

Marriage as an Equal Social Contract between partners in the Family: The Biggest ‘Myth’ of Our Society.

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Abstract:

Background of the Research

Since time immemorial men have been accepted as the superior, dominant and powerful section as compared to women being tagged as inferior, non-dominant and oppressed section. The so-called term ‘femininity’ is always kept in a disadvantageous position as opposed to ‘masculinity’ occupying the dominant place for discussion in every patriarchal society. The feminist thinkers are of the view that women often appear to be the victims of social norms, domestic and social violence, social injustice, etc. because of their sex. Notably in a study it was found that the actual identity of an American woman either White or Black is equated with the notion of inferiority and she is reduced to the bottom position unless she shares bed with the top (the man). Again in India the ancient scriptures, monuments, idols, etc. have reflected women as the symbol of ‘Shakti’, ‘Durga’, ‘Devi’, ‘Lakshmi’, ‘Kali’, etc. but in actual world particularly in India the case is something different. If women would have been seen from a respectful eye and were accorded the higher status then there would have been no more brutalities, gendered-related violence, rapes, human trafficking, domestic violence, etc. against women. It is important to note that in a recent poll by Thomas Reuters Foundation, India as regard to women’s safety occupied the rank of least safe country in the world because of its worst records of sexual violence like rape, sexual harassment and other forms of violence being inflicted against women. This reveals that how our society is encouraging gender discrimination against women. Gender discrimination has been a universal phenomenon since the functioning of human society. This can again be witnessed through the preference of a boy child more than that of a girl child by expecting parents and their family in every patriarchal society. There is no place for doubts to reveal that the inferiority complex attached to the identity of women itself operates in the family (the most dominant social institution of the patriarchal structure of our society) which in return justifying the evils of unequal marriage system. Notably the first threat to the self identity of a woman after her marriage can be revealed by the change of her sir name. However, very few economically independent married women have been able to preserve their identity without changing their sir names. But those employed women too are left with the responsibility of managing the domestic works along with their career. However, in many cases women after marriage are found to be economically, socially and politically deprived which make them helpless to take stand for themselves, to preserve their self identity as an independent social being thereby making their condition more vulnerable. After marriage women are being forced either to keep their presence outside of the public sphere or being manipulated to come out of the public sphere. By this men try to play the role of breadwinners, decision makers, professionals or industrialists thereby reducing the role of women only to home makers, mothers, wives, care takers, etc. It is important to point out that the institution of marriage has been playing an immense role in shaping gender related stereotypes in the family of which women appear to be the main victims. Sexual division of labour in the family is the result of the social construction that tends to attach the picture of domestic bliss only to the women section. In this regard mention needs to be made about radical feminists like Kate Millet who in ‘Sexual Politics’ argued that men have been exercising domination over women through social authority and economic force. Again it is to be noted that men both in private sphere (household) as well as in public sphere have been exercising domination over the female section. Men along with exercising domination over the women in workplace are also found exercising control and domination (in the form of emotional and physical oppression) over their women/wives within the family. Men are trying to control, dominate and oppress their women/wives either by sexually abusing them or confining them within the domestic sphere. It is the patriarchal society in general and the family and its patriarchal structure of marriage system in particular that have been perpetuating violence, discrimination and injustice towards women. In a democratic country like India both men and women should be ensured equal rights of self-determination, right to life, liberty and property but these rights of a woman automatically get vanished once she is married. A woman by dint of her marriage is identified by the social and economic status of her husband thereby ruining her own self identity. Now the most important questions that arise here as regard to the identity of married women are-‘Do woman and man as wife and husband are treated as equal marriage partners?’, ‘Does a woman possess equal rights to make decision for herself after being married as per with her husband?’, ‘Does a woman need to surrender her self-identity as an independent being for marriage?’ and so on.

This paper will try to analyse the conditions of women as regard to the gender role played by men and women as married couples in relation to women’s right to preserve their self-identity.

Methodologies

While preparing this paper different source of secondary data like books, articles, journals and the internet have been used. Further feminist approach has been adopted while analysing the condition of women in the marriage system.

Keywords: Inequality, Injustice, Mental Trauma, Patriarchy, Oppression, Sexual Division of Labour.

Introduction: Equal Rights in Marriage: A Myth

Women according to John Stuart Mill (a liberal feminist) are equal to that of men in respect of their talents and capabilities and therefore be treated as equal beings. Notably for Mill more equal relationship between wife and husband as marriage partners would result in the amelioration of life for both of them. However, the system of marriage in ensuring equal rights to both men and women as equal marriage companions particularly in Indian patriarchal society is somewhat contradictory to Mill's urge for equal rights between husband and wife. For the feminists family and its marriage system as a patriarchal institution is primarily based on the evils of sexual inequality and oppression. 'Male dominance' or 'male supremacy' is in fact the result of the gender role being played by husbands/fathers in the family as breadwinners that in return try to justify women as inferior sex playing the role of only mothers, wives and so on. Even the soap operas (fictional television form) have always reduced the role of women to lovers, mothers, wives and other emotional figures passing through a stage of emotional mental trauma. The women are depicted to be concerned only about their physical appearance and busy in the household chores like cooking to please their husbands and families. This reveals that the pattern of male domination and female subordination characterising society at large is the mirror of power structures operating within domestic life i.e. the family. For the radical feminists the different roles of men and women as husbands and wives in the family have their roots in the process of socialization that made boys and girls from an early age to conform to specific gender identities. This is the reflection of the role being played by family in shaping gender identities affecting the gender based role of husband and wife thereof. This made male to exercise their domination both in public and private sphere by confining women only to domestic sphere.

