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## **Womb to Tomb - A Pathetic Story of a Woman in India**

**Sukhreet Kaur Sandhu, Ph.D. Scholar**

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### **Abstract**

An effort has been made by the researcher to scan available current literature on the subject which covers dimensions like child marriage, widowhood and widow re-marriage, woman's property rights, dowry, marriage and marriage patterns, education of girl child, laws governing these aspects of social/cultural perspectives, female infanticide, female pregnancy termination (abortion), efforts of social workers to eradicate the traditional evils having bearing upon female rights relating to these dimensions, and so on.

The researcher has felt that documentation of marriage patterns and their specificities has not been adequately done in India.

This study is, therefore, an attempt to document the different variables accounting for changes in marriage patterns among the Jats (Hindus) and the Sikh Community in Rajasthan State of India. As credentials to the rituals and practices followed in the marriage of women, background

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information has been gathered and reproduced on all the aforementioned dimensions. The researcher has come to the conclusion that economic conditions as well as socio-cultural and religious practices were and are responsible for the subordinate status of women in India and also account for the illiteracy, child marriage and other derogatory practices affecting the life and living of women in India. It is believed that spread of education coupled with deliberate change in the male-mindset and extending democratic way of living would considerably ameliorate the conditions in which female role-set is presently conditioned. There is dire need of re-interpreting the scriptures to provide enabling directions for uplifting rather restoring female dignity.

### **Study Area in Focus**

The study, based on available literature, relates to Karanpur Tehsil in Rajasthan state in the Indian Union. Total population of Karanpur Tehsil of this district is 20,964; this includes 11,035 males and 9659 females as per 1991 census. The capital of the state is Jaipur which is also known as the pink city. It is one of the top tourist destinations for not only domestic but also foreign tourists. The city and also the entire state of Rajasthan (previously known as Rajputana) abound in historical and cultural attractions in the form of temples, palaces, forts as also geographical features. Rajasthan is the only state in India which contains a desert called the 'Thaar' desert. People, following almost all the major religions of the country, viz. Buddhism, Jainism, Islam, Christianity, Sikhism and Hinduism are found in Rajasthan. It goes to the credit of this state that it is one of the most peaceful states in Indian Union. Rajasthan is a state on which tradition has been priding itself and is still persisting with it. The remnants of the traditions of decaying feudalism beckon the visitors from across the world.

### **Rajasthan State Profile**

Rajasthan with a total geographical area of 3, 42,239 square kilometers, is India's largest state. Rajasthan has a predominantly agrarian society, with 70% of its population depending on agriculture and allied activities. However, there are sharp regional differences mainly on account of soil quality and terrain. In the region East and South of Aravalli Hills, where the land is more fertile, agriculture is relatively more prosperous. On the other side, nearly 80 percent of all land in the western desert district is unfit for farming. Set within this diverse geographical terrain,

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Rajasthan encompasses a wide range of livelihoods. The state is home to one hand, prosperous “Green Revolution” peasantry in Sri Ganganagar, and on the other hand, subsistence farmers in Dholpur. Other contrasts can be seen in the small artisans who are engaged in traditional crafts and the trading empires of the Rajput community, as well as the nomadic clans tending herd of sheep and camel, to the dairy goods producers relying on stall fed milk cattle.

Rajasthan has been historically prone to acute water scarcity and drought. Drought has a significant impact on purchasing power of people and creates conditions of poverty. Rajasthan is shifting towards the services sector in terms of growth prospects, contrasts with the pattern of employment where agriculture still plays the dominant role. This indicates that economic growth in the state needs to be refocused towards creating greater employment opportunities and increase participation of women in greater measure. Educated and skilled women would be in greater demand as the services sector demands sophisticated behaviour.

Women contribute about 10% of the total number of workers in mining and quarrying, and perform “unskilled” but difficult tasks like separation of rubble and its disposal. The wages paid to them are generally lower than their male counter parts get. Mining is one of the major activities in Rajasthan-Kota stone, Makrana marble, and various types of stones and minerals are mined in different parts of the state. Women workers are found in all places.

Rajasthan has only 1% of India’s total water resources, and irrigation covers about 30% of the total cropped area. Out of the total area of 34.2 million hectares, in 1997-98 only 65% (Gross cropped area) was under cultivation. According to the land use classification, 14.66% of the land was cultivable waste, 10.46% fallow, 7.7% barren, 7.38% under forests, 5.03% constitutes pastures and grazing land and 4.96% non agriculture is in use.

The land holding pattern also indicates high degree of skew ness in the ownership of land assets and the degree of rural inequality in Rajasthan. In arid and desert regions, the difference in the size of hoardings is less relevant than in other parts of the state. Large holdings account for nearly 9.1% of the total number of the land holdings, while the cumulative share of small and marginal landholdings is nearly 50.36%. On the other hand, large landholders like Rajputs and Jats control a disproportionate share (nearly 42.8%) of total landholdings which, while remaining

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below the national average, increased from 0.564 in 1970/71 to 0.613 in 1991/92. (National Sample Survey Organization; 1997).

Disparities in class size distribution of landholdings are partially mitigated by poor land quality; inequities in land ownership persist; and the feudal character of land relations in Rajasthan is enduring. Land reforms legislation has been implemented throughout the state. However, the access of the poor to productive land assets is still not adequate and many poor still depend on tenancy, especially in rain-fed areas. Land reforms need to be implemented more effectively in Rajasthan. Panchayati Raj Institutions (PRIs), more particularly the Gram Panchayats may be given right to information from the revenue department on aspects like land ceiling, monitoring distribution of surplus lands and on aspects of revenue administration.

Relevant statistics/data are presented for appreciation of the geographic and demographic dimensions of Rajasthan: Area sq. Kilometre (Provisional 2001):- 342239; - Rajasthan occupies 10.41% of the country's total geographical area; Density - -165 persons per sq.km.; Languages – Bagri, Hindi and Punjabi, and fairly good number are fluent in English; Sex ratio - 2001 Census; Total: - 922; Population: 56473122 (2001 Census); Males – 29381657; Females – 27091465; Rural - Total (55.92); Males (72.96), Females (37.74); Urban -Total (76.89) Males (87.10) Females (65.42) ; Literacy Rate: (2001 Census) – Rajasthan (61.03%); Males (76.46%); Females (44.34%); And India (65.4%); Religions (three main religions in Sri Ganganagar District); Hindus – 1,299,812; Sikhs – 441,409; Muslims – 42,442 .

