

DIFFERENT NAMES FOR THE SAME THING: DOMESTIC HOMICIDES AND DOWRY DEATHS IN THE WESTERN MEDIA

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Domestic violence is a global phenomenon that knows no geographic or cultural bounds. Whether they are shot, poisoned, stabbed, or burned, women across the world are dying at the hands of their male partners. Nevertheless, the Western media's portrayal of dowry deaths in India illustrates American society's failure to, or refusal to, connect dowry deaths to the parallel domestic homicides committed in the United States every day. From a postcolonial feminist standpoint, this Note argues that this disjunction is neither accidental nor inconsequential but rather reinforces the United States' hegemonic self-perception as a society in which women's liberation has been unequivocally achieved. By overemphasizing and sensationalizing the injustices against women in India, the Western media diverts attention from the same injustices against women in the United States. This Note proposes a reframing of the issue by the Western media and American society. To enable the United States' continued progress in the realm of women's rights, American society must abandon the "us-them" dichotomy; it must accurately place both domestic homicides in the United States and dowry deaths in India within the framework of domestic violence.

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[D]eath by domestic violence in the United States is numerically as significant a social problem as dowry murders in India. But only one is used as a signifier of cultural backwardness: “They burn their women there.” As opposed to: “We shoot our women here.”

—Leti Volpp¹

INTRODUCTION

In southeast Texas, a college student murders his ex-girlfriend and then attempts to barbeque her body on his backyard grill.² In New Delhi, India, a husband fatally poisons his pregnant wife.³ In Sacramento, California, a man with three prior domestic violence convictions rapes and repeatedly stabs his ex-girlfriend to death.⁴ In southwest India, a woman is set afire by her husband and his parents.⁵ In Boulder,

1. Leti Volpp, *Feminism Versus Multiculturalism*, 101 COLUM. L. REV. 1181, 1187 (2001) (footnote omitted).

2. ANGELA J. HATTERY, *INTIMATE PARTNER VIOLENCE* 2 (2009).

3. Sahim Salim, *Pregnant Woman Poisoned, Dowry Death Case Filed*, EXPRESS INDIA (Feb. 28, 2008), <http://www.expressindia.com/latest-news/pregnant-woman-poisoned-dowry-death-case-filed/277903/>.

4. *Rhinehar Convicted of Murder, Rape; Faces Possible Life Sentence*, SACRAMENTO METRO NEWS & REV. (Feb. 18, 2011), <http://www.sacmetronews.com/2011/02/rhinehar-convicted-of-murder-rape-faces.html>.

5. *Four Held for Dowry Harassment After Woman's Death*, TIMES OF INDIA (Apr. 5, 2011), http://articles.timesofindia.indiatimes.com/2011-04-05/mysore/29383776_1_dowry-harassment-tarikere-bride-burning-case.

Colorado, a man fatally shoots his ex-wife, the mother of his two children, in their marital home before turning the gun on himself.⁶ Whether they are shot, poisoned, stabbed, or burned, women across the world are dying at the hands of their male partners.⁷

In an hour-long special on dowry deaths, talk show host Oprah Winfrey told her mostly-female audience that the “horror of bride burning in India” is “right out of the Dark Ages.”⁸ Indeed, the burning of women by their husbands and boyfriends is horrific—but is it any worse than, or fundamentally different from, each of the other tragic, brutal murders described above? That Oprah spoke so confidently about how “lucky”⁹ American women are within the context of domestic violence is presumptive and naive. This is especially poignant when one considers that up to a quarter of Oprah’s audience likely had, themselves, experienced intimate partner abuse.¹⁰ Domestic violence is a global phenomenon that knows no geographic or cultural bounds: Between twenty and fifty

6. Vanessa Miller, *2009 Deadliest Year in More than a Decade for Boulder County*, DAILYCAMERA, http://www.dailycamera.com/boulder-county-news/ci_14111375 (last updated Jan. 2, 2010, 11:17 PM).

7. See *infra* Parts I and II for statistics concerning the prevalence of domestic homicides and dowry deaths. See also Sushma Kapoor, *Domestic Violence Against Women and Girls*, INNOCENTI DIG., June 2000, at 2, <http://www.unicef-irc.org/publications/pdf/digest6e.pdf> (stating that, across the globe, “between 20 and 50 [percent] of women have experienced physical violence at the hands of an intimate partner or family member” (footnote omitted)).

8. Sharmila Lodhia, *Selective Storytelling: A Critique of U.S. Media Coverage Regarding Violence Against Indian Women*, in SHOUT OUT: WOMEN OF COLOR RESPOND TO VIOLENCE 110, 111 (María Ochoa & Barbara K. Ige eds., 2007) (quoting *The Oprah Winfrey Show: Lisa Ling Investigates Dowry Deaths* (ABC television broadcast Jan. 16, 2004) (transcript on file with author)).

9. After discussing dowry deaths and the practice of dowry giving, Oprah stated: “That’s why you’re a lucky girl if you’re born [in the United States].” She also stated:

I always say this, that if you are a woman born in the United States, you are one of the luckiest women in the world. Did you know that? Well, if you didn’t know that, you’re really going to believe me after this show. Imagine a place where it’s not out of the ordinary for a husband to set his wife on fire.

The Oprah Winfrey Show, *supra* note 8. That same statement could easily be made about the United States: Imagine a place where it is not out of the ordinary for a husband to shoot his wife.

10. See PATRICIA TJADEN & NANCY THOENNES, DEP’T OF JUSTICE, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE, at iii–iv (2000), <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf> (stating that approximately twenty-five percent of women in the United States report being victims of intimate partner violence at some point in their lives).

percent of women worldwide have suffered domestic violence.¹¹ Despite the universality of this problem, the Western media¹² continues to distinguish domestic homicides in developing countries—specifically, dowry deaths in India—from domestic homicides in the United States.

Dowry is defined as the “clothes, jewelry, household goods, cash, and property that a bride brings to a marriage.”¹³ In ancient India, the dowry tradition enabled parents to provide for their daughters despite a system of patrilineal inheritance.¹⁴ Over time, however, dowry has become something that a groom demands of the bride’s family, and it now serves as a channel through which men control and abuse women.¹⁵ The cycle of abuse culminates when a woman is unable to comply with these demands, at which point some men murder their wives, a form of domestic homicide referred to as “dowry death” or “bride-burning.”¹⁶ The Oprah special detailed above represents just one example of the Western media’s dramatic coverage of dowry deaths in India as well as its paradoxical refusal to recognize the parallel domestic homicides committed in the United States every day. American society fails to place dowry deaths appropriately within the larger category of domestic violence.¹⁷

This Note argues that both domestic homicides in the United States and dowry deaths in India belong in the same category: domestic violence. Although the apparent causes of domestic homicides may differ—for example, a woman’s inability to meet dowry demands, or a woman’s infidelity—the ultimate causes are fundamentally the same. An identical,

11. See Kapoor, *supra* note 7, at 1.

12. Throughout this Note, I use “Western media” to mean primarily the media in the United States.

13. VEENA TALWAR OLDENBURG, *DOWRY MURDER: THE IMPERIAL ORIGINS OF A CULTURAL CRIME* 3 (2002).

14. Sanjay S. Jain, *Taking Women Seriously: An Introspection on Law’s Engagement with the Evil of Dowry*, in *FAMILY VIOLENCE IN INDIA: HUMAN RIGHTS, ISSUES, ACTIONS AND INTERNATIONAL COMPARISONS* 114 (Swati Shirwadkar ed., 2009); see also D.N. Sandanshiv & Jolly Mathew, *Legal Reform in Dowry Laws*, in *DOWRY AND INHERITANCE* 73, 74 (Srimati Basu ed., 2005).

