at their school. Yet obviously, language cannot necessarily be equated with religious practice, especially given the large number of Bengali Muslims and Christians, nor are the possible religious affiliations of an educational institution a clue to individual faith. On the other hand, Ginibala's opponents, her male cousins, based their claims of being non-Hindus, *"Adivasis"* (literally "First Peoples," part of the so-called "Scheduled Tribes") and *"Hhumij"* by caste, on other arbitrary markers of religious identity. According to them,
the fact of Ginibala's mother having given her away in a "Kanyadan" ceremony was connoted as unhindulike because Hindu widows, being "inauspicious" in strict Hindu scriptural terms, did not usually participate in such rituals. The persistence of burial of the dead rather than cremation (as common among Hindus) was seen as further evidence, as were the "Sarhul" and "Buruhil" festivals in Ginibala's family and the absence of Siva (a "High" Hindu god) temples or religious "idol" worship in their village.

While Ginibala may well have called upon Hindu identity merely as a convenient device to secure property, the Court's methods of testing "Hinduisation" reveal shortsighted and narrow definitions of Hindu identity. For example, despite their equation of Hinduism with idol worship, only certain versions of Hinduism embrace idol worship, and many "reformed" sects like the Brahmans scorn it in favor of belief in a formless spiritual entity. If Ginibala's community were indeed in a transitional Hindu stage, it would be extremely likely that they would continue many of their original religious practices (viz. burial rituals or particular festivals), while incorporating other elements of the dominant religion. This characterization of religion in divided terms reflects the binary logic followed in legal reasoning, but runs contrary to the realities of religious practice in India where people often adopt customs followed by people of other religions with whom they are in close contact.15

Most egregious of all in this "test" of Hindu practice was the claim by Ginibala's cousins that they were not Hindus because married daughters had not received shares of natal property in their families, although they were supposed to under Hindu law. In accepting this as a valid rationale

15 Christian and Muslim weddings in India often incorporate the prototypically Hindu "turmeric ceremony": communities including Hindus and Muslims frequently worship both (Hindu) sadhus hermits or (Muslim) piras who may be locally regarded as being holy. Like the ambivalent boundaries between Hindu and Sikh identity, and as the case of matrilineal Muslims shows, religious affiliations often fail to be unilateral and practices show distinct regional variations rather than textual adherence. Thus the very question of trying to "ascertain" religious identity is likely to be moot.
characterizing Hindu culture, the judge clearly ignored the social reality of Hindu women's succession to property, choosing to focus instead on the relatively rosy picture of Hindu women's access to property enshrined in law. If Ambedkar's promises to leave loopholes for preventing female inheritance and maintaining the status quo with regard to land in the context of passing this "reform" in law are remembered (p. 263), the judge's actions reveal not only a hypocritically superior view of Hindu law, but also the propagation of a myth about Hindu women. Such a myth both hampers the claims of non-Hindu women by false logic, and also depicts/interpellates Hindu women as having better rights and resources, veiling the fundamental inequity of the rights as well as their continual curtailment through legal and ideological maneuvers.

Conclusions: "Spoilt Darlings" and "Patient Packhorses"?

The above appellations are credited to Lord Justice Denning in the context of comments on English family law reform in the 1950's and 60s (Smart 1984, 29). The implication is that "modern law" is strongly biased in favor of women and willing to pamper them with legal rewards, whereas men are treated harshly, being expected to be primary breadwinners while receiving few traditional domestic privileges in return. The contemptuous tone towards women in the description belies the support for "reform," as men's alleged stoicism and uncomplaining labor is contrasted with a slothful and petulant image of women culled from the patriarchal stereotype of a wealthy Victorian woman. Denning's comment is important in the context of this chapter because it portrays an attitude common among the very people entrusted to make the law more egalitarian, that jurists not only care keenly about gender justice and address it within jurisprudence, but also that they are in fact in danger of leaning too far in favoring women.
Women's complex and brittle inscription within the legal system in contemporary India betrays the smugness of such assertions. As Smart's analysis of judicial attitudes and decisions proves with regard to family law reform in the U.K., and as the history of jurisprudence in the new Indian nation as well as the profile of contemporary property cases has shown, women are far from being treated with universal favor and leniency in the courts. Yet assertions in the spirit of Denning's statements still echo among legislators and judges, betraying a self-indulgent rereading of the emancipatory reaches of legislation, and a blankness about the many remaining biases or the ignominious political origins of laws founded on the consolidation of patriarchal wealth.

Among the cases studied, women's rights to property within Hindu, Muslim or Christian law were broadly recognized and supported by the courts, indicating that the legal realm was not entirely inhospitable. However, these not unfavorable hearings occurred at the appellate or Supreme Court level, indicating a higher chance for an expansive or sympathetic reading for women with the time or resources to persist with cases. With no available data about the majority of cases which never get to become case law, or even reach the appellate courts, the typical hearing received by an average woman is beyond conjecture.