### **Status of Education in Rajasthan**

The improvement in literacy rate recorded by Rajasthan between 1991 and 2001 is the highest in India. Literacy levels in the state rose from 38.6% to 61.03% ; literacy rate of males moving from 54.99% to 76.46% and for females from 20.44 to 44.34%. Despite the high decadal growth rate, the challenge of Education for all is still substantial especially for rural areas, women, Scheduled Castes and Scheduled Tribes. For example, in 1991, the literacy rate was 79% for men in urban areas and only about 5% for Scheduled Caste women in rural areas; it represents two practically incompatible realities; it raises serious doubts about the equity effects of the state's

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education system. The Scenario of Education in Rajasthan seems to be characterized by the persistence of illiteracy, especially among women. Many children, especially girls, either do not attend school at all or leave it soon after joining.

Sri Karanpur registered a very poor growth rate in educational infrastructure and recorded a heavy dropout of students, particularly at secondary level. The general literacy rate in Sri.Ganganagar block is 43.19% . .

### **Rationale and Formulation of the Research Problem**

Review of literature clearly indicates the problems and issues confronting Marriage with its manifestations in child marriage, child widowhood, widow re-marriage, dowry, female property rights, preference for son, selective abortion, female infanticide, female feticide, etc. in Rajasthan. Attention needs to be paid by the government for extending education facilities in the rural areas, promoting employment of women, eradicating the evils like child marriage, dowry, etc.

### **Research Questions**

- 1) Marriage: Age at marriage,
- 2) Despite the various laws passed by the government of India, why Dowry dimension has been expanding and persisting in a different form. What the provisions of laws are for the enforcement against such avaricious tendencies. How often the enforcement machinery takes infringement of law seriously and takes action.
- 3) What factors are obstructing an effective implementation of the various laws, schemes and policies: e. g. the Dowry Prohibition Act, Banning of sex determination tests and female feticide, Right of women to inheritance, provision for free education for girls, etc?
- 4) What factors are responsible for the persistence of child marriage in Rajasthan?
- 5) Is there a changing attitude towards fertility among Rajputs, Jats and Dalits?
- 6) What kind of policy recommendations can be proposed on the basis of a research study conducted so as to stop female feticide and dowry deaths?

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## **Objectives of the Study**

The main objective of the present study is to find out the various dimensions of a woman's life from birth to demise. The other objectives are the following:

- (a) To find out the status of child marriage, marriage and marriage patterns, preference for son, female infanticide and female pregnancy termination (abortion);
- (b) To find out the status of custom of dowry and woman's property rights;
- (c) To find out status of widowhood and widow re-marriage;
- (d) To find out steps taken by the Rajasthan government for education of girl child, implementation of laws governing these aspects of social/cultural perspectives; and
- (e) efforts of social workers to eradicate the traditional evils having bearing upon female rights relating to these dimensions.

## **Methodology Adopted for the Study**

The study has been done in a limited measure scanning the available literature, and conducting interviews with 20 villagers and 5 village opinion-leaders in village/tehsil Karanpur of District Sri Ganganagar of Rajasthan.

## **Marriage Patterns**

The study of Marriage patterns among the Jat and the Sikh communities is an attempt to look at the manner in which these have been molded into culturally different design in Rajasthan. Study of the way in which customs, rituals, rites and practices followed by the Jats and the Sikhs have been influenced by the local Rajput marriage customs and ceremonies and practices, and the consequent changes in them over the years is particularly significant. An important and queer example is the ritual of rice throwing over the couple. Rice plays a prominent part in marriage ceremonies as a symbol of plenty and prosperity.

The second aspect of study was to find out how changes in rituals, ceremonies and customs have been affected by the forces of globalization, impact of media, commercialization and consumerism. Globalization is commonly understood as free movement of men, money and material (including technology and knowledge) through the cooperation, coordination and collaboration of world's nation-states, and under the newly created world body's supervisory responsibilities (under WTO's monitoring and supervision) against any selfish or discriminatory practices and policies. The economic factor has contributed towards change in attitude towards marriage patterns brought about by the most formidable change agent in the present knowledge society, that is education.

### **Marriage - A Burden for Women in India**

In this study, the burden refers to gender inequality and demarcated boundary for female domain due to tradition and patriarchal system which is not only socially enforced as a strict code but also made to bear heavily on female psyche. The following couplet by Amir Khusrau contains the pangs of separation of the girl from parents at marriage and the pain thereafter in store for her:

*Kahe ko biyahi bids lakhi babul mora*

*Bhaiyon ko din ho mahal do mahal*

*Hamko diya pardes*

Amir Khusrau

[Why did you marry me in a distant land? Oh! Wealthy father of mine? You gave my brothers a palace or two, and to me you gave exile]. [C.F. Oldenburg, 2003:175).

Let me begin with the concept of marriage in Indian context, with similarity in Rajasthan. Let us examine the concept of marriage to begin with.

### **Marriage - Concept**

The word 'marriage' has been derived from merry, literally meaning happiness and its equivalent in Hindustani is *Shaadi*. A Persian word, 'Shaad' means happiness. So, it is quite

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evident that marriage leads to happiness and joy. The very concept of society depends upon kinship and marriage. Even in primitive societies, a compulsion was felt that people should live together and, to the furtherance of human race, marriage was the only means. The personality of man is incomplete without woman and, on the other hand, the perfection of womanhood is considered only when there is progeny. Undoubtedly, a woman has always been considered a partner in the creative processes of the cosmos, and portrayed as an embodiment of every ideal, virtue and grace for man to admire and adore. Both are complementary to each other.

According to Mc Curdy, “Marriage is a socially recognized union between a man and a woman that accords legitimate birth status rights to their children”. Hence, the institution of marriage may be regarded as the central feature of all forms of human society with which we are acquainted. Strictly speaking, marriage and family are two sides of the same coin, as without one, the other cannot exist. It is a demographic phenomenon.

It goes without saying that marriage is one of the most important institutional expressions of sex in mankind, the sex instinct in mankind. The sex instinct in man is a powerful biological impulse. Marriage fails in its function if it does not eventuate in the birth of a child to continue the race and ensure transmission of the cultural heritage. The family is the first primary group, the matrix of civilization. “A perfect man consists of self (man), wife and child”. (Manu: IX 45).

