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Gender Discourse: A Study of Women from Ancient to Modern Era

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ABSTRACT

Feminism is a movement that seeks to promote equality between men and women. Feminism has many different ideas and theories. Feminist analyses are thought-provoking and essential for social welfare. Birth marks the start of a convoluted labelling process and gender discourse, with first-wave feminism placing a strong emphasis on women's equality and independence while the second-wave of feminism concentrated on female oppression and battled for their liberation. Socialist feminism brought the gender dimensions of the welfare state into the open, enabling women to empower themselves and change the status quo. In order to empower women and change the status quo, feminism insists on breaking new territory. Womanism strengthened the self-identity and self-respect of women. The cultural roots of women's exploitation and discrimination were examined by literary and cultural feminists. Caste, religion, and ethnicity have all had an impact on India's changing status of women over time. Feminism started during colonial period by male reformers in nineteenth-century India. Patriarchal system in India was so firmly rooted that it was only men who could decide that it was time for change. The British were responsible in sparking this change.

I. INTRODUCTION

'Gender' is one of the busiest, most restless terms in English language. Gender has to do not with how females and males really are, but with the way that a given culture or subculture sees them and therefore the primary issue is to examine how they are 'culturally constructed'. Gender is not a natural process that emanates from the body; it is a socially structuring activity. Social division is based on gender. Gender refers to the cultural categories of femininity/masculinity based upon the biological division. We can also identify a person's gender identity and gender role. Gender identity refers to a person's self-concept: that is, one's own sense of whether one is female or male. By contrast, gender-role refers to a role that society expects according to one's gender; it thus involves the acceptance that particular kinds of behaviour (feminine versus masculine) are appropriate for each gender.

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Sex is about anatomical difference but when it becomes culturally intelligible, it becomes gender. Gender is also an inscription of the past. "Many people regard this opposition as 'natural', a word which can be used to mean 'biological', or 'God given', or 'morally correct', or all three. Yet the research published in sociology, social anthropology, literature and psychology suggests that most of the things we associate with being male or female are cultural: that is, they are socially determined, and highly changeable throughout history and across the world."³ The gender discourse starts at the time of birth and a complex process of labelling begins. The first process is naming a child. The names given to children tell us quite a lot about them, including fixing them into a context by region, religion and ethnic group. Then children's dressing (tracksuit for boys and frilly frocks for girl), the colour of their dress (pink for girls and blue for boys), manners (boys aggressive while girls fragile) and many more traits are attributed to the children. The woman's speech is hesitant and less definite than man's.

The social construction of gender takes place through the working of ideology. According to Althusser, ideology is that system of beliefs and assumptions -unconscious, unexamined, invisible-which represents: "the imaginary relationships of individuals to their real conditions of existence."⁴

Feminism is a global and revolutionary ideology. This ideology is political because it is concerned with the issues related to power and its operations in all spheres of human engagement including family. In the words of Gayle Greene and Coppelia Kahn:"feminist scholarship undertakes a dual task of deconstructing predominantly male-cultural paradigms and reconstructing a female perspective and experience in an effort to change the tradition that has silenced and marginalized us." ⁵ Feminism as a concept has originated in the West; its universal significance and relevance remains intact nonetheless. The vast scope of feminism has provided women writers across the world with the vocabulary and framework to articulate their experiences of female oppression and female longings.

Feminism is relatively a recent word first coined in France in the 1880s as feminism. It spread through European countries in the 1890s and to North and South America by 1910s. The term combines the French word for woman, femme, and —is me, which refers to a social movement or political ideology. Estelle. B. Freedman defines feminism as a belief that: "Women and men are inherently of equal worth. Because most societies privilege men as a group, social movements are necessary to achieve equality between women and men, with the understanding

³ Sara Delmont, *The Sociology of Women: An Introduction*, p. 15

⁴ Louis Althusser, 'Ideology and State Apparatuses'. P. 17

⁵ *Making Difference*, ed by Gayle Greene and Coppelia Kahn, p. 1

that gender always intersects with other social hierarchies.⁶ Sexuality is an important area of preoccupation among modern feminists. According to Jeffery Weeks, " 'sexuality' is an historical construction which brings together a host of different biological and mental possibilities, gender identity, bodily differences, reproductive capacities, needs, desires and fantasies which need not be linked together."⁷

Gender is constructed in patriarchy. Patriarchy - institutionalized male supremacy - probably arose in Mesopotamia in the fourth millennium BC and gradually spread all over the world. Two influential theories of the emergence of the patriarchy help explain this process. It appeared in an 1884 essay, *On the Origin of the Family and Private Property and the State*, by Friedrich Engels. Engels argued that the subjugation of women began only when economic surpluses accumulated; thus private property, which leads to class hierarchy and the formation of the states, is the source of women's oppression. When individual families replaced larger clan and communal living groups, women lost their reciprocal roles. In short, Engels argues that private property was the source of "the world historical defeat of the female sex."⁸