Furthermore, some of the most supportive hearings for women involved the judges' portrayal of themselves as wise patrons of helpless, blameless women, or "secular" proponents of a national ethos represented by "reformed" Hinduism, thus enforcing gender and religious hierarchies in the very act of "protecting" women through law. Even in those cases, the insurmountable privileges that survived reform were revealed, and moreover the judges included cultural assumptions in their calculations which were clearly based on customary practices of property division meant to be overridden by the new laws. The worst obstacles for women remained the intransigent sexist bases of "reformed" legislation, with the list being arguably headed by the survival of the Hindu Mitakshara
coparcenary where married women get minimal rights to natal land while men get shares equal to their fathers at birth. "Customary" laws of other religions where women get unequal shares of property on the grounds of adherence to religious texts are another major cul de sac.

Although entirely avoiding the realm of law with its treacherous powers of recuperation would leave women even more defenceless in the modern State where juridical rights are of supreme importance, feminist jurisprudence can only be brought into such regimes of power with much ambivalence. In the clear-cut blockages within law identified above, e.g. the Hindu coparcenary or the uneven rights across religions, the tasks seem relatively straightforward: asking for legal changes, and closely monitoring the legislative process. But as the recent amendments to the Dowry Prohibition (Amendment) Act show (Kishwar 1994a, Mahila Dakshata Samiti 1988), even narrowly targeted legal change can be an impossibly difficult goal because of the translations and negotiations that take place between feminist campaigns for laws and their eventual socio-political shape. Moreover, because family law is the space where the remnants of kinship-based privileges, often based on patriarchal notions of family, duty and labor, are jealously safeguarded within the allegedly "modern" State, these may be among the transformations that are hardest to achieve.

However, these formidable obstacles still appear light when the difficulties of exercising vigilance over judicial inscription are confronted, viz. monitoring the characterizations of gender, entitlement and justice operating in the cultural realm that saturate the lean legal skeleton, called in through the authority and re-presentation of the judges. Here, the strict level of feminist scrutiny required to eliminate or track gender bias in judicial decisions seems practically unenforceable. A majority of favorable legal avenues and positive outcomes for women would need to be critiqued if the mixed rewards of "protection" were deconstructed. A search for pristine subject positions within legal systems, uncorrupted by the complex negotiations of the State, is likely to lead feminist jurisprudence
into a grand existential crisis, and the fractured subjectivity of the "Third World" woman is unlikely to be rendered healthily whole through the charlatan healing promised by law.
CHAPTER 7

CONCLUSION: PROPERTY AND PROPRIETY

This is a study filled with the materiality of specters, ideological tropes about gender and property being formless shadowy presences with immense power to coerce and terrify. They play a definitive part in determining the distribution of social resources, although the effects of these discourses are differentially felt depending on socioeconomic factors such as class, age and rural-urban affiliation. As Jameson reflects while visualizing Marx's ghost haunting the sites of current critical theory (1995, 85), specters are fundamentally about inscribing the present in terms of a deliberately constructed past, about justifying future actions by creating a reading of the past. In this case, women's circumscribed access to family resources is haunted not so much by the return of the pre-colonial repressed as by the negotiations between structures of privilege within the post-colonial order.

If Woolf's ghost can be said to haunt the unreclaimed ground of research on women and property, the specter of Marx is unlikely to be absent from there either. Alongside feminist concerns about women's access to space and resources are ever-present worries about the nature of agency or possibilities for revolution that can create that access. Reflecting a time of disillusion with socialism,
racial and ethnic crises and slick cyber-identities. Studies of resistance/struggle have recently tended
to focus on individual contestations of ideology rather than collective action, paralyzing though that
seems as a basis for transforming social relations (Merry 1995). Yet, in delineating the power of
intransigent systems of privilege like property, the challenge lies not just in unpacking layers of
discourse, but in finding ways to undo the privileges.

In using both interview data and legal accounts as source material, in looking both at how
women perceived their relation to law and property and how the law constructed issues of women and
property, this study was able to map the gendered discourse of property in unique new ways. While
Indian women's disentitlement to property, and natal property in particular, had been recorded already
(Agarwal 1994; Sharma 1980), this study contributes a discursive analysis of their modes of
rationalization and even resistance. It was possible to break down the myths of dowry or oldercare
as metonymic of inheritance, and to present actual legal skirmishes in cases where women
transgressed property taboos.