Mishra (1982) feels that, “Marriage is an institution developed over considerable period of time. It may have been accepted as a measure of social discipline and as a tool to eliminate social stress due to sex”.

Hindu marriage is seen as cultural and religious union which is not a contract. K.M Kapadia (1960) considers Hindu marriage as a sacrament in the sense that it is irrevocable and indissoluble. It is union of two souls merged together and neither party can come out of it. It is sin to abuse it. While Gough (1959) is of the view that “Marriage is a relationship established between a woman and one or more other persons, which provides that a child born to the woman under circumstances not prohibited by rules of relationship, is accorded full birth status rights common to normal members of his society or social stratum”.

“A man receives his wife from the Gods; he is linked with her from the past”, says Manu [IX.95]. The two comrades, joined in wedlock, were to aid each other in their lives’ travails. No ritual or sacrament was considered valid without the partnership of one’s wife.

### **Marriage - a Permanent and Stable Union**

Hindu marriage is not a temporal contract to serve the momentary physical demand or to enjoy good company for some time and then to lapse at the slightest inconvenience. It is a permanent union which stands various vicissitudes in life, only to grow stronger and more stable. This fact has been symbolized by a number of ceremonies in the Hindu nuptials.

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In the 'Asmarohana' or 'Mounting the Stone', ceremony, the husband makes the wife tread on a stone repeating the verse, "Tread on this stone, like a stone be firm". Stone is a symbol of firmness and strength. The wife is exhorted to be adamant in her conjugal fidelity.

Another ceremony of this class is Dhruvadersana or 'Looking at the Pole Star'. In the night, the bridegroom shows to the bride the pole star with the verse, "Firm art thou, I see thee the firm one. Firm be thou with me, O thriving one. To me, Brihaspati has given thee: obtaining offspring through me, they husband, live with me a hundred autumns".

Here two things are indicated. Firstly, the wife should be as firm and fixed as the Pole Star is amidst innumerable moving bodies in the firmament. Secondly, the Union should last for a hundred years, which is the normal span of human life. Thus the firm and life long companionship is the objective in view. This aspect of marriage is highly prized and the husband prays to the goddess Sarasvati to protect it "Sarasvati, promote this undertaking, O gracious one, bountiful one, thou whom will sing first of all that is, in whom that is; has been born, in whom this whole world dwells, that song I will sing to-day, which will be the highest glory of woman".

India is a cradle of various religions, e.g., Hinduism, Jainism, Buddhism, Christianity, Islam, Zoroastrianism, Sikhism, etc. However, in every religion, marriage has been considered as an important ceremony. Marriage is almost a critical event in the life of a man and a woman, and ushers in quite a new era in their lives. Marriage also establishes novel relations between the two persons. Attitude towards marriage varies from society to society. In each society, there are certain rituals and customs, which are associated with marriage right from the time of negotiation till the completion of marriage. There are values attached with these rituals and customs. These, in turn, help to regulate the society. Further, as the societies developed, the influence of religious ceremonies was added to marriage, and this institution became a sacrament. In certain societies, it is a contract but in the oriental part of the world, marriage is a life long association and sacrament.

It is also observed that, in this materialistic age, marriage is perhaps the only institution, which has not only been witnessing rapid changes but also undermining its very existence. Earlier concept of marriage was to live together for the country and society but selfishness and introversion have vitiated the concept, and people now want to live for themselves only. They care little about society and their country; their myopic look has confined to themselves and this trend has weakened the bonds of marriage. And the end product is nothing but frequent divorces; generally, on petty grounds. But the ideal part of the society, both in the orient and the occident, sticks to the original concept of marriage. Both man and woman are true to sustain the relations and avoid the breaking points. However, in the oriental society in the past and even at present, a woman is considered as an embodiment of honour and prestige, and she may be a wife, a mother, a daughter, or a sister. Each of them has been respected and even worshipped.

So, we can say that marriage existed in rudimentary form among pre-civilized societies. It acquired the status of an institution when religion patronized and sanctioned it as a compulsory part of life, besides a legal sanctity. It is marriage, which brought into existence the personal laws of societies, e.g. Hindu Law, Muslim Law, etc. There is an elaborate system of dividing the

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property and wealth, movable and immovable, among the family members of the deceased and we can broadly say that it is the institution of marriage along which were carried the relationships like father and son, mother and daughter, husband and wife, brother and sister, etc. Let us now discuss as to how an ideal wife in Indian cultural ethos and context should behave.

An ideal wife, according to Indian view, shows forth perfect, unbounded love and deep reverence towards her husband as the most distinguishing traits of her being. She shows fidelity that knows no change or shadow of turning, a courage that holds on against all odds, a love that does not falter under any strain, a strength that never wavers, no matter how great the difficulty. The husband's duty is to give unfailing kindness, tenderness, power and protection, determination to guide, dispose unfaltering trust and fidelity. In the union of the two were their mutual fulfillment, and the noblest rations and virtues characteristic of mankind. The burden on a woman starts more keenly from the custom of child marriage.

### **Custom of Child Marriage: Springboard of Multiple Problems**

We observe that child marriage is greatly informed by ideals of virginity; it is a cultural notion that has huge impact on the inter-sections between HIV/ AIDS and child marriage. Seymour says, "an unmarried, chaste girl symbolizes family honour and purity, and is considered a sacred gift to bestow upon another family" (Seymour, 1999). The outcome of these ideals are deliberately reinforced by myths, and these abound, supposedly, that men can be cured of various diseases, including gonorrhoea, mental illness, syphilis and HIV by having sex with a 'fresh' girl, a virgin (Bhat, Sen, and Pradhan, 2005; Burns, 1998).

Burns, says, "Tradition has been reinforced by necessity". These cultural ideas are echoed in practice. We find from many studies and personal observations that poverty is often cited as one of the major factors contributing to child marriage (Bhat, Sen, and Pradhan, 2005). Gupta says, "In households and in poor communities of almost all countries in which more than fifty per cent girls are married before the age of 10 have per capita GDP of GBP 2000 per year". For those families that are steeped in poverty, marrying a daughter early can mean lower dowry payments and one less mouth to feed (Bhat, Sen, Pradhan, 2005). Again, Gupta says the same thing in his language that, "an investment in girl is seen as a lost investment because the girl leaves to join another home and her economic contributions are to that home, so the earlier she is married, the less of a loss of the investment" (Gupta, 2005).

