

# Submission to the Senate Inquiry on the practice of dowry and the incidence of dowry abuse in Australia

By Supriya Singh

## Introduction

This submission is from Supriya Singh, Professor, Sociology of Communications, RMIT University. My research deals with migration, money and financial abuse (See (Singh forthcoming, 2017, 2016)).

This submission particularly addresses the following term of reference in the Senate Inquiry:

...reports of dowry abuse, including potential links to family violence, pretext for arranged marriage, forced marriage, modern day slavery, financial abuse, domestic servitude, murder, and other crimes, as well as any connections between dowry abuse and adverse mental health outcomes for affected women, including self-harm and suicide...

## Key recommendation and rationale

'Coercive control' should be criminalised to encompass dowry abuse as well as all dimensions of family violence, particularly emotional, financial and sexual abuse. At present in Victoria, only physical assault is directly criminalised. 'Coercive or controlling behaviour' was criminalised in England and Wales in 2015 (McMahon and McGorrery 2016, Wiener 2017) and 'abusive behaviour in relation to a partner or ex-partner' in Scotland in 2018 (BBC News 2018).

This is because:

- Criminalising coercive control will give the unequivocal message that family violence in general and financial abuse in particular is 'completely inappropriate in modern Australia' (Gleeson 2018). Financial abuse in all cultures leads to a woman losing her sense of freedom and agency, with harmful mental effects.
- Criminalising coercive control would also send a message that Victoria is interested in protecting all women in Australia who suffer non-physical aspects of family violence, that is, financial, emotional and sexual abuse. These take different forms across cultures. Instead of criminalising one cultural practice after another, it is important to criminalise coercive control that lies behind these cultural practices.
- Criminalising coercive control will ensure that family violence is criminalised in all its forms across cultures, including one's own, rather than just in one of its forms in some 'other' culture. Criminalising particular practices in one culture ignores the complexity of family violence in that culture as well as in other cultures.
- There are cultural dimensions of financial abuse in all communities. Financial abuse takes place through the coercive control of a bank account and/or denying a woman access to money, appropriating her money, preventing her from paid work, abusing cultural practices like joint bank accounts in Anglo-Celtic communities or remittances, dowry and bride-price in communities of the global South.
- Dowry in India was criminalised in 1961. The law has not dented the persistence of dowry. It is adopted by communities which previously did not have dowry. Women have not boycotted dowry for it gives them some economic resources which can be under their control and seen as 'women's money'. The jewellery for the bride which is part of the dowry, goes from mother to daughter and is emotionally significant. Dowry partially offsets the

financial inequality of women in terms of earnings, managing and controlling money in the household, the practice of male inheritance and an ideology of male control. It also highlights the emotional importance of matrikin in patrilineal families.

- Subsequent amendments to the law have not overcome the nebulous definition of dowry and 'extended' dowry. The distinction between voluntary gifts and demands by the groom and the family, remains blurred. Moreover legal action has focused on the receiving of dowry rather than on both the giving and receiving of dowry.
- The criminalisation of dowry has ensured that family violence in India is seen primarily in terms of dowry rather than the complex ways the husband and family exert coercive control on the wife through emotional, financial and physical abuse. Dowry abuse was more easily prosecuted, rather than the broader gamut of family violence. Until recent amendments in 2014 and 2017, the law treated the husband and his family as guilty unless they could prove otherwise.

### Coercive control involves male reinterpretation of women's gendered roles

Coercive control over money across cultures involves men's reinterpretation of the gendered meanings of money to isolate women, instill fear and deny freedom. Dowry abuse is one such example. Coercive control enforces gender stereotypes according to a 'male imaginary' (Stark 2009, 2012). Evan Stark (Stark 2012) defines coercive control as

...a pattern of sexual mastery that includes tactics to isolate, degrade, exploit, and control them [women] as well as to frighten them or hurt them physically.... These tactics include forms of constraint and the monitoring and/or regulation of commonplace activities of daily living, particularly those associated with women's default roles as mothers, homemakers, and sexual partners, and run the gamut from their access to money, food, and transport to how they dress, clean, cook, or perform sexually (p. 201).

Gender inequality is the broad context of family violence. Coercive control is the strategy men use to preserve their entitlements when women have achieved formal equality but gender inequalities remain in the home, economy and community. Unlike physical assault, coercive control is not incident specific. It is a long narrative of 'malevolent conduct' leading to emotional, economic and sexual abuse. Men coerce through the use of extreme violence, isolation, intimidation, surveillance, micromanaging daily life through 'rules', withholding food, communication and money, degradation, the use of shaming tactics and threats to the safety of children. This control increases with time as the woman learns to fear the consequences of not obeying the husband (Stark 2009, 2012).