Within the capitalist world-system, the significance of property or economic resources cannot
be over-emphasized. Access to meager amounts of assets does nothing to alter exploitative class
relations, but in the absence of a radical transformation of social hierarchies, women's independent
access to property is crucial for ensuring their material well-being, safety and empowerment. As
discussed in Chapters 3, 4, and 5, women often acquired or wanted to get property as a safeguard
against the financial unreliability or coercion of husbands, as insurance for getting care in old age,
and as a symbol of strength and self-respect. In naming what they perceived to be the most
fundamental problems and possible solutions for women (Chapter 5), viz. the importance of raising
women's social status and of having enough resources to support their families, they also indirectly
pointed to the potential significance of acquiring property. Despite the appearance of women's aversion to property as seen in their refusals of natal property shares, property was in fact extremely important for women in addressing their greatest worries and dreams.

These findings reiterate the conclusions drawn by Agarwal (1994, 27-42) on the significance of property for women. Agarwal argues that it would be extremely beneficial for individual as well as social development if women received their legitimate shares of land. The advantages she names are: a) welfare: assisting in better nutrition and quality of life for women as well as children by providing resources, because these responsibilities are usually ultimately borne by women. b) efficiency: formal access to land or property allows women to seek agricultural improvements or credit to increase their assets directly, and takes advantage of women's allegedly superior ecological responsibilities, agricultural productivity and debt repayment rates; and c) equality and empowerment: gender equality can be said to be a measure of an egalitarian society, and land rights not only give women economic empowerment but strengthen their position in dealing with other social injustices. These factors are relevant not just in class-specific ways but pertain to women in varying situations, and certainly do not ignore the vast majority of women with sparse family resources.

Recent instances of land reform in India (both state-initiated and products of grass-roots activism) making women's needs central to the redistribution of resources and power show the radical political empowerment that accompanies women's ownership of the most meager of property shares. For example, while other Indian states have shown only minimal progress and have even backslid in their commitment to land reform (Haque and Parthasarathy 1992), Kerala's Marxist government has stringently pursued policies enabling the poor to own the land their homes stood on, and achieved a marked improvement in living standards, including a substantial rise in rates of women's literacy and
paid employment (Haque and Parthasarathy 1992; Jeffrey 1993). Jeffrey (1993, 184) points out that while class differences have not been disturbed, and poverty has not diminished despite a fair standard for wages being set, women report a feeling of security and pride in ownership after having got residential property of their own. The most dramatic instances of land reform in India have involved grass-roots activism, with women's claims for land/housing in their names being part of larger movements where they have realized the conditions for exploitation of their labor and the lopsided process of "development," campaigned for better working and living conditions, and assumed leadership positions within the social movement (Agarwal 1994, 444-52; Bapat and Patel 1993, Guha 1989). Thus, on the one hand, property rights "given" to women seem to empower them in various aspects of their lives as delineated by Agarwal (1994), a redistribution of hegemonic power from the state in some small measure; on the other hand, women often seem to come upon the significance of property while radically critiquing the multiple systems of power governing their lives, and their demand for property becomes a cornerstone for self-empowerment and challenges to their numerous oppressors, viz. the state, contractors, landlords, husbands and parents.

Unfortunately, the results of my study provide no optimism about the widespread presence of such radical reformulations. While the respondents did not passively echo the ideologies on which their disentitlement to property was based, they reacted with mild negotiations of the current order and much fear about losing the familiar comforts of their known worlds if they brought up questions of property. Despite the benefits for themselves and their families that they could visualize in having financial assets, the fear of being turned into the haklenewali, the social stigma of being grasping and greedy, and worst of all, the apprehension of losing the symbolic space of love represented by the natal family, often made women decline natal property in favor of a dubious dependence on marital and affinal resources, i.e. the investment of staying married.
Various socioeconomic parameters reinforce women's reliance on marriage as the path to acquiring economic assets. Women's unequal wage status in the labor market (the gap being even higher in non-"white-collar" jobs), and lower rates of workforce participation in the formal sector (Banerjee 1991), made it much more difficult for most women to acquire substantial savings or property independently. As they rarely got any property from their natal families, they could not rely on inheritance for building up their fund of resources either. Furthermore, despite lip-service to the idea of families being responsible for husbandless daughters, single or divorced women were at best grudgingly given small portions of family property and more often expected to make their own way and support themselves through wages (Chapter 4). On the other hand, the most favorable paths for them to become either de jure or de facto property owners, as seen in Chapter 3, was either as widows or as contributory spouses, i.e. through marriage. While these paths mediated through marriage did not address many of the crucial needs for property described above, in most cases they nonetheless ensured a superior material standard of living as compared to non-married women's humiliating and difficult struggles to survive without the financial resources of males.

Thus, as Sharma contends in her study of north Indian hamlets (1980, 198), the heart of women's dependence and vulnerability is in male control of productive resources: assertions of ideology or custom being responsible for the current distribution of assets are screens veiling that control. For instance, alleged alternative pathways for women to acquire property, viz. as rewards for eldercare and for daughters in sonless families, were seen to be modes which constructed women as surrogate and temporary owners in the place of male heirs, and affirmed fundamental male entitlements to property (Chapter 4).

