CHAPTER 1

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Marriage is a legitimate union between a man and a woman, who decide to live together in an intimate relationship for the major portion of their lives. It is the most personal and close form of human relationship. Marriage is defined as a relatively permanent sexual union employing a number of interrelating roles and statuses. Heyn describes marriage as a social institution, which serves many functions for the society, such as providing the approved mechanism for procreation and rearing of children, economic stability and security, etc. Marriage is associated with marriage payments, which is the most essential part of it. Payments which are given in consideration of marriage either by bride’s kin and/or groom’s kin to the groom’s kin and/or bride’s kin respectively are called marriage payments. The exchange of such payments may be seen in almost all known societies of the world. The present study focuses on the practice of marriage payments prevalent among Shia Muslims of Srinagar as well as the relationship it holds with the social structure of the community. The work primarily is based on fieldwork conducted during March 2006-March 2007 in Srinagar. The area under study is located in Srinagar city (J&K) as shown in Map 1.1.
Map 1.1: Map of Jammu & Kashmir
Sociologists as well as social anthropologists have attempted to explore the social causes underlying the practice of marriage payments in Indian society. There is an abundance of research-based issues like child marriage, dowry practice, status of women etc in the Indian context. However, most of the sociological literature is related to issues concerning the majority community of India i.e. Hindus.

Transaction of marriage payments is found among all the groups of people irrespective of caste, religion or region. Every society consists of various parts and the relationship of these parts form the social structure of that society. The different institutions like family, marriage, religion, economy, polity etc., of the society may be said to comprise its social structure, as might such components as its norms, values and social roles. Norms provide the specific guidelines to action in a society. They are acceptable and appropriate behavior in particular situations. Norms vary from society to society and so the structure of society (Haralombous, 1980: 5). In the present study, an important aspect of social structure called marriage payments has been focused. Social structure is a wide concept. So, it was not possible for a researcher to focus all its aspects. The detailed social structure of Shias with reference to marriage payments in Srinagar will be discussed in the second chapter.

Marriage is one of the universal social institutions. It is peremptory for different reasons that have many biological, psychological, and social bases. Among the various reasons of its importance, one of the factors stabilizing the significance of marriage in society is marriage payment. Marriage does not merely
allocate rights and duties but it also involves exchange of gifts between parties. Different sociologists have differently defined marriage payments. The concept of marriage payment is like other social concepts, the meaning of which changes according to the changes in socio-cultural context. Tambiah defines marriage payments as “comprising an elaborate series of payments back and forth between the marrying families. The series of gifts extends over a long period of time and persists after marriage” (Tambiah, 1973: 92).

Indian society is a mosaic of many cultures. Different cultures show different ways of social practices, so is the case with marriage payments. Marriage payments have been defined by Comaroff as “Payments which cannot be understood by the cross-cultural comparison of their surface manifestations and their general social correlates, but by first establishing their relations to other organizational elements within encompassing systems” (Comaroff, 1980: 33). Thus marriage payments are interlinked with other elements of the society and, without the involvement of these elements e.g. affinity, descent, sex, age, devolution and rank, ceremonial exchange etc., it is hard to understand the meaning of marriage payments. These elements of society together constitute social structure.

Sociologists have classified marriage payments broadly into two categories called “Dowry” and “Bride price” or “Bride wealth”. M.N. Srinivas has defined dowry as those gifts (cash and kind) given by the bride’s kin to the groom’s kin including food and travel expenses of baraties (Srinivas, 1983: 11). Contrary to dowry, bride price is paid by the groom and his parents to the parents of bride at
the time of marriage. The people in Indian society till 19th century practiced both of these payments. Dowry was practiced mainly in north India and bride price was the defining feature of south India (Srinivas, 1983: 8). Under the colonial impact various factors promoted the shift from bride price to dowry viz. increased wealth due to monetization of economy, decrease in female work participation, growing education among male and emulation of higher caste practices by lower caste. With the result that now a days it is dowry, which is practiced all over India.