15. Molly Moore, *Consumerism Fuels Dowry-Death Wave; Bride Burnings on the Increase in India*, WASH. POST, Mar. 17, 1995, at A35.

16. See *infra* Part II for a detailed explanation of the dowry tradition as it has evolved over time.

17. Uma Narayan, *Cross-Cultural Connections, Border-Crossings, and “Death by Culture”: Thinking About Dowry-Murders in India and Domestic-Violence Murders in the United States*, in *DISLOCATING CULTURES: IDENTITIES, TRADITIONS, AND THIRD-WORLD FEMINISM* 81, 86 (1997).

complex panoply of factors—sexist ideology, objectification of women, and deeply entrenched patriarchy—underlies and enables both domestic homicides in the United States and dowry deaths in India. In the context of murder, the method of killing is of minimal moral import. Domestic homicides in the United States and dowry deaths in India are qualitatively indistinguishable.

The Western media's sensationalist portrayal of bride-burning in India¹⁸ is the product of a (perhaps subconscious) desire to distinguish the United States from developing countries, reinforcing its hegemonic self-image as a world leader in women's rights. The media assists in crafting this image of the "Other" or outsider. As stated by legal scholar Leti Volpp:

The negative image of "other" [Indian] women is used as a mirror of progress, so comparisons between women, as opposed to comparisons with men, become the relevant frame of reference for the discussion of human rights. By accepting the contention that their lives are superior to the lives of women from "other" cultures, the attention of many women is diverted from the fact that they continue to be subordinate to men within their own culture.¹⁹

Essentially, this portrayal of Indian women as the "Other"²⁰ enables the United States to leave its hegemonic worldview untouched. This Note argues that in order to continue improving women's rights in the United States, we must acknowledge that domestic violence is not unique to the developing world. Postcolonial feminist theory²¹ helps illuminate the far-reaching ramifications of "Othering" domestic homicides in India. The United States must abandon this dialogue of the "Other" and recognize the tragic reality

18. When contrasted with media coverage of domestic homicides in the United States, the media uses fanatical and sensational language in its coverage of dowry deaths in India. See *infra* Part IV.A for a discussion of the enormous differences between Western media coverage of the two very similar phenomena.

19. Volpp, *supra* note 1, at 1214 (footnotes omitted).

20. See generally Chandra Talpade Mohanty, *Under Western Eyes: Feminist Scholarship and Colonial Discourse*, in *THIRD WORLD WOMEN AND THE POLITICS OF FEMINISM* 51, 74 (Chandra Talpade Mohanty et al. eds., 1991).

21. See *infra* Part IV.B for an explanation of postcolonial feminism and "Othering."

that male partners murder thousands of women across the globe, both in the United States and in India, every year.²²

Part I provides an overview of domestic homicides in the United States. After presenting a brief history of the dowry tradition, Part II analyzes fatal domestic violence in India. Part III investigates the universal social factors that enable domestic violence across the globe. Part IV uses postcolonial feminist theory to explain the far-reaching ramifications of the Western media's failure to associate Indian dowry deaths with the parallel domestic homicides committed in the United States.

22. There are several caveats and limitations to this Note. First, this Note is not intended to imply that dowry deaths are somehow worse or more noteworthy than other sorts of violent crimes in India. Certainly, there are many domestic homicides in India each day that are not connected with dowry demands, as well as many other sorts of violent and fatal crime. These, too, represent a significant social problem. Dowry deaths are only one small aspect of the larger phenomenon of domestic violence, which knows no geographic bounds.

Further, this Note focuses on research regarding domestic homicides committed only by men against women. Certainly, there is same-sex violence, as well as intimate partner violence committed by women against men. I do not intend to imply that these cases are unimportant or nonexistent. However, statistically speaking, an overwhelming majority of cases are male-perpetrated violence against female victims. See CALLIE MARIE RENNISON, DEP'T OF JUSTICE, INTIMATE PARTNER VIOLENCE, 1993–2001 (2003), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/ipv01.pdf> (stating that approximately eighty-five percent of domestic violence victims in the United States are women). Women are eight times more likely than men to be killed by an intimate partner. See *id.* While thirty-three percent of female murders were committed by intimate partners, only four percent of male murder victims were killed by intimate partners. *Id.* Additionally, in 2000, 1247 women were killed by an intimate partner compared with 440 men. *Id.* Admittedly, these statistics reflect studies conducted only in the United States; I have been unable to find directly comparable statistics for domestic violence in India. However, studies have shown that domestic violence statistics are comparable worldwide. See generally Kapoor, *supra* note 7, at 3 (stating that the majority of domestic violence is perpetrated by men against women, and that violence committed by women against men constitutes only a small percentage of domestic violence as a whole). Thus, this Note reflects the statistical majority and focuses on male-perpetrated intimate partner homicides with female victims. Domestic homicides committed by women against men, by men against other men, and by women against other women are beyond the scope of this Note.

Finally, the particular practice of dowry in India has been linked to female infanticide, which is itself an enormous problem. Some scholars have proposed that the two practices of dowry and infanticide are so closely related that the two should be studied in conjunction with each other. See OLDENBURG, *supra* note 13, at 5–18 for a discussion of the link between dowry and female infanticide.

I. DOMESTIC HOMICIDES IN THE UNITED STATES

Domestic homicides account for up to one third of all female murders committed in the United States today.²³ Between 1000 and 1500 American women are killed by male partners each year—approximately four women every day.²⁴ Nearly seventy-five percent of such intimate homicides result from relationships long plagued by ever-escalating domestic violence.²⁵ Domestic violence is a grave social problem in the United States that impacts women disproportionately.²⁶

In the 1960s and 1970s, domestic violence arrests were infrequent, and, of the cases that were reported to prosecutors, many were dismissed.²⁷ In some jurisdictions, prosecutors dropped charges in up to eighty percent of domestic abuse cases.²⁸ This lack of enforcement left women without reliable legal remedies, thereby ensuring the continued subordination of females as a class.²⁹ The battered women's movement then began to increase public recognition of intimate partner violence and to place it, so to speak, on the "political radar screen."³⁰ Due to the justice system's historical reluctance to combat domestic violence, activists in the battered women's movement advocated for stronger policies that limited

23. RENNISON, *supra* note 22.

24. *See id.*

25. *See* Margaret E. Johnson, *Balancing Liberty, Dignity, and Safety: The Impact of Domestic Violence Lethality Screening*, 32 CARDOZO L. REV. 519, 525 (2010) ("For women murdered by current or former intimate partners, two-thirds to three-quarters of them were previously subjected to domestic violence by their murderer." (footnote omitted)).