The power relations existing between the two partners in a marriage determine the supremacy of one partner over another. Although the book *Elementary Structure of Kinship* (1969), a monumental work by Claude Levi-Strauss is not a critique of the sex gender system, feminists are interested in his analysis of the dichotomy between nature and culture. In his analysis of kinship, Levi-Strauss proposes that social order is always based on kinship system. Marriage is to create social link between two groups which gives rise to social organization. Women are the gifts which men exchange with each other. Women are gifts not givers; they have no significant power over the system, which is controlled by men and works to their benefit. In words of Gayle Rubin, a sociologist, "kinship systems do not merely exchange women. They exchange sexual access, genealogical statuses, lineage, names and ancestors, rights and people, men, women, and children- in concrete system of social relationships."⁹

I think Feminists question the traditional separation of the society into the 'private' and 'public' spheres with its relegation of the women to the family, to a domestic realm which is conceived as a refuge from the world of work and competition of men in market-place and empire. Feminists demonstrate that the 'private' and 'public' are interdependent — that the 'personal is political'. Another influential theory of sex-gender system builds on an opposition between

⁶ Estelle E. Freedman, *No Turning Back: The History of Feminism and the Future of Women*, p. 7

⁷ Jeffery Weeks, *Sexuality*. P. 15

⁸ Friedrich Engels, *The Origin of the Family, Private Property, and the State*, p. 50

⁹ Quoted in "The Traffic in Women: Notes on the 'Political Economy' of Sex", p. 544

nature and culture. Sherry. B. Ortner propounds, "The secondary status of woman in society is one of the true universals, a pan-cultural fact."¹⁰

II. FEMINISM IN INDIA

In view of the fact that Anand, Narayan and Rao belonged to India and also wrote about Indian scenes and sensibilities, it is necessary that the study of the position of women in the Indian context be undertaken. It also becomes imperative to assess the dimensions of the socio-cultural milieu their female characters spring from.

The status of women in India has varied in different historical periods and has also been subject to differentiations according to caste, religion and ethnicity. The general situation however, was one of suppression and domination within the bounds of a patriarchal system. Whether the woman in question belonged to a peasant family working in the field or belonged to upper caste family living a life of leisure, she was a victim of a set of values that demanded implicit obedience to male domination, and of many other social practices that circumscribed her life. However, in ancient India women enjoyed considerable freedom and privileges in the spheres of family, religion and public life. The position of women was fairly satisfactory in the Vedic age. Vedic age was the golden period of Indian womanhood. "During the early Vedic period women in India enjoyed almost an equal status with men in different spheres of life."¹¹ In the pre-Aryan society according to D.D.Kosambi, agriculture was the monopoly of women. Woman was the first potter and weaver.¹²

Girls were no doubt less welcome than boys but they were treated compassionately and they had their shares in the family and public life. Girls were educated like boys and they had to pass through a period of 'Brahmacharya'. Radha Kumud Mookerjee opines that: "Nile Rigveda shows abundant evidence pointing to the fact that women were fully the equals of men as regards access to and capacity for the highest knowledge, even the knowledge of the absolute Brahma."¹³ Women philosophers were called Brahnavadini (i.e. learned women). Gargi, Vachaknavi and Maitreyi were well known philosophers of the Vedic period.¹⁴ During the period of Brahamanas and Upanishads a perceptible change in the condition of women occurred. There was gradual decline in the female education as the period advanced. Their movement was curbed and tendency to curtail women's religious rights arose. Still, in Panini's

¹⁰ Sherry. B. Ortner, "Is Female to Male as Nature is to Culture", P. 67-68

¹¹ K. M. Kapadia, Marriage and Family in India, Introduction

¹² D. D. Kosambi, The Culture and Civilizations of Ancient India in Historical Outline, p. 15

¹³ Tara Ali Beig, 'Women in Ancient India', In Women of India, p.1

¹⁴G. S. Ghurye, Vedic India, P. 289

grammar (500 B.C) several passages show that women had other careers open to them apart from a mere literary one.¹⁵

III. PROTECTION TO WOMEN UNDER THE NATIONAL LEGAL FRAME WORK

(A) Constitution of India

Our constitution makers were alive to the social problems associated with the emancipation of women. They had seen prevailing gender inequality during their time and had visualized that sex-equality was crucial for the development of the country.¹⁴

a. Preamble

The preamble of the Indian Constitution contains various goals including “the quality of status and opportunity” to all citizens. It has been the basis for much legislation like modern Hindu laws which aim at giving equal status and rights to the women.¹⁵