It is observed that child marriage is not a simple problem; it is devastating. It in fact has gone beyond human rights abuses. It affects both the individual and the community. Worrisome is the way its practice reinforces itself. A belief is held that "impoverished parents often believe that child marriage will protect their daughters. In fact, it results in lost self-development opportunities, limited life options, and definitely poor health" (Child Marriage Fact Sheet, 2005). Child marriage continues to be immersed in a vicious cycle of poverty, low educational attainment, high incidence of diseases, poor sex ratios, the subordination and oppression of women, "and most significantly, the inter-generational cycles of all these" (Bhat, Sen, and Pradhan, 2005; Gupta, 2005).

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When we look at the consequences of child marriage from the health point of view, we find that the health consequences of child marriage are particularly profound as manifestation of permanently bleeding wound. Women in the age band of 15 to 19 are twice as likely to die in childbirth, compared to women in their twenties (Yadav, 2006). The infant mortality for children born to mothers under the age of twenty at childbirth represents 95/1000 live births, compared to only 60/1000 only for their elder peers. Again, married girls are often deprived of health care that addresses their special needs, leaving their reproductive health needs unaddressed, resulting in the exacerbation of existing health problems (Segal, 1999)

From the above discussions, we can gather that the Hindu Scriptures prescribed child marriage from limited point of view but such prescription has been assimilated in the culture of Hindu way of life. It is gross injustice to women as they are tended, treated and nurtured in the fashion of pet animals. They are trained with strict discipline, ordered since their childhood and taught to be obedient, non-participative in their married life and designed to look after hearth, home and family. Child bearing, nurturing and domestic chores are their demarcated space under tyrant patriarchy, pretending to be their protective mechanism and kind disposition to treat them with consideration. However, the facts are otherwise. Even modern education will take long to make the women realize the truth and create bonding of sisterhood to campaign for freedom from the shackles of rigid and cruel social codes and institutions.

The role of cultural factors in marriage is quite significant; it cannot be ignored. These cultural factors are religion, family, caste and kinship system. These influence marriage behaviour in all communities, though in varying degrees and dimensions. Early and universal marriage is due to lack of individual choice and strict control of parents, and ability of joint family system to support the newly married couple. There are wide gaps in the ages of males and females (husbands and wives) as mentioned in the foregoing pages. Men delay their marriages if sisters are of marriageable ages. It is a custom and social norm duly observed and followed.

Child marriage is deeply embedded in ideas about the role of women and the status of girls in Indian culture (Gupta, 2005). Understanding of the Indian family and a wife's role more generally give huge amounts of insight into the status of women. Within the context of a paralegal family ideology, girls are "expected and brought up to be obedient, self-sacrificing, modest, nurturing, hard working and home loving".

In addition to what is stated above, cultural and social contents still highly value this practice and Indian families often turn to child marriage to help cope with social condition in disrepair. To approach this problem area to find out more socio-cultural ethos, the researcher would like first to take into consideration the gender norms in India.

Regarding situation obtaining in Rajasthan, where this study is focused, some assert that Rajasthani people either do not understand the law or simply ignore it (Yadav, 2006). In a "New

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York Times' article outlining the practice of child marriage in Rajasthan, it was stated that "Each year, formal warnings are posted outside state government offices stating that child marriages are illegal, but they have little impact". In a discussion with a village elder in Rajasthan, the elder stated, "of course, we know that marrying children is against law, but it is only a paper law" (Burns, 1998). Therefore, he suggests that the law is perceived as unimportant, allowing families to simply ignore it, and often without penalty.

### **Preference for Son (Male Issue)**

Historically, males are quite simply valued more in Indian families. They act as the head of the household, the breadwinners and the decision makers. These values are imbued from an early age and as the transition to adulthood is marked with marriage, these gender norms become particularly pronounced (Segal, 1999).

A women's primary role in the home is to produce sons, as this will bring honour to her family, and an heir for her husband. It is gratifying to the family and bestows respect upon the women bearing sons. Sons are considered strength of family and pride of parents, especially of males, father the most.

Seymour says, "In a society that stresses patrilineal descent, to bear children, especially sons, is critical, and girls learn from an early age that this is their responsibility" (Seymour, 1999). Others do argue that "cultural dictation of female role and lack of continued financial and emotional support, predominantly from spouses, were influential factors in "high rates of depression among women" (Jamlounathan, 1992).

The preference for son(s) led to the unethical practice of aborting the female foetus. Who takes such decision is a revelation in itself. When women were asked about the decision-making process if the foetus was found to be that of a female child, the overwhelming response (90%) was that after one or two daughters, if the woman was found to be pregnant with another girl, the pressure on her to abort was enormous from her extended conjugal family. Women indicated that the decision to abort a female foetus was almost entirely that of their husbands and / or mothers-in-law. However, some differences were observed between women belonging to higher social groups and those who belonged to scheduled castes and other backward communities with regard to the influence of the in-laws in these matters. High caste women had to inform and consult their in-laws (100% responses) but low caste women had to obtain the consent of only their husbands for abortion (90% responses). Thus the influence of the extended joint family was not so strong for the decision to abort female pregnancy on the women from lower caste groups.

Women also reported (25%) that sometimes they themselves desired to abort a female foetus because they already have had one or two daughters but with concurrence of their husbands. This feeling was stronger among women belonging to social groups such as Patel and Kshatriya, who valued sons much more than daughters

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We can conclude that there is a collusion of culture or social norms and technology that is all pervasive. On the one hand, the son preference is so strongly entrenched in Indian society especially in the north-western region and on the other hand, the well-being and status of girls is so precarious once they are married, that couples avoid having girls at all costs. Facilities conducting sex detection tests with ultrasound machines have proliferated and are found even in some of the relatively large villages.

Despite the spread of schooling among girls in recent decades, the patriarchal social structure is too strong to be uprooted; it survives. Women derive value and status only as mothers of sons. Their happiness and social status in the conjugal homes is dependent on producing sons. Women have internalized these roles and values to such an extent that even when they say that daughters take better care of parents or are more emotionally attached to the mothers, these statements have a ring of hollowness because in spite of such feelings, more sons than daughters are desired. In the pursuit of sons, they have become, with some pressure from the families, consumers of the new technology of ultrasound, which allows them to choose and bear sons. The possibility of delinking availing legal abortion services from finding and revealing the sex of the foetus provides an opportunity to abort the child of an unwanted sex.

The shift to small family size, evident in India more recently, has not, however, been accompanied by a shift at the same time in the economic and social pressures to have sons and avoid daughters.