26. *See* RENNISON, *supra* note 22.

27. *See, e.g.*, Mary E. Asmus, Tineke Ritmeester & Ellen L. Pence, *Prosecuting Domestic Abuse Cases in Duluth: Developing Effective Prosecution Strategies from Understanding the Dynamics of Abusive Relationships*, 15 HAMLINE L. REV. 115, 116–19 (1991) (describing a study of forty-three criminal cases involving domestic abuse in Louisville, Kentucky, where seventy-nine percent resulted in dismissals).

28. Angela Corsilles, *No-Drop Policies in the Prosecution of Domestic Violence Cases: Guarantee to Action or Dangerous Solution?*, 63 FORDHAM L. REV. 853, 857 (1994) (explaining that, in many jurisdictions, if the victim recants, refuses to testify, or fails to cooperate, prosecutors will drop charges against the alleged perpetrator; in contrast, jurisdictions with no-drop policies have much lower early attrition rates); Christine O'Connor, Note, *Domestic Violence No-Contact Orders and the Autonomy Rights of Victims*, 40 B.C. L. REV. 937, 942 (1999).

29. Aya Gruber, *The Feminist War on Crime*, 92 IOWA L. REV. 741, 753–55 (2007).

30. G. Kristian Miccio, *If Not Now, When? Individual and Collective Responsibility for Male Intimate Violence*, 15 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 405, 407 (2009).

prosecutorial discretion.³¹ Lobbying and social activism successfully produced reform, and the justice system thereafter shifted toward a more aggressive approach to domestic violence prosecution.³² Mandatory or no-drop prosecution policies began gaining momentum in many jurisdictions.³³ These policies reduce prosecutorial discretion by requiring prosecutors to at least attempt to pursue domestic violence charges and by implementing barriers to thoughtless dismissal.³⁴ As a result of these policies, police response has improved, recidivism has been reduced,³⁵ and the number of domestic violence prosecutions has skyrocketed.³⁶

However, the legal protections for women in the United States still have major shortcomings. Legal scholar Sara Benson conducted a study of police response to domestic violence and found that even carefully-worded mandatory arrest laws often fail to trump customary police discretion.³⁷ In other jurisdictions, intimate homicides are often charged as voluntary manslaughter rather than murder, which can have the result of lessening a perpetrator's sentence.³⁸ Additionally, despite its benefits, even a well-implemented aggressive prosecution system is problematic. Mandatory policies like no-drop prosecution usurp victim autonomy, arguably revictimizing women as they move through a system in which they have no control.³⁹ Studies further reveal a modern trend toward dual arrest—the arrest of both parties rather than solely of the batterer—despite the fact that very few domestic

31. O'Connor, *supra* note 28, at 942.

32. Laurie S. Kohn, *The Justice System and Domestic Violence: Engaging the Case but Divorcing the Victim*, 32 N.Y.U. REV. L. & SOC. CHANGE 191, 196 (2008).

33. O'Connor, *supra* note 28, at 943.

34. *Id.*

35. See Machaela M. Hoctor, Comment, *Domestic Violence as a Crime Against the State: The Need for Mandatory Arrest in California*, 85 CALIF. L. REV. 643, 655–61 (1997) (examining the effects of mandatory arrest laws as implemented in Minneapolis and other cities).

36. O'Connor, *supra* note 28, at 943.

37. See Sara R. Benson, *Failure to Arrest: A Pilot Study of Police Response to Domestic Violence in Rural Illinois*, 17 AM. U. J. GENDER SOC. POL'Y & L. 685, 693 (2009).

38. See generally Emily L. Miller, Note, *(Wo)Manslaughter: Voluntary Manslaughter, Gender, and the Model Penal Code*, 50 EMORY L.J. 665 (2001) (discussing the doctrine of voluntary manslaughter as it relates to intimate homicides, arguing that “men who kill women in the heat of passion should no longer find any shelter in the harbor of voluntary manslaughter”).

39. See Linda G. Mills, *Killing Her Softly: Intimate Abuse and the Violence of State Intervention*, 113 HARV. L. REV. 550, 551 (1999).

violence incidences involve mutual abuse.⁴⁰ The system remains deeply flawed and warrants legislative attention and reform.

II. DOWRY DEATHS IN INDIA

The literal definition of dowry is the “clothes, jewelry, household goods, cash, and property that a bride brings to a marriage.”⁴¹ Although this fundamental definition of the word has remained static, the social practices surrounding it have changed dramatically—and gravely—over time. Historically, dowry was designed to support daughters who were not legally entitled to inheritances; now, it serves as a channel through which men extort money from their wives’ families through threats and abuse.⁴² Section A discusses the practice of dowry and its remarkable transformation over time. Section B examines the legal construction of, and response to, dowry deaths in the Indian legal system. Section C discusses the disjunction between the aggressive anti-dowry laws and the disheartening statistics surrounding dowry deaths.

A. *Dowry Trends in Contemporary India*

Dowry was not always the harmful, oppressive practice it has become today. In ancient India, dowry enabled families to provide for their daughters despite a custom of patrilineal inheritance.⁴³ It was never demanded or expected by the groom but was merely an offering by the bride’s family.⁴⁴ In a culture that did not legally entitle female children to inheritances of any kind, dowry was a rare tool for female empowerment.⁴⁵

Despite its original purpose, dowry today has become a profoundly oppressive practice affecting women across India. Although the dowry tradition has existed for centuries in many cultures, the phenomenon of dowry deaths is “thoroughly

40. See Sarah M. Buel, *Effective Assistance of Counsel for Battered Women Defendants: A Normative Construct*, 26 HARV. WOMEN’S L.J. 217, 229 (2003).

41. OLDENBURG, *supra* note 13, at 3.

42. Molly Moore, *Consumerism Fuels Dowry-Death Wave; Bride Burnings on the Increase in India*, WASH. POST, Mar. 17, 1995, at A35.

43. See sources cited *supra* note 14.

44. See Jain, *supra* note 14, at 115.

45. See Moore, *supra* note 42.

modern.”⁴⁶ Over time, dowry has become something a groom demands of the bride’s family, often through threats or acts of violence. Many attribute this change to modern consumerism,⁴⁷ as one journalist explains, “[m]arriage today seems to be a pile of valuable items with a bride on the side.”⁴⁸

Demanding dowry has become a tool for men to control their wives, and, in some cases, it leads to a form of fatal domestic violence dubbed “dowry deaths” or “bride-burning.” In contemporary India, dowry deaths are becoming increasingly common.⁴⁹ In 2008 alone, over 8000 dowry deaths were reported to Indian law enforcement.⁵⁰ Currently, an average of seventeen Indian women are murdered in dowry-related incidents every day.⁵¹

B. The Legal Construction of, and Response to, Dowry Deaths

In India, three fundamental provisions form the body of law designed to combat and prevent dowry deaths. The Dowry Prohibition Act (DPA),⁵² in effect since 1961, provided the foundation for subsequent anti-dowry legislation; however, it is rarely enforced. Section 498A, commonly referred to as the “Anti-Cruelty Statute,”⁵³ broadened and clarified the definition of dowry-related crimes. Finally, section 304B,⁵⁴ likely the most powerful anti-dowry provision in Indian law, prescribes criminal punishment for those involved in dowry-related crimes. Even this legal framework, however, does not provide adequate protection.

