

GENDER INEQUALITY IN INDIA: SOME SOCIOLOGICAL ISSUES

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Abstract

From time immemorial gender inequality has been the measure problem concerning most of the countries of the world. In the west awareness programmes and various organizations raising the issue of rights of women change the attitude and ideology. Thus came various feminists is an ideology: Feminist Essentialism, Feminist Socialism and Feminist postmodernism. Present paper deals with various ideologies in general and the issues of gender inequality particular through different author's views.

Keywords: gender inequality, Liberal feminism, patriarchy, male dominance, Domestic violence.

Introduction

The ideology of subordination of women is linked to most of the religious in the world i.e. Hinduism, Islam and Christianity. It is pervasive and has invaded the world view and the ethos of almost the entire Indian society. There are, of course, some exceptions, which permit a greater measure of equality and freedom to women (Dube 1990:109).

It shows that gender inequality is there in the structures of Indian society. Further, it implies that unless there is a structural change in the society we cannot achieve equality.

Undoubtedly, several feminism ideologies are facing structural inequality. This will be clearer from the following discussion based on few feminist thinkers.

Approaches to gender inequality

Simone de Beauvoir was one of the first to lay the foundations for a feminist analysis of gender with the publication of her book *The Second Sex* (1949). Her famous assertion is that “one is not born, but rather becomes, a woman” emphasizes the social character of womanhood as different from biological femaleness. According to her, bodily differences between women and men may be “inescapable” but ‘In themselves they have no significance’ since they depend for their meaning on the ‘whole context ‘in which actual women and men live their lives

While Lamphere and Rosaldo (1974) suggest that the division between the public and the private or domestic world is the reason behind women subordination. Social life is divided into two distinctive spheres, the domestic sphere and the public sphere. The domestic sphere is defined as ‘institution and modes of activity that are organized immediately around one or more mothers and their children’ and women are usually associated with this sphere .on the other hand, public sphere is defined as ‘activities , institutions and forms of associations that link , rank, organise, or subsume particular mother child groups’. Religion, politics and economy consist of the public sphere and men are usually associated with this sphere.

Besides, she believes that it is not the biology itself which is responsible for women’s disadvantages but the interpretation given to women biology. It is the interpretation that confines them to rearing of child and the domestic sphere while men are associated with abstract authority and with the political life of a society as a whole. It is due to men’s involvement in abstract authority (religion) and politics that they are able to control the domestic unit which are central of women’s life. She believes that men’s involvement in the domestic sphere can bring about more equality in the society.

Ortner (1996) opines that the women are given inferior status all over the world. She proclaims that this “universal devaluation of women” is not because of biology itself but because of the way in which every culture defines and evaluates female biology. Every society considers culture is superior to nature and women are seen as closer to nature while men as colder to culture. Therefore, women are considered as inferior to men. She argues that this association of women with nature and men with culture is all constructed. Women’s physiology and reproductive function limit them to certain social functions and confine them to the domestic sphere, so women are usually considered closer to nature. While men lack “natural” creativity, so they have to show their creativity through culture. Culture tamed the natural therefore, culture is superior to nature. Moreover culture here refers to all the finer things in life like dance, music and hence is superior to nature likewise men are superior to women. She asserts that “in reality women are not any closer to, or further from nature than men.” This is all the social construction which defines and redefines social activities. She also pointed out that it is not like women remain passive all the time

There is also space for the women to react or act in ways that will be beneficial to them. In other words, though the structure is constraining, the agency nevertheless applies its own skill, intention, wit, etc to resist or negotiate the structure. “Human action is made by ‘structure’, and at the same time always makes and potentially unmakes it”. There is always a space for agency.

