

Book Review: The Right to Choose if, Who and When to Marry

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Review of: *Contentious Marriages, Eloping Couples: Gender, Caste and Patriarchy in Northern India* by Prem Chowdhry; Oxford University Press, New Delhi, 2007; pp 448, Rs 695.

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Prem Chowdhry's new book synthesises her pioneering work (1994, 1997, 2004a, 2004b), addressing gender violence pertaining to inter- and intra-caste marriages in north India. Drawing on historical, legal and archival sources, popular culture and oral testimonies, the interstices of gender, caste and patriarchy in rural and semi-urban Haryana are examined in this impressive, yet disturbing monograph. The title *Contentious Marriages: Eloping Couples* refers to self-chosen "love marriages" which contravene the norm of caste endogamy, intra-caste alliances that breach 'got' and territorial exogamy, and the remarriage of widows also perceived to be contentious. The book's cover is illustrated with the author's own paintings of a poor Haryanvi couple which typify the shame and isolation experienced by parents caught in the saga of their children's run-away marriages.

While elopements and love marriages, which often elicit intense family opposition, are a prominent motif in Indian cinema and have been vicariously documented in media reportage, serious academic contextualisation of shifting marital practices, the eschewment of parental matchmaking criteria and individualised agency are recent investigative themes in gender and sociological studies. Indeed, with the exception of studies on alternative sexualities, a cultural relativist approach that rigidly posits "Indian arranged marriage and family values" against "western style love marriages" has thwarted

efforts to comprehend the nature of individual desire and the choice of marriage partners.

Chowdhry contends that in Haryana, elopements, especially those involving lower- and upper-caste pairings, have escalated over time, thereby challenging traditional caste, kin and community authority. Thus Chowdhry's principal inquiry (p 20) is to problematise the widespread phenomena of gender violence and honour killings associated with contentious marriages, whilst also questioning the structural and ideological basis of such crimes across caste, class, gender and age, and crucially why the perpetrators of violence are treated with sympathy and allowed to abscond.

Sequentially, the opening chapter interrogates the colonial state, illustrating how marriage became a target for social and judicial intervention. Following this, four chapters on post-colonial Haryana explore how traditional caste panchayats, the modern state and the family collude against couples asserting their marital preferences. These key chapters delineate the collusion between traditional and modern institutions to wilfully obstruct love marriages, far too often resulting in a tragic finale for couples. The final chapters discuss the deep socio-economic fissures and contradictions in Haryana's changing political economy to provide the necessary backdrop for understanding the present antagonism against inter-caste marriages.

Increasing Intolerance

Contemporary Haryana typifies the extreme rigidity in the interpretation of marriage rules and alliances in northern India. In comparison, Chowdhry points out how in the colonial era the local populace exhibited a certain degree of tolerance for inter-caste unions, which were permissible under the custom of 'karewa' (the remarriage of widows, divorced or abandoned women). Colonial interventions however brought about increased stringency and cultural shifts in indigenous marriage practices. The colonial state endorsed and gave legal authentication to inter-caste and inter-community marriages through

the Special Marriage Act of 1872. While the state formulated progressive laws, a series of colonial judgments contradictorily strengthened caste endogamy by invalidating local customs such as karewa, which was considered morally reprehensible by the British. In practice the approach of the colonial administration was to adhere to the brahminical scriptures, which strictly forbid inter-caste marriages.

Furthermore, we are informed that in the majority of cases pertaining to marriage the verdicts of the colonial courts were typically regressive and blatantly dis-regarded women's agency and assertion in their choice of partner. In this extensive chapter on the colonial state a question that could have received more attention is whether these regressive and paradoxical verdicts from the Haryana region were also being enforced in other parts of India. The chapters on present day Haryana explicate the ubiquity of the ideology of male guardianship, control over female sexuality, idioms of honour and observance of caste endogamy which guide the social behaviour of people across age groups. Couples and families in violation of the norms of an honourable conduct are brought before caste panchayats dominated by higher-caste landowning men who have unrestrained powers to authorise economic and other sanctions, including the use of violence. The latter includes executing the couple (by burning them alive, administering poison and electrocution in village "executions") and expelling their families from the ancestral village, as well as destroying their property, crops and house- hold goods. As stated by Chowdhry:

The general opinion of people in this region, cutting across caste and class, is that if a lower-caste man is involved with a higher- caste woman, he is invariably killed. And the girl, whether belonging to the higher caste or the lower, is also almost certainly eliminated. This is observed to be the general pattern not only in Haryana but in the whole of northern India adopted by the landowning families and decreed by the caste panchayat (p 142).

Chowdhry draws attention to honour killings in the rural hinterland as well as in burgeoning urban areas such as Gurgaon. Through extensive

interviews with local inhabitants, concerned families and news- paper readings, Chowdhry has put together and reconstructed accounts of honour killings and episodes of brutal violence. Given the difficulties and sensitivities involved in interviewing eloping couples, who often go “underground” or are killed, personal experiences of resistance and accounts of those who do survive are unfortunately missing from these chapters. We are hence presented with painstakingly factual reconstructions of how couples are forcefully separated and how their marriages and relationships meet with inconclusive endings, albeit these are not first-hand narrations from the couples concerned. This leaves us with little insight into the emotional trajectories of runaway marriages or the subversive character of premarital love between young people.