Dowry and bride price are not the only form of marriage payments, which are practiced in Indian society. There are other payments practiced in consideration of marriage. Dower or mehr is one form of marriage payment, which is practiced among Muslims. Mehr is an amount of money or some other useful commodity paid or given by a husband to his wife at the time of marriage. It is agreed between bride and bridegroom or between their families with mutual consultations. According to Henry Korson, the amount of mehr can be paid in various ways. These are as follows.

1. Prompt mehr means the sum of money, which is to be paid on spot on marriage ceremony when the contract is made.
2. Deferred mehr is the sum of money, which is to be paid in case of separation or divorce.
3. One-half prompt. One-half deferred is the case in which part of mehr is paid at the time of marriage, and part of it is deferred.
4. On demand mehr in which the wife can impose a demand for the total sum at any time (Korson, 1967: 529).
Marriage payments among Shia Muslims may provide some insights towards the variation between the Islamic principles and practices among them. Marriage among Shias, as also among Sunnis, involves exchange of payments without which marriages cannot be solemnized. Among the Shias, there are two types of marriage payments i.e. dowry and mehr. But in some pockets, bride price is also practiced. Islam does not sanctify the practice of dowry. But it is preferred practice among the Shias. This point will be elaborated in chapter 4.

The roots of the dowry practice in Kashmir could be explained in the light of its past. In past, Kashmir was under the control of Hindus, which came to an end in the beginning of the 14th century. Islam spread in Kashmir not as a result of persecution but due to peaceful methods of preaching and persuasion carried out by missionaries. Islam made its way into Kashmir not by forcible conquest but by gradual conversion, for which the influx of foreign adventurers both from the south and from central Asia had prepared the ground. Thus Islam replaced Hinduism as the mass religion of the valley. But it was not possible for converts to completely part ways with the age-old traditions and the customs people of Kashmir had been following before their conversion. According to Kalhana, “Habits fixed by long practice are not likely to cease, even when their reason is gone”. Formal conversion to Islam and practical inheritance of old culture thus went hand in hand. Detailed description of which will be provided in chapter 2.

In Islam, most essential aspect of marriage contract is the commitment and acceptance. One party, normally the guardian of the bride, makes the commitment of giving his daughter to the prospective groom who needs to pay a specific
amount of *mehr*. This constitutes the marriage contract in Islam. Islam prescribes paying *mehr*. But Islam at the same time emphasizes the necessity of the *mehr* without stipulating its material value. There is no maximum limit of *mehr*. The Prophet Muhammad (S.A.W) however has recommended not demanding excessive dowers. He says, “The best of women ever are those with pretty faces and cheap dowers” (Madinah, 1998). In the present study, I have intended to find out the prevalent practices related to marriage payments among Shia Muslims, its causes and consequences, which is discussed in detail in chapter 4.

Marriage payments form an important part of every society. They do not exist in vacuum. They are related to other institutions. According to the functionalist perspective, no practice can survive in society if it does not fulfill the needs of the society. Therefore, it is important to know about the institutional linkages or social anatomy of marriage payments and the kind of functions and dysfunctions they perform. In this light, I have made an attempt to correlate R.K.Merton’s structural functional approach with the present study.