Preamble is the key of the constitution. It does not discriminate men and women but it treats them alike. In India, the history of suppression of women is very old and long which is responsible for including general and special provisions for upliftment and development of the status of women.¹⁶

b. Fundamental Rights

Part III, consisting articles 12 to 35, related to fundamental rights, is the “heart” of the constitution. The fundamental rights are regarded as fundamental because they are most essential for attainment by the individual or his full intellectual, moral and spiritual status.¹⁷ Justice P.N. Bhagwati, These Fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of individual and create conditions in which every human being can develop his personality to the fullest extent.”¹⁸ The constitution of India provides some rights in protection of women, article 14 to 16 deals with Right to equality, Recommends the State to make certain special arrangements in order to provide protection to women and children and to promote their welfare [Article -15(3)] article 23 deals with right against exploitation, article 38, 39, 42, and 44 shows the directive principle and article 51A deals with fundamental duties.¹⁶

¹⁵ Ibid

¹⁴ Rashmi Sharma, *Women law and Judicial System*, REGAL Publication, New Dehli, 2009, p.1.

¹⁵ G.B.Reddy's, *Women and Law*, Gogia Law Agency, Hydrabad, 2007, p.2.

¹⁶ S.C. Tripathi and Vibha Arora, *Law Relating to Women and Children*, Central Law Publication, Allahabad, 2008, p.5

¹⁷ S.R. Myneni, *Women and Law*, Asia Law House, Hydrabad, 2005, p.15.

¹⁸ Maneka Gandhi V. Union of India, AIR 1978 SC 597.

¹⁶ Rashmi Sharma, *Women law and Judicial System*, REGAL Publication, New Dehli, 2009, p.1.

c. Right against exploitation

Article 23 of the constitution specifically prohibits traffic in human beings includes “Devadasi system.”¹⁷ On the strength of article 23(1) of the constitution, the legislature has passed the Suppression of immoral traffic Act, 1956 (now renamed as the immoral traffic prevention Act 1956) which aims at abolishing the practice of prostitution and other forms of trafficking.¹⁸

d. Directive Principles and Women

Equal pay for Equal work: It is not a constitutionally proclaimed fundamental right. By combined interpretation of Arts.14 and 39 (d) and also the Preamble of the Constitution the Supreme Court held that the principle of equal pay for equal work is deducible from above constitutional provisions and is applicable in cases of unequal payment though the work is identical. Article 39 envisages that the State shall, direct its policy towards securing men and women equally the right to adequate means of livelihood, equal pay for equal work for both men and women and the health and strength of male or female workers is not abused and they are not forced by economic necessity to enter avocations unsuited to their age and strength. Article 39-A: Equal Justice and free legal aid: The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Article 41 provides for right to work, to education and to public assistance in certain cases. Article 42 directs that the State shall make provision for securing just and humane conditions of work and maternity relief.

(B) Indian penal code

In India Penal Code two new sections are added viz., S.304-B which presumes if the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of marriage and if it is shown that soon before her death she was subjected to cruelty or harassment by her husband or the relatives of the husband for or in connection with any demand for dowry, such death shall be called dowry death and such husband or relative shall be deemed to have caused her death. Sub-section (2) of the same section envisages that whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

(C) The Protection of Human Rights Act 1993

¹⁷ Vishal jeet V. union of india, AIR 1990 SC 1412.

¹⁸ G.B. Reddy's, *Women and Law*, Gogia Law Agency,2007, p.6.

The act¹⁹ defines human rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international covenant and enforceable by courts in India.²⁰ An Act to provide for the constitution of a National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto. The commission in its annual report stated that it received 27 cases related to the indignity of women, although in the same year no case of custodial rape was reported to the commission.²¹

The position of the women worsened further during the medieval period. With the advent of the foreigners, veil system came into existence. Emphasis on chastity increased and it was expected that they should remain chaste not only in her conduct but also in her thoughts. Feminism started during colonial period by male reformers in nineteenth-century India. Patriarchal system in India was so firmly rooted that it was only men who could decide that it was time for change. The British were responsible in sparking this change. Indian traditions were dismissed contemptuously as 'effeminate' by the British. For reformers, change was essential but not through reliance on Western guidance.

¹⁹ The Protection of Human Rights Act , 1993.

²⁰ Devinder Singh, Human Rights Women and Law, Allahabad Law Agency,2005, p.61.

²¹ Human Rights Commission Report, 1998-99, p.126.

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