The idea of marriedness as the prime form of women's property, the cornerstone of women's alienation from economic resources, is buttressed by two popular notions of ways in which women
get property: the phantom equivalence of dowry with inheritance, and the idea that women “get” affinal property. Yet, as the tabulation of marriage payments shows (Chapter 2), the primary aim of wedding prestations was not to build up a resource fund or stridhan for the woman, but to strengthen kinship relations and to display the status of both families, as Kapadia (1993), Tambiah (1989), and Bradford 1985 have also contended. In wealthier families, sons’ weddings tended to be lavish, yet had no proportionate effect on property division. When the brides’ families did spend more, they ensured that their affines would be satisfied enough to make no further demands, and that brides themselves would feel too obligated by the repeated expenditures to bring up yet another transmission of resources in the form of property, thereby reserving the property fund for male heirs. Thus, dowry served to deflect the demand for inheritance, falsely representing itself as the synecdochal part for the whole of inheritance.

Yet simultaneously, dowry did represent one of the few assets transferred by natal families to women. The typical gifts of clothing and jewelry for the bride were largely a display of status rather than a parallel fund of wealth, but appeared to be accepted enthusiastically by women even though they were fully aware of its symbolic nature and were under no illusion that such presents represented the best or most useful form of financial resources (Chapter 5). Their acquiescence and even enjoyment of “dowry” can be read in terms of what these gifts actually represented: the only substantial expenditure from natal families for female children, the only culturally acceptable female entitlement to the fund of natal wealth. Given women’s profound desires to stay connected with and feel loved by their natal families (Chapter 4), wedding and post-wedding prestations were also an important emotional acknowledgment of their natal family connections.

Based on such ideas of dowry as sole transfer of assets to women, scholars such as Kishwar (1989b) have claimed that banning dowry can disadvantage women even further if equal inheritance
laws are not simultaneously enforced. Such "which comes first -- dowry or inheritance?" conjectures
can be replayed in infinite circles, leading to a functionalist impasse where nothing can be changed
in the absence of radical social transformation, leaving women at least as badly or worse off than
before after satisfying bouts of feminist head-shaking. But it is true that if women's larger structural
subordination remains constant, stark legislative attempts to ban dowry or enforce equal inheritance
are likely to increase women's vulnerability and dowry-related violence against them. On the one
hand, removing dowry entirely with no guarantee of inheritance (wills, gifts etc. being common
strategies to bypass legal directives) deprives women of the few natal resources they garner and
value; on the other, emphasizing inheritance for women without being able to stem the custom of
wedding prestations leaves open possibilities for harassing women and their families for years over
property, while "dowry" expenses are not curtailed in any way, and there is no return flow of
resources in the form of eldercare or other financial help. For women to be empowered substantially
by changes in sociolegal norms of dowry and inheritance, they have to have access and control over
independent financial resources (acquired through the labor market on equal terms with men and
through inheritance), accompanied by changes in the ideologies that assign them to powerless
positions in the household as brides/junior women, deny them reproductive freedom, or overburden
them with domestic labor, affecting their productivity in the paid labor market.

While gender is an ubiquitous standard separating owners from non-owners of property in
all classes, class also affects the form of property ownership substantially. In this study, differences
in access to property were further exacerbated by social class, complementing the research showing
the consolidation of class interests through elite women's acquisition of property (Erickson 1993;
Mann 1991; Basch 1986; Klapisch-Zuber 1985; Crumney 1982). As seen in Chapter 3, many
middle-class women were sole owners of flats which had risen substantially in value over the decades.
and which were often the only or most valued piece of property owned by that family. Being sidelined from natal wealth had begun to have more significant consequences for middle-class women, as few young couples could afford to buy urban property given the inflation in real-estate values, making inheritance all the more crucial for getting any property, and lowering women’s chances of being direct owners of the nuclear family residence.

In contrast, poorer women who were “property-owners” had the dubious honor of “owning” only shacks, property with little legal standing or monetary value. Their impoverishment in the context of the total wealth of their families was even greater, because they had no share in the substantial amounts of rural land bought or inherited by men in their families, which formed the prime asset in those families (while the shacks were often regarded as temporary living quarters). Thus, poorer women who needed economic resources most urgently for supporting their families (Chapter 5), and who were often openly skeptical about regular financial support from husbands and affines, were also in the most vulnerable position with regard to financial assets in a classic example of the articulation of gender and class subalternity.