Merton defines “social function as observable objective consequences, and not as subjective dispositions (aims, motives, purposes)” (Merton, 1957:24). Thus, he regards function as those observed consequences, which make for the adaptation or adjustment of a given system. However, there is a clear ideological bias when one only thinks of adaptation or adjustment, for they are always positive consequences. Merton had cleared this point by giving another concept called “dysfunction” (Ritzer, 2003:244). Dysfunctions, according to Merton, are those observed consequences, which lessen the adaptation or adjustment of the system.
Just as structures or institutions could contribute to the maintenance of other parts of the social system, they also could have negative consequences for them. He thinks that some things may have consequences that are generally dysfunctional or which are dysfunctional for some and functional for others. Merton also introduced the concept of manifest and latent functions. Manifest functions are those that are intended and latent functions are unintended. Manifest functions are the consequences that people observe or expect. It is explicitly stated and understood by the participants in the relevant action. On the other hand, latent functions are neither recognized nor intended. A latent function is not explicitly stated, recognized by the people involved. Dysfunctions can also be manifest and latent. While functions are manifest/latent and have positive effect on society, dysfunctions are manifest/latent and have a negative effect on society. In the context of marriage payments among Shias of Srinagar, two types of marriage payments are prevalent: dowry and mehr. It has already been discussed that anything that persists in society may have its functions in one way and dysfunctions on the other way. Dowry among Shias shows its functions as well as dysfunctions. Detailed description of which will be provided in chapter 4.

Kashmiri society was mainly a Hindu society till 13th century. Musiim missionaries belonging to different sects and orders began coming to the region and started preaching the faith of Islam to the indigenous population. It is due to their concerted efforts and the state support to their mission that Islam became the dominant religion of the state in the beginning of the 16th Century. Despite the conversion, old cultural traits are still retained by them, which are reflected in the
form of un-Islamic practice of the dowry. So, the social structure of Shias in Kashmir cannot be explained without an examination of the old social structure. The detailed description of which is given in chapter 2.

The present study not only focuses on the types of marriage payments i.e. dowry and mehr but also on the inheritance rights of women. So far as the inheritance or property rights of women is concerned, it will be fruitful to discuss whether there is any connection between marriage payments and daughter’s right of inheritance or not. According to William J. Goody, dowry is a sort of pre-mortem inheritance i.e. the female rights in parental property, which is given in the form of dowry on marriages. The case of Shias in Srinagar is different. Females are given rights to the property as per the Islamic rule. It shows no connection with the dowry payments as both dowry and parental property is given to girls. The detailed discussion about the inheritance rights is given in chapter 4.

Demographically, Shias form a minority community in Jammu & Kashmir. They constitute about 13% of the total Muslim population of the state. Although they are scattered all over the state but their major concentration is in the districts of Kargil, Budgam, and Srinagar. The present study focuses on the four Shia populated areas of Srinagar i.e. Bagwanpora, Hasanabad, Zadibal, and Mirbehri.

Phenomenon of dowry is so complex that it cannot be monocausal instead various factors play their role in the institutionalization of dowry practice. Different sociologists and social anthropologists have attempted to explain the
causes and consequences of dowry in different societies in their own terms. The detailed description of which is given in chapter 3.

In Kashmir, among the Shias, dowry is an accepted and expected practice. There are various factors for the perpetuation of this practice. However, the major factors that promote dowry payments are as follows.

1. Maintenance of social status and social prestige. Whether rich or poor, high caste or low caste, people give dowry in order to maintain their social standing in the society. Although, there may not be a direct demand, but parents of bride are supposed to pay gifts to groom’s family. It has become a norm or social obligation.

2. Inferior status of women among Shias in J&K and other parts of India. In the marriage market, female has a lower status than their male counterparts. No matter whether the girl is beautiful or educated, she has to pay dowry, which signifies her lower status in the society. These two factors, which promote dowry practice and other factors will be discussed in detail in chapter 4.

1.2 RESEARCH DESIGN

Research design is the most essential part of any research. The process of designing a plan, which helps to get social reality in a logical and systematic way is called research design. Research design is a systematic outline of the way in which a particular research will be carried out (Srivastava, 2004: 5). The main aim
of research design is how to collect a data and then how to organize it to get the meaningful conclusion.

I have conducted my fieldwork during March 2006 to March 2007 (13 months). The main aim to study the Shia community is as follows. Firstly, there is a very little work available on Shia Muslims especially in the field of marriage and payments associated with it. Secondly, being an insider an interest in studying my own community. Before the field study, a detailed literature review on marriage payments helped me to formulate the research problem. Various methods have been used for data collection. Field study has been divided into three parts.