The awareness about a ban on sex determination tests is fairly widespread among the women in the study area. Many women also felt that the ban should be removed and couples should have the choice to decide the sex composition of their children (65% responses). Women were well aware that the services are easily available from private providers and are within easy access. Government legislation against the use of ultrasound technology for sex detection has only driven it underground and raised the cost but it is extensively available and used for sex detection. The cost is still affordable and, in any case, as many respondents indicated (95%), the cost of the test and related abortion is much lower than the cost of providing dowry and other life long presentations to a daughter after marriage. Chaudhury (2003) points out: “The alarm bells ringing in the corridors of power about the missing girls do not find an echo in the dusty by-lanes of the villages of these districts”.

### **Dowry: A Complex Phenomenon Like an Octopus**

Dowry is seen both as power and subordination of women. In this context, multiple systems of status are being negotiated: as with cultures where bride wealth is common, marriage is often a primary means of displaying wealth and status (Srinivas 1984, Paul 1986). Dowry may help cement favourable community ties helpful for the economic expansion of both families (Heyer 1992, Bradford 1985). Marriages are also significant instruments for negotiating boundary changes in caste status. A particular caste may seek to ‘sanskritize’ or adopt practices associated with the highest casts groups by integrating dowry practices, or a high caste may maintain its superior status by not allowing other castes to integrate dowry practices (Luthra 1983, Rajaraman

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1983, Sambrani and Sambrani 1983, Srinivas 1984). The ritual status assigned to dowry is of critical importance here: the payment of a *dakshina* or token gift to the groom's family along with a gift of the virgin daughter or *Kanyadan* is associated with the inferior *asura* form of marriage (Tambiah, 1973, Srinivas 1984). As M.N. Srinivas (included in this volume) points out, Brahminical groups thus made their practices hegemonic and exclusive:

One way of looking at classification of marriages by the Brahmin law-givers is to regard it as an attempt to impose the Brahminical ideology of *kanyadan* on a country where most people, including many Brahmin castes, but excluding the richer sections of hypergamous castes, practiced bride price. That extremely popular form of marriage was dubbed *asura* and condemned as unsuitable for Brahmins (1984: 19).

Referring to Manu's injunction against an 'erudite father' accepting bride price or *kanyashulka* because that would make him 'the seller of his offspring', Sukumari Bhattacharji emphasizes Manu's logical flaw that while the practice of paying dowry to the groom is present in palpable or incipient forms, there is no text forbidding the groom's father from accepting it; no one calls the transaction a 'sale' which, in reality, it was. (1991: 507).

The Logic of dowry is the logic of contradictory messages. The daughter given as a bride is a "pure gift" and as such a representative of a species (pure virgin) most worthy to be given as tribute to a king or family of superior status. Since she is given as "tribute", her passage defines her family as inferior, whether they are inferior or not. The wife-givers' prostrations which accompany the bride are, however, contrary to appearance; these are non-tributary; they deny the inferior status implied by the simultaneous gift of the daughter. The wife-givers' wedding prostrations are unilateral, freely given, asserting the high status of the wife-givers by creating a never-to-be-repaid debt' (1990: 277).

We observe that dowry divides women. Traditionally, dowry in India was regarded as a burden for the bride's parents but an honour for the bride. Feminists in India now argue that this institution brings no honour to women; indeed the pressure put upon young brides to persuade their parents to give more dowry may lead to their humiliation, ill treatment or even death.

There is no control of the bride over the dowry given to her by her father at the time of marriage. Parents begin to collect items for a daughter's dowry well in advance of her wedding, even years in advance, depending on how many daughters they have to provide for and on their circumstances at the time. It is usual for the girl herself to prepare some of the items e.g. embroidered bed covers, cushions, etc. and now a days wage earning daughters may buy some items from their wages, although strictly speaking the ideology of *kanya daan* marriage does not countenance this. However most parents, whatever their financial status, will reckon on receiving some help from other relatives.

The bride herself will have very little say in what happens to her dowry once it leaves her parents home. As a new bride she is in any case expected to behave in a modest and self-effacing g

manner and if she wishes to win her new family's favour she will not risk her future happiness by asserting her wishes until she has established a firm footing in her new household.

Where household goods and items of clothing are concerned, it is likely to be the bride's mother-in-law who has the greatest say in how these items are distributed. So when the mother-in-law appropriates items of clothing from the dowry and distributes them among her own married daughters or to other daughters in law, she may not just be exercising her prerogative over valuable entering the household, but will see herself as meeting obligations to make regular gifts to her daughters in their married homes, and to provide good things for the other junior women who are part of her household by virtue of having married into it.

In this respect, it is interesting to compare the dowry system in north India with that obtaining in parts of rural Greece. In many respects they are similar, but in Greece land gifted as part of the dowry remains under the bride's control to the extent that it cannot be alienated without her formal consent. Potentially at least, the dowry property gives her a source of power in the household which the Hindu wife does not have (Friedl 1962:59).

## **Dowry and Inheritance**

We now come to another contextual perspective of dowry – that is inheritance. Hindus themselves say that the bride is given movable property for her dowry as her share of her parents' estate. It is regarded as a form of pre mortem inheritance which women receive when they leave the parental home at marriage. Sons remain members of the natal family and they receive the immovable property after the death of their father, divided equally between them either then or at some subsequent point. Daughters traditionally did not inherit land unless they had no brothers and although the law now allows them to do so, very few exercise this new right. In the course of my fieldwork I found that many women considered that a sister who claimed her share of land would seem greedy and might risk forfeiting her brothers' goodwill. Had she not already received her share of the family property at marriage?

Some anthropologists, such as Goody and Tambiah (1973) have also represented dowry as a form of inheritance. Goody treats dowry in India as one instance of a form of inheritance common in Eurasian societies. In 'diverging devolution' children of both sexes inherit, but women often receive their portion at marriage in the form of dowry property. Dowry also helps to ensure that women secure partners of at least equal and at best superior position, in short it contributes to class formation and maintenance, whereas in Africa bride wealth contributes to the maintenance of a fundamentally egalitarian distribution of goods and wealth among groups (Goody 1976: 9ff).