Coercive control violates the human rights of women depriving them of freedom to shape their lives. This coercive control is 'invisible in plain sight' and accounts for 60 per cent to 80 per cent of family violence in United States (Stark 2009, 2012).

### The persistence of dowry in India and the financial inequality of women

Dowry was legally banned in India in 1961 because of the horrendous effects of dowry abuse. However, dowry has persisted in India, despite legislation. It is adopted by communities which previously did not have dowry.

Women have not boycotted dowry for it gives them some economic resources which can be under their control and seen as 'women's money'. The jewellery for the bride which is part of the dowry, goes from mother to daughter and is emotionally significant. Dowry partially offsets the financial inequality of women in terms of earnings, managing and controlling money in the household, the

practice of male inheritance and an ideology of male control. It also highlights the emotional importance of matrikin in patrilineal families.

Dowry abuse is universally condemned. It is also agreed that dowry is embedded in the financial inequality of women in India. However there is heated debate among feminists in India who advocated for criminalising dowry and dowry abuse about the nature of dowry and the most effective strategies for curtailing dowry abuse. Questions that arise are: Is dowry connected with women not inheriting land and other property? Is dowry 'women's money' as in the old Sanskrit texts? Are marriage payments an index of culture, class and status? Does dowry signify power and subordination? Does a woman control her dowry or does her dowry go along with her to be used and controlled by the husband's family? Can 'customary gifts' be distinguished from extortion? Is it possible to comment on the extent of dowry over time? What other factors contribute to 'dowry deaths'? How has dowry abuse obliterated the complexity of family violence? (Basu 2005).

More attention has been paid to inheritance in these debates, than the gendered financial equality of women. A majority of women in India do not have money they own that they can use as they wish. Most women do not earn. Of women aged 15-49 who earn, about one in five does not have a say about using her earnings. One in three currently married women has little control over the use of her husbands' earnings (Kishor and Gupta 2009).

Men traditionally control money in the Indian patrilineal joint family. Male control of money is supported by an ideology of male dominance. This male dominance is accompanied by money traditionally belonging to the family, rather than the couple (Singh and Bhandari 2012 ).

In India the male control of money extends to the male ownership of land and other property. A UN study in 2014 found that just one in eight women whose parents own agricultural land, inherit land in three states surveyed. This is despite legislation in 2005 giving sons and daughters an equal right to inherit land and property (Sircar and Fletschner 2014).

The morality of money in the Indian patrilineal joint family partially addresses the inequality inherent in the gender of money. Moral norms dictate that money and resources should be used to further the well-being of all family members. Money is transferred two-ways across generations. Parents have the duty to look after the welfare of their children. It is this duty that leads to Indian parents borrowing money, selling land, or emptying their retirement funds to fund their children's education in Australia. Children have the filial duty of ensuring their parents' well-being (Singh 2016). The intergenerational reciprocity of money has led to India continually receiving the highest amount of formal international remittances. In 2017 this was some US\$70 billion. International remittances to developing countries in 2017 reached US\$466 billion (Ratha et al. 2018).

Dowry is abused when the husband and his family reimagine it as money and resources which they can demand and to which they are entitled. They use the family boundary of money for abuse rather than the welfare of all in the family. Dowry abuse involves the husband and his family demanding and appropriating the wife's wealth and the resources available to her natal family. Dowry demands increase over time, often accompanied by threats leading to emotional and physical abuse. However dowry abuse is not the sum total of financial abuse or family violence.

### **Dowry abuse in the Indian community in Australia**

We do not know the prevalence of dowry related family violence among the Indian community in Australia, though the problem is considered to be 'substantial' (O'Connor 2017). However an ongoing comparative study of past experience of family violence in Australia conducted by Supriya Singh, Marg Liddell and Jasvinder Sidhu shows that dowry abuse is only part of the story of financial

abuse and family violence in the Indian community. This study involves 47 participants – 17 from the Indian community, 13 Anglo-Celtics and 17 from organisations dealing with family violence.

In our comparative study, dowry was directly demanded in one of the 17 cases from the Indian community. An extended view of dowry, that is, continual demands of the wife's family, figured in the stories of seven of the 17 participants. Dowry abuse was not the primary cause of the marriage breakdown. It was only part of the mix of financial and emotional abuse. Other aspects of family violence included denying the wife money, male control of bank accounts, taking ownership of the wife's jewellery, appropriating the wife's money for remittances to the husband's family, preventing the wife from earning money, failing to provide, preventing her freedom to use her earnings as she wished and entangling the wife in joint family debt. If the wife has access to money, then the expenditure is monitored in detail.