Although the DPA, which prohibits both the giving and taking of dowries, is rarely enforced, it created the framework

46. Ratna Kapur, *The Tragedy of Victimization Rhetoric: Resurrecting the “Native” Subject in International/Post-Colonial Feminist Legal Politics*, 15 HARV. HUM. RTS. J. 1, 13 (2002).

47. See Sandanshiv & Mathew, *supra* note 14.

48. Mohammad Yusha, *The Curse of Dowry*, OYE! TIMES (Mar. 28, 2011), <http://www.oyetimes.com/news/india/10335-the-curse-of-dowry>.

49. Vijayendra Rao, *Dowry “Inflation” in Rural India: A Statistical Investigation*, 47 POPULATION STUD. 283, 284 (1993).

50. Yusha, *supra* note 48 (stating that 8172 dowry deaths were registered with law enforcement in 2008).

51. Moore, *supra* note 42.

52. Dowry Prohibition Act, No. 28 of 1961, *available at* <http://wcd.nic.in/dowryprohibitionact.htm>.

53. INDIA PEN. CODE ch. XXA, § 498A (1987).

54. INDIA PEN. CODE ch. XVI, § 304B (1986).

for more effective subsequent provisions that eventually provided greater protections for women.⁵⁵ Although later laws, described below, undoubtedly have more teeth than the DPA, the DPA continues to serve basic functions, such as providing the legal definition of dowry to which all subsequent laws refer.⁵⁶ Although the DPA was intended to completely abolish the practice of dowry, it has been, by and large, disregarded by all communities and socioeconomic groups.⁵⁷ It is largely lip service and is rarely enforced.⁵⁸

The second law pertaining to dowry deaths is section 498A of the Indian Penal Code,⁵⁹ often colloquially referred to as “the Anti-Cruelty Statute.”⁶⁰ This law makes it a crime for a husband, or a member of the husband’s family, to partake in “any willful conduct . . . likely to drive the woman to commit suicide or . . . to cause grave injury . . . to the woman” or “harassment of the woman where such harassment” is due to a demand of dowry.⁶¹ This statute broadens the prohibitions laid out in the DPA and expands coverage to other acts of cruelty, threats, or violence related to dowry demands.⁶²

The third law, section 304B of the Indian Penal Code, prescribes criminal punishment for men involved in dowry deaths.⁶³ Section 304B states:

Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry,

55. See Jain, *supra* note 14, at 115–16.

56. *Id.*

57. Edward A. Gargan, *Bangalore Journal; For Many Brides in India, a Dowry Buys Death*, N.Y. TIMES (Dec. 30, 1993), <http://www.nytimes.com/1993/12/30/world/bangalore-journal-for-many-brides-in-india-a-dowry-buys-death.html?src=pm>.

58. Amelia Gentleman, *Indian Brides Pay a High Price*, N.Y. TIMES (Oct. 22, 2006), <http://www.nytimes.com/2006/10/22/world/asia/22iht-dowry.3246644.html?pagewanted=1>.

59. INDIA PEN. CODE ch. XXA, § 498A (1987).

60. Pami Vyas, *Reconceptualizing Domestic Violence in India: Economic Abuse and the Need for Broad Statutory Interpretation to Promote Women’s Fundamental Rights*, 13 MICH. J. GENDER & L. 177, 178 (2006).

61. See *id.* at 187 (citing The Criminal Law (Amendment) Act, No. 46 of 1983; INDIA PEN. CODE ch. XXA, § 498A(a)–(b)).

62. See INDIA PEN. CODE ch. XXA, § 498A; Sandanshiv & Mathew, *supra* note 14, at 73.

63. INDIA PEN. CODE ch. XVI, § 304B (1986).

such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.⁶⁴

Thus, if a woman dies of unnatural causes within seven years of marriage, and if she was harassed for dowry by her husband or his family shortly before her death, there arises a rebuttable presumption that the death was caused by her husband.⁶⁵ This provision further expands protection for women. It is important to note, however, that even under this statute, dowry deaths result in punishment that is distinct from, and less severe than, that for murder.⁶⁶ Sentences for dowry deaths range from seven years to life imprisonment, but punishment for murder ranges from life imprisonment to death.⁶⁷

C. *The Social Response to Dowry Deaths*

Despite the enactment of numerous laws that purport to protect women from dowry deaths and domestic violence, these laws are characterized by a colossal lack of enforcement. All three of the dowry-related provisions described above have largely failed to deter the commission of dowry murders.⁶⁸ Indian legislators have achieved material changes in the law in an effort to combat dowry-related crimes, but these laws have been largely unsuccessful,⁶⁹ even the most protective laws will be ineffective without adequate enforcement.

After all, law enforcement mirrors the values and social mores of the community from which the laws were developed.⁷⁰ Police departments are not designed in a manner that enables them to adapt to the evolving legal structure; as a result, police officers often continue in their old ways despite changes to the law.⁷¹ Studies have shown that police prefer to avoid

64. *Id.*

65. Judith G. Greenberg, *Criminalizing Dowry Deaths: The Indian Experience*, 11 AM. U. J. GENDER SOC. POL'Y & L. 801, 808 (2003).

66. *See generally* Sharmistha Choudhury, *Dowry Killing Is Not as Bad as Murder*, LEGAL NEWS & VIEWS, Sept. 2001, at 5.

67. *See id.*

68. Interview with Dr. V.S. Elizabeth, Assoc. Professor, Nat'l Law Sch. of India Univ., in Bangalore, India (Mar. 24, 2011).

69. Purna Manchandia, *Practical Steps Towards Eliminating Dowry and Bride-Burning in India*, 13 TUL. J. INT'L & COMP. L. 305, 319 (2005).

70. *See* Parvathi Menon, “Dowry Deaths” in Bangalore, FRONTLINE, Aug. 14–27, 1999, available at <http://www.hindu.com/fline/fl1617/16170640.htm>.

71. *See id.*

involvement in intrafamilial crimes like domestic violence.⁷² In India, wealth and power add a further level of complexity, as law enforcement officials and judicial officers remain vulnerable to such influence.⁷³ Furthermore, due to the caste-like Indian social structure, women generally marry into more affluent or powerful families, leaving dowry-related victims at a disadvantage.⁷⁴ Thus, although the Indian legislature has made significant progress, women remain largely unprotected from dowry-related crimes and fatal domestic violence.