However, according to Mitchell neither male control over production nor their appropriation of the female experience of reproduction is solely responsible for the exploitation and subordination of women. Instead the social and economic structure that secure production and reproduction together must be seen as consisting of four levels-

production, reproduction, socialization and sexuality-each of which in distinctive way, bring about male dominance and ensure female submission: a) Production: refers to both sexual division of labour and the assignment of different types of productive work to men and women. She says that in capitalism women are employed in less paying jobs, which require less technological expertise and which are mostly service tasks like the secretaries, nurses, receptionists, etc. Besides, the education system boosts this economic system as women usually enrol for classes that equip them for little else but service functions. (b) Reproduction refers to child bearing and rearing and is usually seen as women's work. It is directly and indirectly related to production. (c) Socialization refers to the various ways in which women and the family raise and prepare the children to fit in with the demands of the world. It takes place not in isolation but in a dynamic relationship to the world outside for example production, religion, culture, community and custom. (d) Sexuality is usually included in reproduction. However, it has to be seen as a basic experience over which women have little control and of which they have only a restricted and habitual knowledge. But each level develops in ways that are not always similar.

Mitchell noted that women had to be liberated into production as well as from forced child rearing and sexually dissatisfying relationships. Each of these four levels not only has to be understood in themselves but they have to be seen in relation to production. This however, does not mean that the entry of women into production alone would free them like Engels thought but it means that economic liberation of women is important for her total liberation (Geetha, 2002:66-68).

On the other hand, Chodorow (1974) believes that the development of personality and adult sex roles are neither biologically determined nor are they simply taught. It is the nature of the social structure, especially the structure of mothering, and cultural beliefs and values that are internalized through the family and the child's early social object – relationship, which are located largely in the unconscious, that determine the development of the sexes. Therefore, sexual equality can be achieved by reorganization of parenting (1974:54).

Meillsoux (1991), on the other hand, argues that the reproductive functions of the women are the cause of their submission to men. Women are brought under subjugation to establish control over progeny. By using various myths, metaphors and legends the present social inferiority of women is explained and justified, they had their chance but they lost it. The proper attitude of women in relation to reproduction is that of passivity. Like the earth, she must receive the seed passively, and obediently nurture it in her bosom- for it not the earth which is compared to the women in this symbolism, but the woman who is invited to behave like the earth. He believed that when the emphasis is not on reproduction any more, sex differentiation fades away.

In addition to the views mentioned above, multiple scholars have identified patriarchy as the reason behind gender inequality; patriarchy has been used from various angles and some have even questioned the concept itself, nevertheless, it remains one of the most influential concepts for analysing gender inequality.

Patriarchy

Lerner (1986) outlines a theory of how women and men came to live under patriarchy. According to her, women's sexual and reproductive capacity was appropriated by men prior to the formation of private property and class society through abduction and sexual slavery. Property was owned by male and in order to pass it on to their heirs, they must be certain of the legitimacy of their heirs. They, therefore, needed greater control over women so as to have no doubt about the paternity of their offspring. The monogamous family provided the most efficient device for their purpose and thus, over a period of time patriarchy was established and institutionalized in society. Taking into account Levi-Strauss's explanation Lerner says that exchange of women among tribes and the shift from matriliney to patriliney was the cause of female subordination. In this process women were reified, dehumanized and were thought of more as things than as human. However women were not always passive victims. They, directly or covertly, did utilize their position or limited power to act; through they were less free as compared to men.

While Walby (1990) defined patriarchy as a system of social structures and practices, in which men dominate, oppress and exploit women. According to her patriarchy is very important for an analysis of gender inequality. She pointed out six patriarchal structures which restrict women and help to maintain male domination i.e. paid work, patriarchal relations within the household, patriarchal culture, sexuality, male violence towards women and the state. Each of six structures has some independence from the others but they can also influence one another either strengthening or weakening patriarchy in a different structure. Each of them is reproduced or changed by the actions of men and women, but at the same time the structure also limits the choices that humans especially

women can make. Patriarchy for Walby is not something which is fixed or unchanging. Rather its power as well as its form changes over time. She also pointed out that there are also division between women based on ethnicity and class and relations between males and females is not the only source of inequality.

Walby also pointed out that there has been a shift from private patriarchy in the nineteenth century to public health in the twentieth century. This shift from private to public patriarchy was in part a result of first wave feminism which took place in the midst of expanding capitalist economy and capitalists requiring a larger workforce. Private patriarchy refers to the man in his position as husband or father who is the direct oppressor and beneficiary, individually and directly, of the subordination of women. While public patriarchy is a form in which women have access to both public and private spheres, they are not barred from the public arenas but nonetheless subordinated within them.