Chowdhry illustrates how caste panchayats in Haryana have nullified intra-caste arranged marriages through the extensive case study of Ashish and Darshana from Jondhi village (p 100), whose arranged marriage was declared void after three years as the couple’s families had apparently contravened the category of prohibited got, thereby breaking a time honoured tradition of a 500 year old incest taboo. The panchayat converted the couple’s marriage to a fictive brother-sister relationship and Ashish was charged with the responsibility of remarrying “his wife turned sister”. A series of local events whereby the families raised objections compelled the panchayat to reconsider its extreme decision to nullify the marriage; but its revised decree ordered that the couple should be thrown out of their got and permanently exiled from Jondhi village. Chowdhry accentuates the absence of functional democratic institutions able to effectively challenge traditional powers such as the tremendous authority of the caste panchayats. These panchayats are still widely utilised in settling marital disputes, as the courts are out of reach for a large proportion of the rural population.

Yet it emerges that caste panchayat dictates are highly arbitrary, with disparate injunctions being issued in very similar instances. If families are economically influential their breaches are overlooked and uncritically

questioned, while the less powerful are savagely punished. Besides the decrees issued by caste panchayats, the author offers examples of how families initiate violence against their daughters in the name of honour and explains how families not seen to be making attempts to forcefully search for, separate or eliminate the couple are also ostracised and taken to task by caste panchayats.

We may ask why the recurrent honour killings and outcastings by male-dominated panchayats over the years have not led to concrete mobilisation by feminist groups or alternative forms of justice, especially as haryanvi women are barred from panchayat attendance and low caste groups question the credibility of panchayat decisions. By way of example, since the early 1990s feminist NGOs in New Delhi have developed the concept of women's arbitration courts ('mahila panchayats'), an alternative women-centred justice system providing marital arbitration and informal dispute settlement services to couples [Grover 2006]. These women's courts have been devised by lower caste activist women specifically to replace urban caste ('biradri') panchayats, which are notorious for meting out social boycotts, fines and punishments. Women's arbitration courts give personalised attention to women's grievances and assist couples facing severe opposition from their families. Caste panchayats in Delhi have lost their efficacy as women and young couples instead approach women's courts and other human rights organisations about marriage and family-related matters.

Inadequacies of the Law

Chowdhry presents startling insights into how state intervention into runaway marriages not only delegitimises but also criminalises individuals who choose unconventional alliances (2007: 174). Rather than affording couples legal protection in accordance with the Special Marriage Act, the state unequivocally impedes the efforts of eloping couples, displaying a strong adherence to patriarchal values and notions of honour. The state enters the frame when, following an elopement, the girl's parents file a

criminal complaint against the boy/her husband alleging abduction, kidnapping or rape. From the moment such a complaint is filed (p 173) the couple become state fugitives and are persecuted and hunted from place to place, the police issuing posters with photographs in daily newspapers with captions such as "Search for kidnapped girl" (and kidnapper). If caught, the boy is usually imprisoned, and if the case is brought before the courts, the focus shifts towards the scrutiny of the age of the girl in order to ascertain the legal status of the marriage. That couples may have acquired an appropriate marriage certificate is not a salient factor in legal proceedings. Upholding the colonial ideology and legacy of male guardianship, if a girl is below the age of 18 and has chosen her own marriage her choice is overruled by the courts. Yet if her male guardian arranges her marriage, irrespective of her age, the marriage is deemed valid.

The outcome of many court cases covering runaway couples is that the girl is pressurised by her family to label her husband a kidnapper while she herself is either eliminated or promptly married off. Even in the few cases of verdicts sympathetic to the couple the law has often been unable to safeguard the girl from violence by her natal kin in the aftermath of a court verdict. The final chapters illustrate Haryana's changing political economy, marked by political democratisation and a liberalised economy, new laws which allow women to inherit property and the economic advancement and upward mobility of the lower castes, all of which engender much anxiety among upper-caste groups.

An inter-caste marriage constitutes a major threat to the resources, unity, strength and structural position of a caste in the local hierarchy. In this regard, one of Chowdhry's main contributions is that she shows how caste and class divisions are being altered, redefined and contested in a society in rapid flux. Too often these emerging challenges are resolved through the use of violence at the family and community level and are framed and legitimised by discourses of culture and tradition. It is a compelling paradox that many families themselves

subvert traditional got prohibitions in response to a very constrictive marriage market that is tied to escalating dowry demands, an adverse sex ratio and high male unemployment. The book's epilogue reflects on the underlying nature of the intolerance of inter-caste love marriages; despite the advent of modern egalitarian laws the perpetuation of caste through endogamous marriages remains the norm, endorsed by both the state and the local population.

A more informed debate based on comparative ethnography examining how families, communities and caste groups are contesting and incorporating inter-caste marriages can clarify further whether these very serious transgressions in the north have parallels elsewhere in India. In the bigger picture, the Indian women's movement has much to gain from Chowdhry's book, which provides the necessary stimulus for activists who need to urgently address the fundamental theme of women's (and men's) right to choose if, who and when to marry.

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References

Chowdhry, Prem (1994): *The Veiled Women: Shifting Gender Equations in Rural Haryana, 1880-1990*, Oxford University Press, Delhi.

- (1997): 'Enforcing Cultural Codes: Gender and Violence in North India', *Economic and Political Weekly*, 32 (19), pp 1919-28.

- (2004a): 'Caste Panchayats and the Policing of Marriage in Haryana: Enforcing Kinship and Territorial Exogamy', *Contributions to Indian Sociology* (ns), January-August, 38 (1-2), pp 1-42.

- (2004b): 'Private Lives, State Intervention: Cases of Runaway Marriages in Rural North India', *Modern Asian Studies*, 38 (1), pp 55-84.

Grover, Shalini (2006): 'Poor Women's Experiences of Marriage and Love in the City of New Delhi: Everyday Stories of Sukh aur Dukh', unpublished DPhil thesis, University

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