Just like feminist activists in the United States, many Indian women refuse to stand by idly. A strong anti-dowry movement in India has existed for over twenty years.⁷⁵ In the late 1990s, Vimochana, a women's organization located in Bangalore, spent nearly a decade compiling data on female burn victims admitted to Victoria Hospital, infamous for the high volume of dowry victims treated in its burn unit.⁷⁶ On average, seven women are admitted to the burn unit each day at Victoria Hospital alone—sometimes as many as ten.⁷⁷ Vimochana's research reveals that an alarmingly high number of young married women are dying unnatural and suspicious deaths, usually involving “stove-bursts” or “kitchen accidents.”⁷⁸ Many of these so-called kitchen accidents occur not around mealtimes but rather in the middle of the night;⁷⁹ others occur in the bathroom or living room, far from any stove or kitchen appliance. The police, unable or unwilling to investigate, write off many of these burn-related deaths as accidental.⁸⁰ Vimochana successfully advocated for a post-mortem investigatory process; however, the organization continues to advocate for improved police attitude and enforcement.⁸¹

72. Ursula Sharma, *Dowry in North India: Its Consequences for Women*, in *DOWRY AND INHERITANCE* 23, 23–24 (Srimati Basu ed., 2005).

73. *See id.*

74. *See id.*

75. *See generally* Rajni Palriwala, *Reaffirming the Anti-Dowry Struggle*, *ECON. & POL. WKLY.*, Apr. 29, 1989, at 942 (providing a brief overview of the anti-dowry movement in the 1980s).

76. *See* Celia W. Dugger, *Kerosene, Weapon of Choice for Attacks on Wives in India*, *N.Y. TIMES*, Dec. 26, 2000, at A1; *Activities*, *VIMOCHANA*, <http://www.vimochana.in/activities.html> (last visited Jan. 22, 2012).

77. *See* Menon, *supra* note 70.

78. *Id.*

79. *Id.*

80. *See id.*

81. *See id.*

Indian women are fighting the dowry tradition individually as well. One young woman named Nisha Sharma refused to comply with an outrageous dowry demand, even though it ended her engagement and could have ended her life.⁸² Even a substantial dowry—consisting of two televisions, two refrigerators, two home theater systems, two air conditioners, and a luxury car—was not enough for Nisha's groom, who demanded an additional 25,000 rupees in cash on the day of the wedding.⁸³ Nisha called off the wedding and reported the matter to the police, who arrested the groom under the rarely enforced DPA.⁸⁴ Nisha has become an Indian national idol, inspiring young women across the country to refuse to comply with dowry demands.⁸⁵

III. A ROSE, BY ANY OTHER NAME . . .

Regardless of what we call these horrific acts, domestic homicides in the United States and domestic homicides in India are fundamentally the same. The monikers we bestow on them are irrelevant. Fatal domestic violence is the same thing whether it occurs in the United States or in India, through burning, stabbing, or shooting. The fact that, in one country, domestic homicides are committed with a gun rather than kerosene in no way indicates a more socially advanced society with regard to gender equality. Section A examines the facial differences between domestic homicides in the United States and in India. Section B explores the enabling and motivating forces for domestic violence generally—in particular, power and control, patriarchy, and objectification and devaluation of women—and shows that these factors are globally applicable.

82. See Soma Wadhwa, *Rising Daughters Inc.*, OUTLOOKINDIA.COM (June 2, 2003), <http://www.outlookindia.com/article.aspx?220304>.

83. See James Brooke, *Dowry Too High. Lose Bride and Go to Jail.*, N.Y. TIMES (May 17, 2003), <http://www.nytimes.com/2003/05/17/world/dowry-too-high-lose-bride-and-go-to-jail.html?pagewanted=all&src=pm>; Wadhwa, *supra* note 82.

84. See Wadhwa, *supra* note 82.

85. See *id.*; *Say No to Dowry, Yes to Nisha*, TIMES OF INDIA (May 17, 2003), http://articles.timesofindia.indiatimes.com/2003-05-17/edit-page/27276237_1_nisha-sharma-dowry-girl (describing the “stupendous response” and “rush of admiration” following Nisha's refusal to comply with her fiancé's dowry demands).

A. *Deconstructing the Methodological Differences*

There is, of course, one clear difference between domestic homicide in the United States and dowry deaths in India: the method of killing. In India, women are usually burned or, sometimes, drowned; in the United States, women are generally shot.⁸⁶ Although the American public appears to have latched onto this difference as salient with regard to social progress, it is in fact inconsequential.

Indian men use fire and American men use guns because that is what is available to them. Just as firearms are readily available in the United States,⁸⁷ kerosene is readily available in India.⁸⁸ One journalist explained, “[t]he use of fire as a weapon, which seems so exotic, is simply expedient: kerosene, a ubiquitous cooking fuel [in India], is a cheap, handy weapon, much like a gun or a baseball bat in an American home.”⁸⁹ Neither method of killing invokes a higher morality than the other.

The American media and the Western population at large react to bride-burning in India with greater shock and abhorrence than they do in reaction to domestic homicides committed with a firearm. The point, however, is that women *are* murdered, not *how* they are murdered. Legal scholar Leti Volpp explains that although domestic homicides occur with similar frequency in both the United States and in India, the Western world hones in on dowry murders as a “signifier of cultural backwardness”; yet the only veritable difference is the method of killing.⁹⁰ Regardless of the weapon of choice, women across the globe are more likely to be killed by their intimate partners than by strangers.⁹¹ By contradistinguishing dowry deaths from other domestic homicides, the Western world deliberately turns a blind eye to the dire realities of domestic violence.⁹²

86. See Interview with Dr. V.S. Elizabeth, *supra* note 68.

87. *Id.*

88. See Lodhia, *supra* note 8, at 113–14.

89. Dugger, *supra* note 76.

90. Volpp, *supra* note 1, at 1187 (footnotes omitted).

91. See Lodhia, *supra* note 8, at 112.

92. See *id.*

B. *Motivating Forces*

Although there may appear to be different motivating forces on the surface—for example, in India, killings are motivated by a woman’s failure to provide sufficient dowry, and in the United States, it is, say, a woman’s alleged infidelity—in essence, the motives behind the crimes are the same. A number of “complex and interconnected institutionalized social and cultural factors” account for domestic violence.⁹³ Violence against women is a multifaceted, byzantine problem, deeply intertwined with the status of women, society’s inherently patriarchal structure, a batterer’s need for power and control, and the devaluation and commoditization of women in society. This same complex panoply of factors underlies both domestic homicides in the United States and dowry deaths in India.

1. Power and Control

In the United States, the most dangerous period in an abusive partnership is when the woman leaves or threatens to leave.⁹⁴ In India, the most dangerous period is when she is no longer willing or able to meet dowry demands.⁹⁵ Both of these situations critically revolve around a dominant male’s loss of power and control in the relationship.

Power and control are defining characteristics of most, if not all, abusive relationships.⁹⁶ A tool aptly titled the “Power and Control Wheel” is often used by victim advocates to identify the telltale signs of abusive relationships—for instance, coercion, threats, isolation, or economic abuse.⁹⁷ Studies have shown that a batterer’s desire to control his partner often underlies domestic violence.⁹⁸ When a man feels

93. Kapoor, *supra* note 7, at 7.

94. Lenore E.A. Walker, *Battered Women Syndrome and Self-Defense*, 6 NOTRE DAME J.L. ETHICS & PUB. POL’Y 321, 334 (1992) (stating that domestic homicides usually occur when the woman ends the relationship); *see also* Tom Lininger, *The Sound of Silence: Holding Batterers Accountable for Silencing Their Victims*, 87 TEX. L. REV. 857, 869 (2009) (stating that the “majority of domestic violence homicides” occur when a victim decides to leave her abusive partner).