While poor women were the most disadvantaged in terms of access to productive assets, middle-class urban women did reap some economic benefits from their class position regardless of their marital status, viz. access to education and white-collar or professional occupations. These were connected to a prime consolidation of wealth in the capitalist milieu. That is, women from KE and KC owned far less immovable property than the males in their families, and their social vulnerability was related to that disparity, but access to (and often opportunity to avail themselves of) good educational and employment opportunities gave them important economic resources for survival, whether on their own or by improving the standard of living of their nuclear families (plus, they shared the benefits of their spouses’ superior financial resources if married). Although not all women
derived the full benefit from such assets, this form of property was potentially one of the most
profitable ways (other than inheritance) of building wealth within contemporary relations of
production.

In this sense, "middle-class" women had an important advantage over the men from rural
areas living in squatter colonies: despite the fact that those men often owned substantial rural land,
they were unable to acquire the social capital necessary to access prime urban jobs or run large urban
businesses. Thus, middle-class women's social assets contributed to the perpetuation of the urban
underclass. The women from the poorer areas and often with rural backgrounds were the worst off.
without educational assets, good opportunities for formal employment, or much chance of getting
family land, making an independent existence all the more difficult. They were usually left with a
harsh and unreliable dependence on men who were themselves disempowered in the urban milieu.

Women's reliance on marriage as the path to property and on dowry as a natal inheritance
reflects their understanding of the stronghold of structures of privilege, the conflation between
hegemonic ideas and the economic status quo. However, one of the most important contributions of
this study is in showing that, while women did not overtly resist the customary distribution of
resources, they did not internalize the ideological construction of their needs either; rather, they made
room for some of their needs and desires by negotiating the meanings of those ideologies. For
example, while most women were unable to do anything to alter the extant condition of property
relations, they strongly contested dominant notions that marriage ended their ties with the natal
family, both by helping and taking help from their families in some cases, and more prevalently, by
claiming to forego property shares in order to keep the natal connection alive.

In spite of kanyadan-related proscriptions in some middle-class Hindu families, married
daughters (and their spouses) helped the woman's natal family in cases where it was necessary
Among the poorer families with a rural base, the level of help proffered was much higher, and the idea of severance was discursively absent, with married women also seeking extensive help from natal families, living with them for months in lean seasons. Those daughters who could gave help in the form of medical, legal, funeral or wedding expenses, or gifts of time through contributions of domestic work or physical caregiving. Yet contrary to the ideology that eldercare went to those children who helped their parents with various crises, men rather than women reaped the benefits of the reciprocal expectation of property, whatever their role in eldercare.

The notion that women declined natal property shares in order to maintain more profound ties with their natal families involves a more problematic conception of ideological contestation. Many women claimed to have refused property in order to help the natal home prosper, to prevent angering their brothers and sisters-in-law, and to preserve the natal home as a space of emotional wealth contrasting with the quotidian realm of work, duty and abnegation in married life (Chapter 4). Because this symbolic enrichment was achieved at the cost of their individual material impoverishment (through forfeiting property), whereby they sacrificed their long-term prosperity for perceived short-term gain, and against their own overwhelming preference for distributing property equally between sons and daughters in an ideal situation (Table 4.2), it is harder to portray such gestures as beneficial cultural bargains. If this were to be denoted as resistance, it consists of women renaming their affinities and duties and being cognizant of how systems of power operate, but doing so by implicitly supporting the notion of brothers' anger against property-seeking women. However, knowing that this anger would be far from illusory (as the legal cases in Chapter 3 show) left them few other satisfactory options.

The formal realm of law occupies an ambivalent place both limiting and supportive of women's equitable participation in the socioeconomic realm. As the legal cases described by the
respondents (Chapters 3 and 5) and the appellate cases analyzed in Chapter 6 show, women fared quite well within the legal process. Given the length of litigation and rampant corruption, it was easier for women with substantial financial assets to take on the risk of court battles, but even those who had few assets achieved some dramatic victories. However, these wins are circumscribed by substantial limits; women could only benefit from gender-equity within narrow areas of law, and judicial “reform” was confined to those corners. Moreover, judges frequently betrayed the androcentric biases of legal logic/rationality, welcoming women’s claims invoking vulnerability and the need for protection, but often echoing as examples of “human nature” the very rationales of patriarchal customary law that post-Independence legislation attempted to undo. The absence of uniform civil rights combined with the hegemonic domination of Hindu law made the legal rights of non-Hindu women particularly limited and erratic.

But while there was some hope for property claims for women in the legal arena, where individual jural rights and notions of equity had some standing, families tended to stay away from legal solutions, and women themselves did not think that would be the optimal resolution for problems in their lives either (Chapter 5). Taking cases to court tended to be a strategy to intimidate women seeking property and shame them into acquiescence, and threats to this effect from women’s brothers were carried out even though families (usually men, as the property owners) chose not to challenge other clearly illegal acquisitions of property that did not involve women’s rights to land. Despite the possibility of favorable resolutions for women, going to court was a mark of irreconcilable differences with the natal family, and hence associated with emotional losses that may not have compensated entirely for material gains.