Dowry is rising in working class communities and among non-Hindus (Pati 1993); it is related to urban migration and is rising among the urban poor in Delhi (Luthra 1983). C.S. Lakshmi (in an article) reports an incident of a father selling his kidneys in order to acquire a capital fund for his three daughters' marriages (1989). Barbara Miller sees dowry as one prime motivator of female infanticide (1981). That is, multiple forms of violence against women (and

their families) coalesce around dowry as an over-determined signifier, a sort of clearing-house cause for a complex range of forms of sexual violence.

As Uma Narayan's (1997) marvelous critique suggests, dowry gets read as a peculiar Indian problem of 'culture': dowry murder is frequently conflated with *satidaha* (widow immolation), and Indian women are invariably depicted as voiceless victims of a harsh patriarchy, dowry being its synecdoche (1997).

Narayan argues that the obfuscation of 'cultural causes' is an impediment for feminist theorizing and activism on a global scale: 'the way in which issues emerge in various national contexts, and the contextual factors that shape the specific issues that are named and addressed, *affect the information that is readily available for such connection making*, and hence our ability to make connections across these contexts' (1997: 86)

### **Interventions: Cultural and Legal**

The legal realm is often seen as the most concrete means to seek solutions to gender equity, whether with regard to family law, labour or violence. The hope is that instituting law signals recognition of a social problem, acts as a deterrent and, in the ultimate instance, as a punitive instrument. In practice, cultural behaviours often adapt, finding a way around legal loopholes (Agarwal 1994, Basu 1999, Kishwar 1999, Menon 1999), leaving the law to be an ideological marker of censure, or at best a site where feminist discourse may be worked over and negotiated (Kapur and Cossman 1996). Dowry laws are, par excellence, an example of such slippery legal terrain. The amended Dowry Prohibition Act (1984) makes the giving and taking of dowry 'as a condition of marriage' punishable by law, while excluding 'voluntary gifts'.

Suicides and murders attributed to dowry have a special apparatus of evidence and arrest: Section 498A of the Indian Penal Code relating to 'cruelty' which may drive a woman to suicide, or 'harassment' related to 'unlawful demands for property', Section 304B of the Indian Penal Code and Sections 113A and 113B of the Evidence Act relating to presumption of dowry deaths of unnatural deaths within seven years of marriage carrying a term of seven years to life; Section 174 of the Criminal Procedure Code relating to compulsory post-mortems for women dying within seven years of marriage and Section 32(1) of the Evidence Act (relating to the weight given to dying declarations in assessing the guilt of the accused). But the execution of these legal provisions does little to address the social mechanisms through which dowry flourishes.

A fundamental illustration of the kinship and religious politics within which dowry is encoded is seen in legislative attempts to define 'dowry'. A case in point is the definition of 'dowry' in the Dowry Prohibition (Amendment) Act (1984):

Dowry means any property or valuable security given or agreed to be given either directly or indirectly (a) by one party to the marriage to the other party to the marriage, or (b) by the parents of either party to a marriage or by any other person to either party to the marriage in



connection with the marriage of the said parties, but does not include dower or *mehr* in the case of persons to whom the Muslim Personal Law (Shariat) applies.

### **Girasia Bride Price in Rajasthan**

The Girasia marriage payment is called *dapa* (literally, 'da' meaning to give, and 'pa', to get) and denotes an amount in cash given to the father of the bride by the father of the groom. The *dapa* or bride price is transited only in the form of money, as far back as the oldest women could remember. The only variation over time has been in the actual amount. Maya Unnithan, 2005).

### **Property Rights**

Marriage marks the division of *Taivar* property which passes exclusively to male heirs. This division takes place in the lifetime of the father, unlike the property division among north Indian middle and upper castes. In the latter case, the division often only takes place after the death of the father as in the Indian *dayabhaga* system (Tambiah 1973, Parry 1979). The Girasia are, however, copartners in the joint family property at birth, as in the Indian *mitakshara* system (see Tambiah, 1973). Girasia women, whether at marriage or otherwise, inherit neither the movable nor immovable property of their natal lineage. Often the only item the bride brings to her husband's house and village are a metal plate (*vadku*), a small metal drinking pot (*lota*), the clothes she wears, and the few pieces of cheap jewellery acquired as gifts or purchased over the years. Sometimes the bride may be gifted her favourite goat or calf, if she belongs to a richer family. At her husband's house the *Taivar* wife is given silver jewellery which she can wear but which remains the property of the husband and his sons by her.

Like other caste women, Girasia women cannot have share in the immovable property of their father. In most upper and middle caste households, in the absence of a brother, the daughter may inherit the father's land. In the Girasia case, however, and unlike other caste, in the absence of sons the father's land passes to his male collateral relatives.

The difference between Girasia and other caste women in terms of their actual control over property might not be different in practice, in that the relationships between brothers and sisters in both cases are similar. Ideally, relations between middle and upper caste Hindu sisters and brothers are non-conflictive because there is no competition of the irreplaceable economic resources such as land and water shares. The dowry is considered to be the daughter's share of her father's wealth (although a movable and replaceable part). The relations between a sister and her brothers are tense only if the sister claims a share in the immovable property on the death of her father. In order to avoid displeasing their brothers, most middle and upper caste women give up even their marginal claims to a share of their father's property. It is such a common practice for a sister to forgo her share in her father's property and thereby ensure her brothers' protection, which most families do not expect otherwise.

In both the Girasia bride price and regional dowry cases, the movement of wives not only facilitates inheritance in the form of a flow of money or goods, but also redistributes rights

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between the natal and affinal male-headed households. Women in other castes strengthen their husband's household by bringing in dowry. They strengthen their brother's household by foregoing their claim on the immovable property in favour of their brothers. Girasia women strengthen their husband's household with their labour, children and food. They strengthen their brother's household by providing bride price and transferring their consumption needs. (Tambiah, 1973).

In brief, widows with adult sons typically forfeit their property rights to their sons; widows with minor sons are generally able (with some difficulty) to claim user-rights over their husband's share of property; and widows with daughters only are often able (with significant difficulty) to claim user-rights over their husband's land; but childless widows are least likely (and not without great difficulty) to claim user-rights over their husband's share of the land.

### **Divorce of Girasia Woman**

Like adoption, divorce also reflects the preoccupation of Girasia men with transiting money and labour, and is determined by bride price concerns and negotiations. Descriptions of divorce are, however, made by men and women in terms of a woman's assertion of independence. The Taivar term for divorce is *pairi melo*, which is translated as 'send back' (NSS, 1971-72). If a woman is unhappy, she simply runs away. This is how a Taivar man described a woman's attitude to marriage.