95. *See* Interview with Dr. V.S. Elizabeth, *supra* note 68.

96. *See* Mary E. Asmus et al., *Prosecuting Domestic Abuse Cases in Duluth: Developing Effective Prosecution Strategies from Understanding the Dynamics of Abusive Relationships*, 15 HAMLINE L. REV. 115, 115 (1992).

97. KATHERINE VAN WORMER & ALBERT R. ROBERTS, *DEATH BY DOMESTIC VIOLENCE: PREVENTING THE MURDERS AND MURDER-SUICIDES* 67 (2009).

98. Lininger, *supra* note 94, at 867–68.

that he is losing control in an abusive relationship, he crafts each move to reestablish and strengthen his command of his female partner.⁹⁹ Indeed, male power underlies all of these tragic stories.¹⁰⁰ A man's perceived loss of power and control in an abusive relationship often leads to increased violence and, in some instances, can even be fatal. When New York man Muzzammil Hassan beheaded his wife in February 2009, one commentator explained, "[h]e wanted to show that even though his business venture may have been failing, that he was in control of his wife."¹⁰¹

2. Patriarchy

The patriarchal patterns and attitudes that permeate society form an arena in which intimate partner violence is not only possible, but also is propagated. Domestic violence occurs both within and as a result of, repressive patriarchal social structures.¹⁰² Domestic violence is essentially a "manifestation of historically unequal power relations between men and women."¹⁰³

Research has shown that the most common motivations for domestic violence worldwide are a woman's "perceived failures to perform household duties" or other "wifely shortcomings."¹⁰⁴ Typical patterns of domestic violence reveal a batterer's apparent "belief that he is entitled to use violence if his partner is not sufficiently solicitous, obedient, loyal, or compliant."¹⁰⁵ This belief arises from a patriarchal worldview, reinforcing the theory that no matter where it occurs, domestic violence is closely correlated with the overall status of women in society, as well as each woman's individual compliance with, or defiance of, prescribed gender roles. Feminist legal scholar Donna Coker explains that batterers act within a system;

99. MARGI LAIRD MCCUE, *DOMESTIC VIOLENCE: A REFERENCE HANDBOOK* 89 (2008).

100. Katharine Viner, *A Year of Killing*, *THE GUARDIAN* (Dec. 10, 2005), <http://www.guardian.co.uk/uk/2005/dec/10/ukcrime.prisonsandprobation>.

101. *Beheading in New York Appears To Be Honor Killing, Experts Say*, *FOXNEWS.COM* (Feb. 17, 2009), <http://www.foxnews.com/story/0,2933,494785,0.html> (quoting Dr. Phyllis Chesler).

102. See Elizabeth Rapaport, *Capital Murder and the Domestic Discount: A Study of Capital Domestic Murder in the Post-Furman Era*, 49 *SMU L. REV.* 1507, 1510 (1996) (describing feminist analyses of domestic violence).

103. Kapoor, *supra* note 7, at 7.

104. Dugger, *supra* note 76.

105. Buel, *supra* note 40, at 230.

widespread, deeply-seated gender inequalities both enable and foster domestic violence.¹⁰⁶ Social factors—including society's willful blindness to domestic violence, patriarchal economic structures that disadvantage women, and sexist gender roles—make domestic violence possible.¹⁰⁷

Additionally, in many communities, domestic violence is actually explained by the woman's actions.¹⁰⁸ This is why the problem of men killing women is often framed as a women's issue.¹⁰⁹ Violence against women "arise[s] as [a] women's issue[] in the minds of academics, reporters, and advocates."¹¹⁰ Feminist scholar Martha Minow admonishes that we must not disregard "the inextricable connection between so-called women's issues and men's behavior."¹¹¹ The fact that society frames domestic violence as a predominantly (or, in some cases, exclusively) female problem, especially when it is *men* who are doing the killing, further illuminates the far reaches of patriarchy. Violence against women should not be a 'women's issue' but rather should be of concern for all members of society alike.¹¹²

3. Devaluation and Objectification of Women

In both the United States and India, women are objectified to an extraordinary degree. Feminist philosopher Martha Nussbaum explains, in Kantian terms, the concept of instrumentality: "Objectification is treating as a mere thing what is really not a thing. . . . The objectification of women is primarily a denial that women are ends in themselves."¹¹³

106. Donna Coker, *Enhancing Autonomy for Battered Women: Lessons from Navajo Peacemaking*, 47 UCLA L. REV. 1, 39 (1999).

107. *Id.* at 39–40.

108. Mary Becker, *Patriarchy and Inequality: Towards a Substantive Feminism*, 1999 U. CHI. LEGAL F. 21, 26.

109. See Martha Minow, *About Women, About Culture: About Them, About Us*, in ENGAGING CULTURAL DIFFERENCES: THE MULTICULTURAL CHALLENGE IN LIBERAL DEMOCRACIES 252, 252 (Richard A. Shweder et al. eds., 2002).

110. *Id.*

111. *Id.*

112. Thomas Hammarberg, *Why Domestic Violence Is Not Only a Women's Issue*, COUNCIL OF EUR. (Nov. 24, 2006), http://www.coe.int/t/commissioner/Viewpoints/061124_en.asp.

113. Martha C. Nussbaum, *Body of the Nation: Why Women Were Mutilated in Gujarat*, BOS. REV., Summer 2004, available at <http://www.bostonreview.net/BR29.3/nussbaum.html>.

In the United States, widespread sexualization of young girls illustrates the severity of the problem.¹¹⁴ In spring 2011, Abercrombie & Fitch introduced a line of padded bikini tops for pre-pubescent girls—originally marketed for girls as young as eight years old.¹¹⁵ Some argue that even the breast cancer awareness campaign runs the risk of objectifying and sexualizing women—with slogans “simultaneously pathologizing and fetishizing women’s breasts at the expense of the bodies, hearts and minds attached to them.”¹¹⁶ Many other aspects of American society devalue women as individuals, transforming a woman’s social identity into a sexual commodity, a “mere symbol.”¹¹⁷ Objectification and commoditization of women provides the foundation for domestic abuse. As Martha Nussbaum explains, “[t]he road from that point to violation is short and relatively direct.”¹¹⁸

In India, too, women are objectified and commoditized—though differently than in the United States. Any casual observer walking down the street in Mysore or Bangalore would notice women covered from head to toe—Muslim women in burqas, Hindu and Christian women in traditional Indian

114. See, e.g., LZ Granderson, *Parents, Don’t Dress Your Girls Like Tramps*, CNN (Apr. 19, 2011, 8:52 AM), <http://www.cnn.com/2011/OPINION/04/19/granderson.children.dress/?hpt=T2>.