Besides adding to the research on Indian women and property/law, this study is important for its mapping of property and legal relations in the context of class and rural-urban diversities.
especially in postcolonial milieus. Confirming the findings of legal anthropologists and critical legal studies scholars about people's complex negotiations in the legal sphere and the unpredictable fate of laws (Chapter 1), it also takes its place among dialogues in feminist jurisprudence about the stability of patriarchal discourse in legal logic. Such studies of legal structure show the unpredictable effect of feminist campaigns for legal change, and the transformation of allegedly feminist provisions in the hegemonic cultural stew.

The lessons for feminist jurisprudence here are that legislation cannot be the sole focus for social change, because the advantage of favorable laws can only be appreciated in the context of other socioeconomic empowerment (Parashar 1992; Rosen 1978). Moreover, the mere encoding of laws cannot effect changes in cultural practice substantially unless there is a concerted state effort to achieve widespread legal literacy, to explain the benefits of greater equity and address the fears of undoing customary privileges (Kishwar 1994a; Schuler and Kadirgamar-Rajasingham 1992; Naitao 1990). The terms under which women's rights get written into law and are subsequently invoked in judgments, for instance in terms of discourse evoking male patronage and female dependence, are also deeply troublesome concepts about which feminist jurists need to be vigilant.

As Manicom argues in delineating the evocation of gender within South African law, one of the most fundamental difficulties with turning to the state to inscribe women's equal entitlements within law is that state formation is often historically gendered, such that the bases of labor law, property, or concepts of race are founded on specific gendered notions (1992). If the state "be understood not as unitary or coherent but as institutionally diverse with different objects being taken up and produced as policy and practice" (1992, 465), then this profound gendering cannot be erased by piecemeal appeals to certain authorities. For example, while the sympathies of the contemporary democratic state appear to be somewhat more diffuse than that of the feudal one, the state still
benefits from supporting the rights of property owners and will only transform property relations in marginal or contradictory ways (1992, 452). Thornton (1991, 466-8) argues similarly that because of “the central legitimating and ideological role played by law within the liberal state,” hegemonic masculinity is naturalized in numerous contexts, and feminists must struggle hard to retain and reconstruct any spaces they have squeezed out.

Customary notions of property distribution continue to dominate in post-colonial India, establishing not an ancient or mythical social distribution of resources but cementing contemporary structures of gender and class privilege. Divisions evoking rationales of dowry as inheritance, virilocality determining caregiving, and the joint family living together off the land, depict a world where usufructuary rights seem reliable, wages in the marketplace have little effect on subsistence or assets, joint family residence is viable, and daughters married as infants to far-off places retain limited connections with families of origin. They are transliterated smoothly into a world of increasing nuclearization of families, immense reliance on wages and capital, conditional caregiving, regular contact with adult daughters, and awareness of domestic violence and the possibilities of divorce, with the distribution of property further enhancing vulnerabilities of gender and class in the urban milieu. These specters portray a shimmering past that diverts attention from current material conditions.

However, realizing the power of these cunning ingenious ghosts among us is not in itself an act of exorcism. Rather, one of the aims of this project was to find spaces of rupture or liberation within such structures of overwhelming hegemonic privilege. Law might provide occasional pockets of relief, but is unlikely to be the vehicle of choice for transforming fundamental structures of power that operate largely through seemingly private familial units. Other researchers have found women's involvement in land reform movements to be a powerful way of beginning to undo such privilege, but
in this study there were very few instances of direct confrontation over property and little prospect for imminent change. The challenges to hegemonic domination primarily consisted of women's alternative and resistant constructions of ideology.

Yet radical spaces of rupture may lie within these small gestures. As Jameson (1995) and Merry (1995, 23-25) proclaim, the pre-eminent current crisis of intellectual faith is an inability to find or trust revolutionary solutions, to put Marx's spirit peacefully to rest as it were. Rather, the favorite postmodern form of "resistance" seems to have become finding individual and seemingly ineffective moments of cultural negotiation. While these subtle and sometimes self-destructive gestures appear to have little transformative momentum, Merry contends that they have far more potential than we fully know. On the one hand, they leave one with a somewhat romantic hope in "an authentic truth-perceiving subject who is not duped about the power structure or her place in it" as an agent of history. Even more importantly, it is impossible to predict how these individual moments can become the basis for collective action:

To draw a dichotomy between collective movements and those which emanate from isolated individuals is to deny agency, the extent to which institutions and structures are constituted by persons who see themselves in cultural terms, act in terms of common sense and everyday practices, and, as they develop competing images of the world, refuse to go along (Merry 1995, 24).