While Chakravati (1993) argues that in the Indian context, patriarchy has to be situated in a relationship to other structures and within a historical context. According to her a marked feature of Hindu society is its legal sanction for extreme expression of social stratification in which women and the lower castes have been subjected to humiliating conditions of existence. There was a change in people's attitudes towards women with the gradual emergence of a hierarchal caste and property and its consolidation. Women's reproductive capacity and her sexuality which was held in awe and respect was now seen as wild energy that needed to be controlled and guarded especially from the lower through legitimate motherhood and ensure caste purity. This was done by coercion and consent. Coercion was exercised through her husband's king's and priest's commands while consent was obtained by making it a virtue

Nair (1996) noted that patriarchy is a much contested which is used in multiple ways from the simple understanding of patriarchy as the rule of the father to more complex notions of male power and rule. She used the term 'Patriarchy' to refer to the systematic arrangement of social, economic and political power in ways that benefit male members of society, and ensure the subordination of women. Patriarchal arrangements are universal and have existed through most periods of human history. The specific features of patriarchy have different across societies and through history. Hence, it is not a historical or monolithic and not immutable. Crucial to patriarchal arrangements are kinship system which decides the way women are related to the whole system of production and social reproduction within and outside the family in a particularly subordinate way.

On the other hand, Dube (1986: 22-49) shows how in many parts of India the process of biological reproduction is expressed by the metaphorical use of 'seed' and 'earth'. The seed symbolizes the father's contribution and the earth represents the part of the mother. Man thus provides the seed- the essence- for the creation of the offspring. The seed determines the kind: the child's identity is derived, thus, from the father and underplays the role of the mother in biological reproduction. Thus, the metaphor of 'seed' and 'earth' provides the rationalization for a system in which woman stands alienated from productive resources, has no control over her own labour power and is denied rights over her own offspring.

While Chowdhury (1997; 1019; 1028) shows how gender class, caste and state are linked in India, his study also gives an account of gender where control over the labour of women and sexually are necessary for the survival of a hierarchical peasant society. The control over women's sexually restricts the property at the hand of the men and upper caste. This

was done through caste endogamy and village exogamy and the price of violation of the rules is honour killing which is presently at its peak in North India.

From the above discussion it can be found that customs and traditions are often discriminatory in nature. Since laws for that matter evolve from customs and traditions, it is important to look into interpretations of the law itself from certain perspective. Therefore in order to throw more light in understanding of the law, it will be appropriate to deal with interpretations such as the feminist version interpreting the law.

Feminist perspective on law

Three very distinct perspectives in the literature on women and law in India have been identified by Kapur and Cossman (1996)

Protectionism: The relationship between women and law is seen as that of protection. Women are assumed to be 'naturally weaker' than men and so the law needs to protect them. Laws that treat women differently from men are accepted as a necessary part of this protection. It celebrates and naturalizes women's roles as wives and mothers and as an inevitable consequence of the biological differences between women and men. This approach is reflected in judicial approaches to the question of the relevance of gender difference. Any differential treatment in law and in effect is justified on the basis of women's 'natural' differences from men and prevents any entitlements to equality. It does not question the way in which law treats women, nor does it consider women's subordinate status. It is strongly situated within patriarchal discourses. The assumption of women as 'naturally' weak, different and in need of law's protection are never questioned instead they are taken for granted (Ibid: 23)

Equality: This is the most common approach in the literature on women and law in India. This approach views the relationship between women and law as one of promoting equality. This approach implicitly assumed that law can play an important role in promoting women's equality by removing the legal obstacles on the path of women's full and equal participation. The liberal feminism comes under this approach. It assumed the positive role of the law instead of questioning it. Moreover scant attention is given to the underlying structure of oppression in this approach.