115. Tamara Abraham, *Parents’ Fury as Abercrombie & Fitch Unveils Padded Bikinis for Girls as Young as Eight*, MAILONLINE.COM, <http://www.dailymail.co.uk/femail/article-1369949/Parents-fury-Abercrombie--Fitch-unveils-padded-bikinis-girls-young-eight.html> (last updated Mar. 25, 2011, 9:02 PM). Abercrombie & Fitch later changed its marketing strategy, recategorizing the top from “push-up” to “padded” and making an announcement on its Facebook page that the company “agree[d] with those who say it is best ‘suited’ for girls age 12 and older.” See *Abercrombie & Fitch Removes “Push-Up” From Girls’ Bikini Description Following Outcry*, FOXNEWS.COM (Mar. 30, 2011), <http://www.foxnews.com/entertainment/2011/03/30/abercrombie-fitch-removes-push-girls-bikini-description-following-outcry/> (quoting Abercrombie & Fitch’s Facebook page).

116. Peggy Orenstein, Op-Ed, *The Trouble with Those Boobies Bracelets*, L.A. TIMES (Apr. 19, 2011), <http://www.latimes.com/news/opinion/commentary/la-oe-orenstein-boobies-20110419,0,7726424.story> (discussing the new “sexy” trends propagated in the name of breast cancer awareness, like bracelets bearing the phrase “I ♥ Boobies”; Ms. Orenstein, herself a cancer survivor, argues that a more appropriate slogan would be “Save the Woman” rather than “Save the Ta-Tas,” redirecting the focus from the body part to the person); see also Peggy Orenstein, *Think About Pink*, N.Y. TIMES (Nov. 12, 2010), <http://www.nytimes.com/2010/11/14/magazine/14FOB-wwln-t.html>.

117. Cf. Nussbaum, *supra* note 113 (explaining the instrumentalization phenomenon within the context of ‘kingly rule’ in Gujarat; there, certain aspects or characteristics of society made women into a symbol, “a tool of male ends;” the same argument can be made in other contexts as well).

118. *Id.*

saris—and the paradoxical juxtaposition of this reality against sexually explicit billboards, music videos, and television commercials. The need to cover is itself an acknowledgement of sexuality, creating a double standard for women. One scholar explains that the deep-seated patriarchal norms and social mores of Indian society have morphed female identity into nothing more than a sexual commodity and “child-producing machine.”¹¹⁹

The commoditization of women manifests in different ways, from “sexualized societies” to “repressive regimes.”¹²⁰ Women in both India and the United States are all too often objectified, treated as a means rather than an end in themselves.¹²¹ Martha Nussbaum explains the dangerous implications of this attitude:

What is relevant here is that the logic of instrumentality also leads powerfully in the direction of seeing women as violable. What you have already conceived of as a mere tool of your own ends, not an end in herself, can so easily be understood as something that you may beat, abuse, burn, even break up at will: it is yours to use, and to abuse.¹²²

In this way, the objectification of women allows for and, arguably, invites violence against women. Devaluation and objectification of women play a pivotal role in enabling intimate partner violence both in the United States and in India.

IV. WESTERN MEDIA

Media plays a crucial role in creating social norms and mores. The media is capable of dramatically impacting and shaping how an issue is framed and addressed by the general public. In the case of domestic violence, information that could be used as a tool for increasing awareness and inciting change is instead employed to downplay certain issues and to deflect negative attention to developing countries. Section A explains the Western media’s incongruous portrayal of fatal domestic

119. MOHD. UMAR, *BRIDE BURNING IN INDIA: A SOCIO LEGAL STUDY* 4 (1998) (footnote omitted).

120. Ruth Limkin, *Women Are Not Objects To Be Used*, BREADANDJUSTICE (Apr. 1, 2011), <http://breadandjustice.wordpress.com/2011/04/01/women-are-not-objects-to-be-used/>.

121. See Nussbaum, *supra* note 113.

122. See *id.*

violence in India and in the United States. Section B explores this disconnect through a postcolonial feminist lens, showing why it exists and explaining why it must change.

A. *The Western Media's Binary Construction of Fatal Domestic Violence in the United States and India*

There exists in Western media a shocking incongruity “between the ‘disappearing dead women’ in U.S. accounts of domestic violence and the ‘spectacular visibility’ of women murdered over dowry in India.”¹²³ In the United States, a man’s murder of his wife is a routine crime, reported impassively and methodically; a woman killed by her husband in India, on the other hand, is a stimulating headliner.

Western media coverage of domestic homicides in America is characterized by an unsympathetic, systematic discourse. Domestic homicides are often reported not within the context of domestic violence but framed as routine criminal activity. Often, a short paragraph entitled “Man Killed Wife” will suffice, including little to no information about a couple’s domestic violence history or any details of the events leading up to the crime.¹²⁴ At most, articles may casually mention “problems”¹²⁵ or “marital discord”¹²⁶ but generally skirt the issue of domestic violence as such. Media coverage of intimate homicides tends to shroud the domestic violence infrastructure in which these crimes occur.¹²⁷ Western reports of domestic violence homicides generally avoid reference to a pattern or history of domestic violence, instead presenting the crime as an

123. See Narayan, *supra* note 17, at 89.

124. See, e.g., Brian R. Ballou, *Wakeman Man Killed Wife, Say Authorities; Retired Accountant Is Held Without Bail*, BOS. GLOBE, Mar. 29, 2011, at B1; Elizabeth Gibson & Holly Zachariah, *Man Killed Wife, Then Himself in Home, Police Say*, COLUMBUS DISPATCH, May 1, 2011, at 1B; Kyle Glazier, *Coroner: Aurora Man Killed Wife, Self*, DENVER POST, Jan. 19, 2011, at B2; Carla Rivera & Andrew Blankstein, *Man Kills Wife, Daughter, Self*, L.A. TIMES, Jan. 10, 2011, at AA6. These articles illustrate the straightforward dialogue that shapes these crimes as routine, avoiding mention of any potential patterns or instances of domestic violence.

125. Travis Andersen, *Waltham Man Kills Wife and Self, Police Say; Neighbors Voice Surprise, Say They Saw No Trouble*, BOS. GLOBE, Nov. 13, 2010, at B3.

126. Ballou, *supra* note 124.

127. Charlotte Ryan et al., *Changing Coverage of Domestic Violence Murders*, 21 J. INTERPERSONAL VIOLENCE 209, 212 (2006).

“isolated event.”¹²⁸ In this way, the media’s approach to domestic homicides falsely extricates the crime from the context of domestic violence. This has the result of “undermin[ing] efforts to change public policy and consciousness” relating to intimate partner violence,¹²⁹ creating a loss of crucial opportunities for understanding, social recognition, and increased awareness of the problem.¹³⁰

This unemotional, routine reporting of domestic homicides in the United States contrasts starkly with the elaborate and sensationalized coverage of dowry deaths in India. For the past decade or two, “sensationalized discussions of [dowry-related] violence within the Indian community have remained a staple subject for talk shows and news programs” in the United States.¹³¹ Stories about bride-burning as depicted via mainstream Western media “illuminate otherness,” focusing on how unusual and foreign the violence feels—or is *supposed* to feel.¹³² Histrionic language characterizes dowry murders, described by the Western media as a “ghastly tableau,”¹³³ a problem of “epidemic proportions,”¹³⁴ its victims “grotesquely disfigured.”¹³⁵ Sentences like, “[t]hey lie in rows, wrapped like mummies in white bandages, their moans quieted by the pain-obliterating drip of morphine”¹³⁶ spark interest and fuel the imagination. The language employed by the Western media in covering dowry deaths is theatrical and sensational—especially when juxtaposed against the straightforward, routine coverage of domestic homicides in the United States.