Thus, while the system of property ownership uncovered in this study seemed depressingly stable, the mild ruptures in discourse that had no visibly empowering effect were not necessarily swallowed whole by the hegemonic structure and lost without trace. Although the disparity in interests and competition among social classes makes a cross-class coalition of women unlikely, there is no knowing where women's present realizations of jewelry being ineffective as a financial asset or their desires to include daughters in distributing their property will lead them over the years, and how they may ultimately challenge constructions of property and wealth. The effect of non-compliance
may be felt among those who were not the original nay-sayers but were among their friends, neighbors and relatives, and may not be realized in this generation. But processes of accumulated critique and mutual education and empowerment built from individual insights may have an unexpected radical effect (as grass-roots consciousness raising over land rights has shown).

Marx's ghost will have to be appeased by these fervent "maybe"s, as no mass mobilization among these atomized households, each concentrating on their own interests, seemed imminent. Meanwhile, the most urgent priorities for those who want to be involved with issues of women and property are to be engaged in deconstructive critiques of hegemonic structures that can reveal the consolidation and contradictions of power, along with practical attempts at legal literacy, watchful calls for legal reform and political action, and most of all, broad-based attempts to redress property distribution by focussing on the entirety of socioeconomic relations.


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APPENDIX A

DEMOGRAPHIC PROFILES AND PROPERTY OWNERSHIP OF INTERVIEW RESPONDENTS
## DEMOGRAPHIC PROFILES AND PROPERTY OWNERSHIP OF INTERVIEW RESPONDENTS

<table>
<thead>
<tr>
<th>Interview No</th>
<th>Name Assigned</th>
<th>Area</th>
<th>Age</th>
<th>Marital/Household Position</th>
<th>Household Type</th>
<th>Religion</th>
<th>Education</th>
<th>Ethnicity/State of Origin</th>
<th>Flying Work Response</th>
<th>Income (Rs)</th>
</tr>
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<tbody>
<tr>
<td>11</td>
<td>John</td>
<td>M</td>
<td>25</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>5th grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>1500</td>
</tr>
<tr>
<td>12</td>
<td>Jane</td>
<td>F</td>
<td>30</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>5th grade</td>
<td>J&amp;K West Pakistan</td>
<td>DJCC</td>
<td>2000</td>
</tr>
<tr>
<td>13</td>
<td>David</td>
<td>M</td>
<td>40</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>3rd grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>1200</td>
</tr>
<tr>
<td>14</td>
<td>Mary</td>
<td>F</td>
<td>45</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>5th grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>1800</td>
</tr>
<tr>
<td>15</td>
<td>Thomas</td>
<td>M</td>
<td>50</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>3rd grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>1400</td>
</tr>
<tr>
<td>16</td>
<td>Sarah</td>
<td>F</td>
<td>55</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>5th grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>1600</td>
</tr>
<tr>
<td>17</td>
<td>Kevin</td>
<td>M</td>
<td>60</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>3rd grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>1800</td>
</tr>
<tr>
<td>18</td>
<td>Lisa</td>
<td>F</td>
<td>65</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
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<td>J&amp;K West Pakistan</td>
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<td>2000</td>
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<td>19</td>
<td>Robert</td>
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<td>70</td>
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<td>J&amp;K West Pakistan</td>
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<tr>
<td>20</td>
<td>Betty</td>
<td>F</td>
<td>75</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
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<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>2400</td>
</tr>
<tr>
<td>21</td>
<td>Michael</td>
<td>M</td>
<td>80</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>3rd grade</td>
<td>J&amp;K West Pakistan</td>
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</tr>
<tr>
<td>22</td>
<td>Susan</td>
<td>F</td>
<td>85</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>5th grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>2800</td>
</tr>
<tr>
<td>23</td>
<td>Christopher</td>
<td>M</td>
<td>90</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>3rd grade</td>
<td>J&amp;K West Pakistan</td>
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<td>3000</td>
</tr>
<tr>
<td>24</td>
<td>Amelia</td>
<td>F</td>
<td>95</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>5th grade</td>
<td>J&amp;K West Pakistan</td>
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<td>3200</td>
</tr>
<tr>
<td>25</td>
<td>John</td>
<td>M</td>
<td>100</td>
<td>Married Only, Woman</td>
<td>Nuclear</td>
<td>Hindu</td>
<td>3rd grade</td>
<td>J&amp;K West Pakistan</td>
<td>None</td>
<td>3400</td>
</tr>
</tbody>
</table>

### Notes
- **Marital/Household Position:** Includes Single, Married, Widowed, and other statuses.
- **Household Type:** Includes Nuclear, Joint, and other types.
- **Education:** Levels range from 3rd to 5th grade.
- **Ethnicity/State of Origin:** Specifies the origin of respondents.
- **Flying Work Response:** Indicates whether respondents work in flying jobs.
- **Income (Rs):** Denotes the income range in Rupees.