According to this approach women and men should be treated as the same, difference in gender should be irrelevant in law. Legislation, that discrimination on its face between women and men must be made gender neutral. It challenged the assumptions of the protective approach that women are 'naturally' different and assumption of the relevance of difference has to be challenged and the starting assumptions should be one of equality and not difference (Ibid:24-27)

Some literature through recognizes that law alone will not be able to bring about full and equal participation of women in society but there is little doubt on the positive contribution of law in this regard. There is no consideration that law may operate in ways that may go against women's equality. It implicitly believed that women's equality can be materialized by removing laws that are discriminatory. That laws if enforced properly will bring about equality.

Kapur and Cossman argue that many laws have been passed to eliminate women's socio-economic inequality but it still persists. The institutional capacity of the legal system in India must be questioned and the role that law plays in women's subordination must be taken into consideration. No doubt, doing away with discrimination and improving

enforcement are significant reforms. But, this may lead to further disillusionment with the legal system if deeper understanding of the role of law in women's subordination is lacking (Ibid: 27).

Patriarchy: The approach is the one in which law is seen as an instrument of patriarchal oppression. Lina Gonsalves's (1993) work fall under this approach. It loosely corresponds to radical feminist perspective on law. Radical feminists considered law to be based on male norms, male experience and male domination. It is significant in revealing the importance of the legal regulation of sexuality and of violence in the oppression of women. However, it has s been criticized for its understanding of patriarchy as historical and universalities, for it s construction of women only as victim, rather than as agents of resistance and change and also for its focus on gender oppression to the exclusion of other forms of oppression and leaving out family, economy, etc as sites of women's oppression t o monolithic and highly general explanation. Kapur and Cossman pointed out that it is not sufficient to simply assert that law is patriarchal, or that the law makers are sexist. Law as an Instrument of patriarchy reveals very little about the exact functioning of law and even less about if and how women can use law (Ibid: 29-30).

The dichotomous views of law as either an instrument of social change or an instrument of patriarchal oppression – fail to adequately capture the complex and d contradictory nature of law. However, more recent scholarships like social feminism and post-structuralism feminism do reveal the complex and contradictory ways in which the law function. For example Flavis Agnes' work has been an important contribution to the development of a more complex and nuanced analysis of feminist engagement with law.

Her work goes beyond the dichotomy of the law as mere instrument of social change, or an instrument of patriarchy. It has brought attention to the issue of religious and communal differences among women (Ibid: 31:38).

Law in recent works is posited as neither a simple instrument of social engineering, nor of oppression but rather, as a complex and contradictory force. This new scholarship interrogates the assumptions about gender and the nature of women's oppression that characterized earlier work. IT also explore the diversity of oppression that women experience, across class, religion, ethnicity and culture is also the way in which the law has been implicated in that oppression. Thus, Kapur and Cossman (1996) pointed out that the relationship of law to women's oppression is not always the same; it does not always function in the same way, nor does it always produce consistent results. Law reinforces relations of subordination, at the same time it provides an important source of resistance and change. They pointed the law as a discourse is helpful in this regard. Both of them suggested an alternative approach, a Substantive approach, which does not simply focus on equal treatment under the law but on the actual impact of law. It used the insights of both social feminism and post stucturalist feminism (Ibid: 38-43).

While Menon (2004) argue that law neither has capacity to pursue justice nor can justice be conceived of in a universal sense as suggested by the term 'social justice'. Flexibility of legal discourse is not the reason why it fails to be just'. On the contrary, law functions by assuming certainty and exactitude, through the certain of uniform categories out of multiplicity of identities and meaning. Indeed, appeals to the law are made on the assumptions that rights are self evident and universally applicable. However, an

examination of rights claims invariably reveals them to assume a shared universe. In other words, while the law demands exactitude and universally applicable principle, rights, which are used to enter the arena of law, are constituted differently, by different discourses (Ibid.2)

For Roman jurists rights, law and justice were inseparable, and the law was considered to be expression of the community's conception of justice. Moreover, rights were derived from customs traditions as well as from law, and all sources of rights have equal validity. From seventeenth century rights was seen as inhering individuals, rather than in groups communities. This individual was declared from his social context and conceived of as constituted by the limits of his body and the individual as the bearer of rights was also male. The source of rights shifted to civil law, with customs, traditions and usages being gradually marginalized. Thus, the idea of individuals as bearers of rights in their own capacities is barely four years old (Ibid: 16)