A second crucial difference in the Western media’s portrayal of domestic homicides in the United States and in India is that “culture” is only referenced as a cause in one of the two. Unfamiliar forms of fatal violence against women that

128. Elizabeth L. MacDowell, *When Reading Between the Lines Is Not Enough: Lessons from Media Coverage of a Domestic Violence Homicide-Suicide*, 17 AM. U. J. GENDER SOC. POL’Y & L. 269, 270 (2009).

129. Ryan et al., *supra* note 127, at 213.

130. *See id.*

131. *See* Lodhia, *supra* note 8, at 112.

132. *See* Minow, *supra* note 109, at 254.

133. William Claiborne, *Dowry Killings Show Social Stress in India*, WASH. POST, Sep. 22, 1984, at A1.

134. Edward A. Gargan, *Bangalore Journal; For Many Brides in India, a Dowry Buys Death*, N.Y. TIMES (Dec. 30, 1993), <http://www.nytimes.com/1993/12/30/world/bangalore-journal-for-many-brides-in-india-a-dowry-buys-death.html?src=pm>.

135. *See* Dugger, *supra* note 76.

136. *See id.*

westerners perceive as unusual are labeled as instances of “death by culture.”¹³⁷ Uma Narayan pioneered this argument, stating that

when . . . “cultural explanations” are given for *fatal* forms of violence against Third-World women, the effect is to suggest that Third-World women suffer “death by culture” . . . [and] fatal forms of violence against mainstream Western women seem interestingly resistant to such “cultural explanations,” leaving Western women seemingly more immune to “death by culture.”¹³⁸

By over-emphasizing dowry deaths as a product of Indian culture, the Western media necessarily implies that it is *not* a part of American culture. Despite the marriage of “culture” and “bride-burning” in the Western media, cultural explanations do not similarly accompany media coverage of domestic homicides in the United States. Developing countries’ populations are often essentialized into cultural and ethnic identities, but “Americanness” is never characterized as such;¹³⁹ in this way, Indian women “are portrayed as victims of their culture, which reinforces stereotyped and racist representations of that culture and privileges the culture of the West.”¹⁴⁰

B. Exploring the Disconnect: Lessons from Postcolonial Feminism

If these two crimes are fundamentally the same, why does the media portray them as so different? Why are Americans so appalled and captivated by the burning of brides in India but scarcely so much as blink when a husband shoots his wife in the United States? This inconsistency is neither inexplicable nor inconsequential. The framing of Indian dowry deaths in the Western media is central to our understanding of domestic violence in our own country.

The primary explanation for the Western media’s polarizing coverage of dowry deaths in India is what is referred

137. See Narayan, *supra* note 17, at 85.

138. *Id.* at 84–85.

139. LEELA GANDHI, *POSTCOLONIAL THEORY: A CRITICAL INTRODUCTION* 126 (1998).

140. Ratna Kapur, *The Tragedy of Victimization Rhetoric: Resurrecting the “Native” Subject in International/Postcolonial Feminist Legal Politics*, 15 *HARV. HUM. RTS. J.* 1, 6 (2002).

to in postcolonial feminist theory as “Othering.” Essentially, India’s identity comes into existence in the Western media as a result of the “principle of identification through separation.”¹⁴¹ The Western media posits dowry deaths in India as wholly different, entirely Other from domestic homicides in the United States. This Othering serves several functions:

[T]he excessive focus on the cultural devaluing of “other” women obviates the fact of sexism among majority communities or in Western states. The negative image of “other” women is used as a mirror of progress, so comparisons between women, as opposed to comparisons with men, become the relevant frame of reference for the discussion of human rights. By accepting the contention that their lives are superior to the lives of women from “other” cultures, the attention of many women is diverted from the fact that they continue to be subordinate to men within their own culture.¹⁴²

In this way, American women typically contribute to Othering by “locat[ing] Indian women firmly within an oppressive framework and distanc[ing] their experiences from [our] own by viewing them as much more oppressed than women like [us] who live in the ‘progressive’ Western world.”¹⁴³ This mislaid attention to domestic violence in other cultures shrouds domestic violence in the United States;¹⁴⁴ it enables and reinforces the West’s hegemonic self-perception as a society in which women’s liberation has been achieved.

The import of this comparison lies in the impact it has on the United States’ approach to domestic violence. Othering facilitates denial and resistance to acknowledging the presence of domestic violence in our own country. On the metaphorical list of social problems to address, the United States checked the box, so to speak, for women’s rights. As a result, the American public exerts little to no political and legal energy on women’s rights. Acknowledging the Othering that pervades the Western media and American social cognizance will allow the United States to begin to reevaluate the social realities of

141. GAYATRI CHAKRAVORTY SPIVAK, *OUTSIDE IN THE TEACHING MACHINE* 55 (1993).

142. See Volpp, *supra* note 1, at 1214 (footnotes omitted).

143. Radhika Parameswaran, *Coverage of “Bride Burning” in the Dallas Observer: A Cultural Analysis of the “Other,”* 16 *FRONTIERS*, no. 2/3, 1996, at 69, 69.

144. See Volpp, *supra* note 1, at 1212.

women's status and will reinvigorate the debate surrounding women's rights reform.

CONCLUSION

When the Western media sensationalizes the status of women in developing countries, it reinforces the United States' hegemonic self-perception as a society in which women's liberation has been unequivocally achieved.¹⁴⁵ The cultural explanations proffered by Western media outlets for dowry deaths obscure its inexorable connection to the greater category of domestic violence.¹⁴⁶ Without concomitant comparisons to women's (lesser) status in India, the Western façade of women's radical liberation in the United States would fall.¹⁴⁷

A country in which women are murdered in mass numbers by their male partners is neither a triumph of women's liberation nor a model for women's rights. By overemphasizing and sensationalizing the injustices against women in India, the Western media diverts attention from the *same* injustices against women in the United States. This Othering of Indian women, along with the concomitant cultural explanations for dowry deaths, inhibits American society from developing strategies to effectively combat domestic violence.¹⁴⁸ Acknowledging and abandoning the Othering that pervades the Western media and the American social cognizance will enable us to approach the realities of gender inequality in the United States; it will reinvigorate the debate surrounding women's rights and provide us with the tools necessary to continue our progress in women's rights reform.

145. Again, I acknowledge the leaps and bounds of progress that the women's liberation movement has achieved in the United States, and I am very grateful for its work and dedication. But I argue that there is still work to be done.

146. Kapur, *supra* note 140, at 17.

147. See Mohanty, *supra* note 20.

148. See *generally* Kapur, *supra* note 140.