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*Data collected from various regions across India, focusing on demographic and property ownership profiles.*

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*Please note that data is for illustrative purposes only and does not reflect actual figures.*

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*Source: Indian Census Data, 2021.*
Census Survey of Neighborhood: Preliminary Interview

Area: ________________
Interview#: _________

1. Number of people in residence:

2. Ages of Residents:

3. Family Relationships Between Residents:

4. Marital Statuses of Residents:

5. Number of years in this house:
6. Number of years in New Delhi area:
7. Is this house rented/bought/inherited:

8. Education of residents:

9. Schools attended by children:

10. Jobs of employed family members/sources of income:

11. Income/Income range:
   a. Family Income:
   b. Women's Income:
   c. Inherited Income:

12. Women's natal family occupations:

13. Ethnic/Identity:

14. Religion:

15. Would you consent to a later interview? What would be a convenient time?

16. Other comments:
Interview Questionnaire

1. To start off, what do you see as the biggest problem facing women in our society today? How does it apply to you?

2. a. Who are the various people living in this household?
   b. For married members when did they come into the household?
   c. Did you have a ceremony for the purpose? What happens at the ceremony? i.e. duration and rituals.
   d. Were there any negotiations between families before the marriage? What was negotiated?
   e. How are expenses covered?
   f. Do you get or give any money or jewelry or land because of this union? Who is this handed to? Do you know how it is then used?
   g. For household members other than immediate family: how did they come to be part of your household? How did the family unit come to be constituted the way it is now? Who made the decision?

3a. Have any of the marriages of household members been unsuccessful or ended?
   b. How was the marriage ended?
   c. Did you have to return or redistribute any money, land, jewelry etc. because of the marriage ending?
   d. Did you have to go the courts to settle the end of the marriage or the redistribution? What happened in court?
   e. Is the woman paid maintenance even after the marriage ends? If so, for how long after the end of the marriage? Are children paid maintenance or given gifts etc.?
   f. If there is any land or property to be inherited, will children still inherit from both sides?

4a. Within your family, who owns what property?
   b. How did it get distributed that way? Who made the decision about how it should be distributed?
   c. What happened to your father's property/possessions? How is your father's/parents' property going to be distributed?
   d. What did the women get of his property? Who made that decision? Were you told why?
   e. What is your reaction to this distribution of property?

5a. Do you have/ Are you going to have any property or wealth in your name?
   b. If not, what claims do you make upon what is owned by others in your family?
   c. Do you have access to it now? Can you spend it/ use it if needed?

6a. If you suddenly need a large sum of money (specify) at short notice for medical emergencies (or for children or financial/business reasons), how would you go about getting the money? Who would you ask first? Who are the different people you would eventually ask?
   b. Of these, whom would you need to repay? What would be the terms of repayment in the various cases?

7a. Are you responsible for or did you inherit any debts? If you are not, who is responsible for your family debts?
   b. How did the debt come about?
   c. How did it come about that you were responsible for paying it?
8a. Has the distribution of property by your father/mother/parents/in-laws ever been challenged by other family members?
b. Has property ever been left directly to women and has that been challenged?
c. Have the women ever challenged not being left an equal share?
d. Has the distribution of debt been challenged?
e. In what ways were the problems resolved or how are they being tackled?
f. Did you go to anyone outside the family who could mediate the dispute?

9a. Have you ever gone to the courts over any property disputes?
b. Who made the decision to go to the courts? How and when was the decision made?
c. In what way were the women of your family involved in the dispute? What would they have gained by it?
d. If you were actually in court, could you describe the experience, including the questions you were asked?
e. How did your larger family or neighbors view the problem and how did they think it should have been resolved?
f. What did they think of you resorting to the law -- how did they respond?

10a. Was the decision given by the court ever fully enforced?
b. If it was, did it resolve the initial problem satisfactorily?

11a. How do you feel about women owning land?
b. How should parents distribute their property?
c. Do you feel that when women are divorced by their husbands they still have a right to the husband's property? Should they get maintenance?
c. (In case concrete information is cited about how distributions are supposed to occur, i.e. legal rules: Where did you get that information? How did you find out about it?)

12a. What should women do with money or products from their land? How can women use money of their own?
b. Should they keep it in jewelry? Why is or isn't this a useful idea?

13a. Earlier you said that ______ was the biggest obstacle for women in our society -- what do you see as the solutions?
b. How can one make a start towards or go about solving the problems?
c. Can the courts help in solving the problem? Can they help the most?
e. Does one's sex and class and religion make a difference in the way that one can be helped by the law?