Menon (2004) further pointed out that in India, the understanding of 'law' was fundamentally changed with the British conquest and legally was replaced by authority. The judge fixed interpretation once and for all, and further development of the law could be take place only through cases. Once a custom was indented, it was fixed and codified. All other forms of dispensing justice were seen as inferior there on. Modern legal system are marked by a quest for ... certainty, consistency and uniformity which is in contrast to pre colonial indigenous justice dispensing institutions and the universal use of 'law 'to refer to all forms of 'prescriptions, prohibitions, punishments' would blur this crucial distinction(Ibid:274). There is a distinct lack of identification between the value of justice

and the force of law which must tend towards eradicating multiplicity. Law reform and the notion of legal equality itself have worked against d feminist interests.

She further says that in post- colonial societies, law, a product of the exigencies of colonial administration, cannot be assumed to have the same emancipator force it might have had in Europe during the transition from feudalism to capitalism. It is not to say that we abandon legal strategies altogether,'.... in deconstructing legal discourse, we would not be abandoning the terrain of law altogether. Rather , by making visible what have been repressed by emancipator discourses of the bourgeois' democratic revolution , we can recognize the extent to which engagement with the law continues to be inevitable and sometimes fruitful, also in what ways, such an engagement can run counter to our emancipator vision.

It needs to be mentioned that India has a dual law structure. In all personal matter (relating to the persons) marriage, divorce, maintenance, succession to property, inheritance, custody, guardianship or adoption of children etc... Indians are governed by their respective personal law and customary laws. While a uniform law prevails in all other matters.

Conclusion

In this manner it is clear that law is an important component in implementing gender equality. In most of the customary laws gender equality was not much there. The only exception is tribal customary laws. The tribal customary laws provided a better status to women then the non tribal society. Today in Indian society mostly liberal feminism has been implemented structurally. It means women have been given lot of opportunity in education and employment. On the other hand, they are gradually becoming the part and

parcel of the political process. Out of 33 percent reservation in the Legislators is yet to be done. There is a strong expectation from the civil society, government and the common man who achieve the goal of gender equality- only campaign mode is not sufficient we must come in the action mode.

References

Chakravarti, Uma.2002 .*Gendering Caste: Through a Feminist Lens*. Kolkata: Stree Publications

Chodorow, Nancy J. 1989. Feminism and Psychoanalytic Theory. Yale: Yale University Press.

Chowdhry, Prem .1997. " Enforcing cultural codes: gender and violence in Northern India", *Economic and Political Weekly*. 32 (19): 1019–1028.

Dube, Leela, Eleanor Leacock and Shirley Ardener (Eds.).1986. *Visibility And Power: Essays On Women In Society And Development* . Delhi : Oxford University Press.

Dube, S.C. 1990. *Indian Society*. New Delhi: National Book Trust.

De Beauvoir, Simone.1953. *The Second Sex*. New York: Alfred A. Knopf.

Gonsalves, Lina.2001. *Women and Human Rights*. New Delhi: APH Publishing.

Geetha,V . 2002. Gender (Theorizing Feminism). Calcutta: Bhatkal & Sen. .

Kapur, R and Brenda Cossman. 1996. *Subversive sites: Feminist Engagements with Law in India*. Thousand Oaks, California: Sage

Lamphere, Louise and Michelle Zimbalist Rosaldo ,(Eds.). 1974. Women, Culture, and Society.

Stanford University Press. Stanford, California.

Lerner, Gerda. 1986. *The Creation of Patriarchy*. New York: Oxford University Press.

Meillassoux, Claude.1991 (1986).*The Anthropology of Slavery: The Womb of Iron and Gold*. Chicago: University of Chicago Press.

Menon, N.2004.*Recovering Subversion: Feminist Politics beyond the Law*. Urbana and Chicago:

Nair, Janaki. 1996. *Women and law in colonial India*. New Delhi: Kali for Women in collaboration with the National Law School of India University.

Walby, Sylvia (1990). *Theorizing Patriarchy*. Oxford, UK Cambridge, Massachusetts: Wiley-Blackwell.