### **Money Matters at Death of Girasia Woman**

Money matters arising from death are seen to link widowhood with bride-price. On the death of either the husband or wife, there is no return of the bride price. Usually, when a woman is widowed young, and whether or not she has children, she returns to her brother's household while her children remain with her late husband's brothers. Other men are interested in young widows primarily because they will have to give a smaller bride price to her father or brothers.

It is common for older widows to stay with their sons who have already established a separate household. No bride-price amount is returned for older widows, and they frequently do not go back to their brothers.

Girasia widowhood is in contrast to the ideal type Hindu case, where the widow remains attached to the husband's kin who are duty-bound to look after her. The widow, in turn, has a duty to her husband's kin. She must bring up her husband's children and manage the property for them until they are adults (Tambiah, 1973). In practice, the upper and middle caste Hindu widows are subject to social restriction such as wearing white, shaving the head and a prohibition on re-marriage. It has been argued that because Hindu widows remain attached to the husband's agnatic group and remain the caretakers of his children's property, it becomes necessary to impose restrictions on widows as a means of containing property within the husband's lineage (Tambiah 1973, Parry 1979). In contrast, Girasia widows who have no links with the property of the husband's lineage are less socially restricted but more economically vulnerable. Let me turn to

Hindu society to touch upon the topic of Divorce, and in this is covered the Rajputs/Jats and also the Sikhs.

### **Divorce in Hindu Society**

In Hindu society, marriage in the Vedic age (1400 B.C. – 1000 B.C.) was regarded a religious sacrament and was indissoluble by human action. As pointed out in ‘Vishnu Purana’ when the marriage ceremony proper commenced, the bridegroom held the hand of the bride and led her round the fire with the words “I take thy hand for good fortune, that thou mayest attain old age with me as thy husband”. The position of women in the Aryan society of the Vedic Age was fairly high. There was no seclusion of women and they had considerable freedom of choosing their life partners. A woman’s position was an honoured one also in the family. Husband and wife were as “Joint deities” of one hymn. According to Iyenger, girls married for love; if unmarried, they remained in their parents’ homes. Polygamy was rare.

Narada and Parasara, the two Smriti writers, had laid down that marriage could be dissolved if the husband was impotent (Kliba). Narada considered a woman to be the field (Kshetra) and man to be the seed giver (Bijin). Hence, the field must be given to one who has the seed (Bijavate). But she, who finds her husband devoid of virility, may, after waiting for six months, choose another man as her husband.

There were, according to the two Smritis (Narada and Parasara), five grounds of social sanction wherein the wife was allowed to re-marry. A woman could take a second husband if the first was missing (Nashta) or dead (Mrita), or had become an ascetic (Pravarajita), or was impotent (Kliba), or was degraded from the caste (Patita). Narada further added that in such cases, the woman should be enjoined by her relatives to seek another husband, even if she did not herself think of doing so. The later Dharmasastra literature (200-1200 A.D.), liberally permitted the husband to re-marry during the lifetime of the first wife but refused the remedy of divorce to a wife even when she was completely forsaken by her husband. It was held that the marriage union was indissoluble. Manu advanced the extreme view that the wife’s marital tie and duty did not come to an end even if the husband were to sell or abandon her.

The Code of Manu gave the husband exclusive right of repudiation while the wife had no such right for any cause. However, we find in earlier Dharmasastra literature that divorce was permitted under certain well-defined circumstances. It is interesting to note that even Manu himself observed elsewhere in his Smriti that “a wife is not to blame if she abandons her husband who is impotent, insane, or is suffering from an incurable or a contagious disease. This abandonment of the husband practically amounted to a divorce, for Manu permitted such a wife to re-marry if her previous marriage was not consummated. The children of the new union were legal heirs of their parents. Thus divorce and re-marriages took place now and then in early India in all sections of society even after the consummation of the first marriage”.

Kautilya gave detailed rules of divorce intended for couples who were incompatible. They were, however, applicable only to Asura, Gandharva, and Rakshasya and Paishacha marriages.

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These marriages, though common among the lower sections of society, were not unknown among Brahmins and Kshatriyas. Divorce, therefore, must have prevailed among the higher castes also to some extent. According to Kautilya, if the husband or the wife hated each other, divorce was to be obtained on the ground of mutual enmity. If a man apprehending danger from his wife, desired divorce, he had to return to her whatever presents he might have received at the time of marriage. If it was the wife who was the complainant, she had to forfeit her property rights in the husband's family. No divorce, however, was permitted, if the marriage was performed by any of the four approved forms (III, 3) of Dharma marriages.

Sotriya writes that divorce was completely unknown among the high caste Hindus but it was prevalent among those belonging to the lower sections of the society. Manucci writes that the Sudras and thieves and some low caste people used to divorce their wives quite freely. But among the other three varnas i.e., the Brahmins, the Kshatriyas and the Vaishyas, a husband did not divorce his wife until she proved barren or an adulteress. As the Hindus considered marriage to be sacred and permanent, once the "seven stapes" (an important marriage rite) had been taken together, the wife and husband had to live as such until death. The foreign travellers and the Persian chroniclers also corroborate the unpopularity of the system of divorce among the high caste Hindus.

### **Divorce under the Hindu Marriage Act, 1955.**

The grounds are retroactive, applicable to any Hindu married in either a samskara or other form, except under the Indian Christian Marriage Act or the Special Marriage Act. No petition is to be presented within three years of the marriage, except in very exceptional circumstances. The grounds for divorce are as follows:

1. Living in adultery;
2. Ceasing to be a Hindu by conversion;
3. Renouncing the world by entering a religious order,
4. Incurable insanity for three years;
5. Virulent and incurable leprosy for three years
6. Not having been heard of for seven years;
7. Not having resumed cohabitation for two years after the passing of a decree for judicial separation;
8. Failing to comply for two years with a decree for restitution of conjugal rights;
9. The husband having married again and the second wife still being alive;
10. The husband was guilty of rape, sodomy or bestiality.

### **Widow-remarriage in Ancient India**

If the widow considers life long celibacy or the Niyoga unsuitable and she must have a second husband, she is entitled to remarry. The following evidences may be adduced in support of this contention: The Rig Vedic verse X.18.8, "Rise, O' woman, come towards the world of the

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living, thou liest by the side of this one whose life is gone. Be the full-fledged wife of (this) your husband who (now) grasps your hand and woos you”, refers to widow-marriage.