In the first visit, I tried to locate the colonies under study and the potential respondents residing in these colonies. I tried to build a rapport with respondents in the first visit. Fortunately, being an insider, I did not face any problem in communicating with them in their language. Few key informants were helpful to locate respondents for case study. My main visit started on 21st May 2006. The methods of data collection were interview, schedule, and observation. Schedule comprised of thirty-five questions each having five responses numbered as 5, 4, 3, 2, and 1. It may be noted here that 5 is represented as SA (strongly agree), 4 as A (agree), 3 as U (undecided), 2 as D (disagree) and 1 as SD (strongly disagree).
Questions are related to marriage and marriage payments and associated problems. Non-participant observation technique was used because being a Shia and resident of the same colony, people might have become conscious giving right information and also it might have raised many queries while staying with them.

Sampling method was used to select respondents from the four Shia areas of Srinagar. A sample of 200 respondents was drawn, 50 from each area. Shia population of Srinagar is characterized by heterogeneity and thus the number of respondents taken was not equal. Non-probability judgment and quota sampling technique have been used for this purpose. These respondents were split in terms of socio-demographic variables like income, education, gender, age, area, marital status and caste. The distribution of sample is as follows.
Total Respondent
N=200

Income

High Income

Middle Income

Low Income

Male
Female
n= 23
n=7
n=55
n=49
n=30
n=36

Education

Highly educated

Educated

Literate

Illiterate

Male
Female
n=12
n=5
n=57
n=32
n=12
n=15
n=27
n=40

Caste

High Caste

Middle Caste

Low Caste

Male
Female
n=22
n=20
n=48
n=36
n=38
n=36
For quantification and analysis of the collected data, the procedure of percentage analysis has been used. Both qualitative and quantitative methods have been used in this study to analyze the data: sometimes, statistical analysis fails to reveal the social reality. The investigator was conscious about the shortcomings of
quantitative method, so few case studies were prepared to verify the genuineness of the findings. Many sociologists although are of the opinion that research should integrate quantitative and qualitative methods for getting better results. For this, Myrdal points out “The ideal community should start out from a careful statistical analysis of vital, social, and economic data concerning the individuals and families making up the community being studied. The less measurable data on attitudes, cultural traits, behavior patterns in which social stratification is expressed, and the feeling of social status or toward social status on the part of members of various groups, should then be observed and the results integrated into the framework of statistical knowledge (quoted in Srivastava. 2004: 8).

Case study method has been used to analyze the data qualitatively. The method of exploring and analyzing the life of a social unit: be it a person, a family, an institution or a community is known as case study method (Young. 2004: 247). There are fifteen case studies taken from four Shia populated area of Srinagar. For preparing case studies and genealogies, data have been supplemented with interview (structured and unstructured) and non-participant observation. In present study, schedule is the main method of data collection and case studies and genealogies have been supplemented. After completing the investigation and recording the interviews, the processing of the data was initiated. For the quantitative analysis of 200 respondents, the data was codified. A separate code was assigned to each question and each of the responses and then feeded to the computer. Percentages of the responses were calculated. From tabulated data inferences have been drawn.
1.3 OBJECTIVES OF THE STUDY

- To explore causes and consequences of dowry among Shias of Srinagar.
- To explore those factors which contribute towards powerlessness of women or lowering their status.
- To investigate and identify perceptions, attitudes, practices in connection with dowry i.e. why people expect dowry.
- To establish a relation between various independent variables like income, education, marital status, caste, age, residence and the dowry practice prevalent among the Shias of Srinagar.
- To search for various functions and dysfunctions pertaining to dowry (in Shias of Srinagar).
- To explore the difference between theory and practice (religious context) in relation to marriage payments among Shias.
- To fill a gap in sociological literature.