Other aspects of coercive control include the husband and his family controlling the wife's life by imposing rules around cooking, looking after the children, dress, mobility, communicating with others outside the house, denying her the use of her mobile phone and car. Emotional abuse targets the wife's appearance, her expertise in cooking, her ability to earn money in Australia, the social standing of her natal family and accusations that the wife is talking or having a relationship with other men. Physical assault makes the woman fear for her life. The wife is isolated from her family and friends through migration, and prevented from making new connections. She is threatened by deportation, the loss of her children (if any) and shaming her in front of her natal family and community in India. She is further isolated by the lack of awareness of civil services that can help. The traditional cultural institutions like temples are seen as bastions of patriarchal culture.

Rina's story [a pseudonym] shows that dowry is only one part of this complex mix of financial, emotional and physical abuse. It illustrates how her husband and his family used coercive control to deprive, shame and isolate her and made her fear for her life and lose her sense of self.

### **Rina's story: Dowry is one part of emotional, financial and physical abuse**

Rina, 27, with a BA Honours, worked in hospitality in a managerial position in India before she got married to an Indian in Australia in 2016. She comes from a conservative business family who live in a middle-income suburb in a metropolitan city. It was an arranged marriage. Rina and her future husband corresponded for four months and met each other for a week before the wedding.

Two days before the wedding, the groom's parents demanded gold and a car. People advised Rina's family not to accede to the demands fearing that once they had asked, they would continue asking. Rina herself did not believe in dowry. Her parents were hesitant. They asked her 'Is he nice to you?' She said she liked the groom and thought him charming and respectful. He would open the door for her. The wedding went ahead. Rina's parents refused the car but gave gold gifts to the extended family, including the husband's maternal grandmother, the father-in-law's brother and his wife.

Rina's marriage lasted eight months.

The emotional and verbal assaults started four days after the wedding and continued. The father-in-law and the mother-in-law accused her family of giving an inadequate dowry, of not conducting a proper marriage, and not giving the customary gifts for festivals.

The husband also began abusing her soon after the wedding. Her husband threw things, pulled his hair, beat himself with shoes, threatened to commit suicide and called her names. He accused her of being inauspicious saying that when she stepped into the house after marriage, the lights went out. He abused her parents and called them names. He accused Rina of not knowing how to cook, saying

'What did your mother teach you before sending you here?' He would accuse her of having a relationship with every man to whom she spoke, asking whether she had given the man her mobile number.

He isolated her. When they fought he would 'snatch my phone saying that he pays the bill so I have no right to talk to anybody. He used to go out with my phone and I used to feel very helpless that in an alien country, where do I go and whom do I speak to.' She said that later 'he deleted all my contacts from the phone – parents, brother, friends so that I'm not in touch with anybody. He deleted my WhatsApp.'

She did not know anybody in Melbourne. They went to the Sikh temple every week. She said 'Everybody knew him... If I had told somebody, they would have said, "Are you mad? He is such a nice boy".'

Three months after she arrived in Melbourne the violence became physical. She said 'He would pull my elbow, hair, push me to the wall. It kept happening. Every week.' She told her parents. Her mother at first told her to adjust, that it would become better. Rina told her husband's family. Her father-in-law told her to tell her father to send her a ticket to go back to India that 'they don't want a daughter-in-law like me... He used to ask his son to send me back, saying, "There is no place for her in Australia".'

Rina's father booked a ticket in half an hour. She went back for two months to India. Despite her parents' objections, she came back because her husband asked her to come back and she wanted to give her relationship another chance.

Rina still did not have money or a bank account. In the first six months, Rina's husband gave her AUS\$100. She was not in paid work. Most of her jewellery was kept in a bank locker under her father in law's name in India. She never got it back.

Rina's husband pressured her to begin work and open a joint account that he would control. When the bank manager suggested to the husband that he could make his account joint, he asked her to open a separate account. She went for job interviews but was not successful. Rina said, 'I had no confidence at all. I was very weak and demoralised. I lost who I was.'

Her husband became more abusive. They went for dinner, after which he parked in a secluded car park to continue abusing her and her family. 'He threatened to hit me when we reached home. I couldn't breathe .... I felt if I stayed there another night, I would be found dead the next day.'

When they reached home, she stood outside and called her mother. Her mother consulted with her cousin in Melbourne who advised Rina to call the police. The police came in about half an hour. By that time her husband had gone out. When he came back and found the police were there and had filed an intervention order, he collected his clothes. Rina found he also took her jewellery that was in the house.

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