

Dower and dowry confusion



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Dower and dowry confusion The dower is a sum of money or other property which becomes payable by the husband to the wife as an effect of marriage[1]. On the other hand, Dowry is a transaction between two parties involving cash, or other valuable articles such as precious metals, gems, clothing, appliances, real estate, or goods for entertainment, made as a condition for entering a marriage contract[2]. The dowry system is not recognised in the religion or the law of the Muslim societies but has spread into it. 3] Conversely, Islamic law provides dower to enhance the status of women[4]. It is important to note that until now authors confuse dower with dowry. Perhaps the aspect of women's property or stridhanam in Hindu law and dower as the exclusive property of the wife are seen as synonymous. When dowry is regarded as stridhanam or pre-mortem inheritance for women, contradictions arise and the equation of dowry with stridhanam has been disputed by several authors.

They argue that the situation is absolutely reverse, as dowry is not a gift to the wife or her exclusive property but the property of her in-laws. [5] Islam has legislated the giving of the dower by the husband to the wife in order to please the woman's heart and to honour her. It is also meant to bring an end to what was done in the Days of Ignorance wherein she was wronged, exploited, despised and robbed of her wealth. The dower is a right exclusively for the wife. It is her possession and none of her guardians or relatives may share any part of it[6].

No one has any power over her concerning how she wishes to dispose of it, as long as she does so in a legally acceptable manner. She may give it away as a gift, she may lend it to others or she may give it in charity or do any

other permissible acts she wishes with it[7]. But dowry is totally different. At times people think that dower is some sort of acronym of dowry, which is literally incorrect. Dower is the money paid by the groom to his bride while dowry is trousseau, gift of money or valuables given by the bride's father to the groom at the time of the marriage.

It is important to understand that there is absolutely no similarity between dower and dowry; with the former being a legal right and the latter being a tradition[8]. Dowry is predominantly a Hindu tradition carried on after the people of the subcontinent embraced Islam. Women are given the right of inheritance but there is no concept of dowry in Islam. If it was a part of our religion, our Holy Prophet (PBUH) must have granted valuables to his only daughter Fatima on her marriage to Ali. Instead, Ali had to pay for the valima by selling his armour[9].

This problem has intensified to the extent that women in both India and Pakistan commit suicide considering themselves burden on their families as they can't afford to give heavy dowry or entertain the in-laws years after marriage. At times the girl's family pays part of the dowry at the time of the marriage, promising to pay the rest after the marriage. This stipulation causes a lot of grief and mistreatment to the girl and her family especially if the 'payment' is delayed[10]. ----- 1]

Monsoor, Taslima: " Gender Equity and Economic Empowerment: Family Law and Women in Bangladesh". Dhaka, p. 22 2 <http://www.indiatogether.org/women/dowry/pledge.htm> 3 Sivaramayya, B. : Inequalities and the law. New Delhi 1984, p. 66 4 Monsoor, Taslima: " Gender Equity and Economic Empowerment: Family Law and Women in Bangladesh". Dhaka, p. 47 5 Ibid <https://assignbuster.com/dower-and-dowry-confusion/>

[2] <http://www.islamweb.net/emainpage/index.php?page=articles&id=97117> [3] Ibid [4] <http://jang.com.pk/thenews/feb2007-weekly/you-20-02-2007/> [5] Ibid [6] Ibid