Asvalayana refers to an old servant or a disciple as a fit person for raising the widow up from the funeral pyre. This old servant or disciple is really a substitute for the Devara who may be absent for some reason or other. So, Devara (the husband’s younger brother) is the fittest person to re-marry the widow.

This is further supported by the etymological meaning of the word “Devara” (Dvitiyah varah) husband’s younger brother and certainly he was the most eligible second husband of his elder brother’s widow. Kautilya points out that she may, no doubt, re-marry but if she does not marry the person selected by her father-in-law, she will forfeit the right of possessing any longer the dowry received during her former marriage or other gifts from the father-in-law or husband. The Mahabharata also expressly states that a woman marries her brother-in-law after the death of her husband. In later times, Samudragupta’s son, Chandragupta II, is said to have married his elder brother Ramagupta’s widow, Dhruvadevi. Thus it is evident that this custom of widow re-marrying the husband’s younger brother (Devara) continued for a long time even after the Vedic period.

Although re-marriage with the husband’s younger brother was preferred yet it was by no means compulsory. The passages referred to, as a matter of fact, do not question the validity of the re-marriage of a woman. It assures in dubious language that by performing the Aja Paneodana rite (offering a goat with five rice-dishes), a re-married woman and her second husband may ensure for themselves a life long union.

The writers of Dharamshastra (400 B.C. to 100 A.D. ) laid down that a Brahmana woman should wait for her husband who has gone out on a long journey for five years. Kautilya reduced this period to ten months only (III. 4). If the husband did not return within the specified period and she was unwilling or unable to go out to join him, she could regard him as dead and unite herself with another member of the same family or gotra. Kautilya also required judicial permission before contracting the second marriage. Jurists differ only about the period of waiting, which, however, never exceeded eight years. Parasara’s sanction of re-marriage given to the wife whose husband was impotent or had become a religious recluse or was boycotted, clearly pre-supposed the possibility of divorce from earlier marriage.

The Aitareya Brahmana (III.22) states that one wife cannot have many husbands together implies that she can re-marry when her husband is dead. The words Didhisu, Didhisupati, Parapurva, Paunarbhava, etc. do not necessarily refer to the younger brother of the dead husband though they undoubtedly show the prevalence of widow marriage in ancient India. There are many instances in the Mahabharata where widows are found married or widows are sought for as wives. Bandhayana Vasistha, Parasara, Manu, etc. also recognize widow marriage not necessarily with the brother-in-law but with outsiders as well.

Not only Hindu scriptures but also the Buddhist literature furnishes a large number of instances of widow marriages.

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## **Custom of Karewa; Re-marriage; Inheritance and Law**

There was a custom of widow re-marriage followed in northern India. Known as Karewa, Karao, or chaddar andazi, the custom was a throwback to the old Rig Vedic niyog (levirate marriage) which was prevalent in the geographical region of Haryana – Punjab and associated with the early Vedic Aryan settlements. Karewa, a white sheet with coloured corner, was thrown by the man over the widow's head, signifying his acceptance of her as his wife. Symbolically, this gesture brought the widow once again under male protection, she being given "his shelter" or "roof" and receiving colour in her life. There could be certain variations. For example, it could take the form of placing churis (glass bangles) on the widow's wrist in full assembly and sometimes even a gold nath (nose ring) in her nose and a red sheet over her head with a rupee tied in one of its corners. This could be followed by the distribution of gur (jaggery) or sweets. Significantly, this form of re-marriage was not accompanied by any kind of religious ceremony; as no woman could be customarily married twice, that is, to go through the ceremony of biah (religious wedding).

Karewa, as a rule, has been and continues to be primarily a levirate marriage in which the widow is accepted as wife by one of the younger brothers of the deceased husband, failing him, the husband's elder brother; failing him also, his agnatic first cousin. Although it is difficult statically to calculate the number of people who followed this practice yet the adherents ranged from the so called "agriculturist castes" (except the Rajputs) to the low caste persons known as achhoot and kamin. The reports indicate that it was also being followed by the Brahmins. The Brahmins of this province, who were not from a priestly class but were mostly land owners, followed the dominant social custom of this region in preference to the sanskritic model of the other Brahmins who brooked no re-marriage at all and upheld sati (widow immolation), instead. Among other Hindu castes, the "low grade Khattris" also followed karewa, but others like the bania and kayasth did not do so, nor did the sayyeds among the Muslims.

The popularity of karewa among the overwhelming majority of landowning classes emanated, apart from other reasons, out of the need to retain landed property within the family.

### **Strengthening of Karewa**

The clarity of the 1956 Act in granting an absolute right of inheritance to widows meant that they could not be deprived of their property by any counter claims. More importantly, as re-marriage no longer legally meant that the widow would be deprived of her inheritance, she acquired, superficially at least, a greater freedom to marry outside the former levirate practice. The inheritance rights also increased the value of widows in the remarriage market.

### **Fall out Effects of Karewa**

The strengthening hold of karewa has underlined yet another aspect of conjugality which is also essentially repressive for women. Karewa in many cases has actually resulted in polygamy and has, therefore, been responsible for keeping the institution of polygamy alive, despite the legal

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requirements of monogamy. Women, therefore, continue to be regarded as resources like land, acquired by men. The sons of a polygamous union are inheritors of equal shares of the father's property, either directly through will or by the decision of the village or caste or kunba panchayat. The colonial rulers also made no difference between the rights of inheritance of sons of a phere (marriage) or a karewa marriage (Douise, 1908).

Leela Visaria (2007) says that women everywhere have preference for son. Women admit "Yes, we wait for the son. We must have a son, howsoever he may turn out to be. We would always hope for a son. After all, the daughter will go away after her marriage. The son will stay with us and take care of us."

Leela Visaria (2007 ed. Usha Sharma) says that "There is trouble for daughters. They may find a good family or a bad family after their marriage. They [daughters] may come back home. If they have trouble with their in-laws, they may be sent back by their in-laws. So, a girl is always the reason for the tension of her parents". She says further that "A girl requires a dowry when she has to be married which is a cause for anxiety. Finding a suitable groom and hoping that she will settle down happily in her new home is always a source of worry for parents."

### **Children of the Divorced**

A divorced woman, who might otherwise have reverted to her maiden name to conceal her divorce, may retain her married name if there are children in order to save them from possible greater humiliations or sense of social insecurity. Few, if any, parents divorce without considering the effect of the divorce on the children.

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