Again according to the radical feminists society and its institutions like family and marriage system are patriarchal in nature as far as the evil of sexual oppression against women is considered. For them men are considered as oppressive 'sex-class' having the qualities of being aggressive, dominating, and destructive thereby making women as the 'universal victim'. Susan Brownmiller in 'Against Our Will' (1975) argued that men tend to dominate women by means of physical and sexual abuse. In this regard the oppressive nature of patriarchal institution like family and its marriage system against women come to the forefront. Women very often by dint of her marriage appear to the victim of sexual abuse within her family itself. Here mention needs to be made about marital rape (unwilling sexual contact between husband and wife) inflicted against a woman by her husband without her consent. Notably India is among the 36 countries that still have not identified marital rape as a crime against women. Though in a recent landmark judgement, the Supreme Court of India has criminalised marital rape inflicted against a wife between 15 to 18 years of age. But this judgement appears to illogical because a woman according to the '1978 amendment of the Sharda Act of 1929' is entitled not to marry unless she is 18 years of age. In this regard it is important to note the questions like how a woman between 15 to 18 years of age would become the victim of marital rape if she can't enter into marriage below 18 years?. Again what about the rights of women who are 18 or above 18 years of age happening to be the victim of marital rape? This reflects the biased role of Supreme Court playing the game of cards by making biased judgement in favour of the male section particularly the husbands. The Supreme Court though tried to reflect itself as the saviour of women's rights in marriage system through its judgement but in reality it was just protecting the rights of a man to rape his wife without her will. Here the Supreme Court also created its image as a part of a patriarchal structure. Notably for Susan Brownmiller men have created an 'ideology of rape' as a means of intimidation in order to keep women in a state of fear. For Susan this is the result of the idea that men have the 'biological capacity to rape'.

Again some of the important legislations as respect to the protection of women in India are enacted from time to time yet the condition of a married woman in her home of in-laws still appears to be vulnerable. The legislations like Dowry Prohibition Act, 1961; the Commission of Sati (Prevention) Act, 1987; Protection of Women from Domestic Violence Act, 2005; Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (enactment to prevent female foeticide), etc. were enacted in favour of women yet they have been experiencing pains and miseries as a non-dominant, oppressive, weaker section at the hands of their husbands. Here it is important to highlight that the East India Company already had passed the Bengal Sati Regulation in 1829 which made sati illegal in all jurisdictions of India and subject to prosecution. But even after 58 years of Bengal Sati Regulation of 1829 the evil act of sati was again inflicted against Rajput women of Deorala, Rajasthan in 1987. Though this incident led to the enactment of the Commission of Sati (Prevention) Act in 1987 still this act received a huge support both from rural India and from national capital of Delhi. Even media that was expected to stand in favour of women's right to life and against women's domestic violence was busy in portraying sati Roopkunwar as 'Rajput Heroine'. This reveals that inspite of various laws, regulations and legislations enacted in favour of women yet they appeared to be the victims of domestic violence, mental trauma, sexual assault, etc. within the family. For Kate Millet (a radical feminist) patriarchy needs to be challenged by a process of 'consciousness-raising' (an idea developed by the Black Power movement of the 1960s and early 1970s). Therefore it can be held that marital relationship between husband and wife that is expected to be based on

unconditional love, justice, equal rights to fulfil one's desires, equal respect for each other, equal rights to life and liberty for both, etc. is in fact making the women the victims of oppression.

Self-Identity of Married Women: An Analysis from the Perspective of Gender Role of Husband and Wife in the Family

Women in all societies both developed and underdeveloped are found to be physically and mentally oppressed in various manners. Men always have been playing the pioneering role in oppressing women. Female oppression is functioning at various stages and in many ways originates in the family itself. Women in fact are forced to accept in every patriarchal structure particularly in the family that they are intellectually and educationally inferior to men and therefore they do not acquire the quality of leadership in society. This mentality has been deep rooted in our society whose main agent is the family itself and so any desire or attempt by the female section to empower themselves is destroyed by the stereotypical patriarchal ideology. This reveals that injustice and suppression have become the main agenda of patriarchal society against women. Notably family as remarked by radical feminists like Kate Millet is the main institution where domination of men over women takes place. For them female oppression can be considered as 'the politics of everyday life' that includes the process of distribution of household chores or domestic responsibilities, the process of conditioning in the family and the politics of sexual and personal conduct. Very often biological differences are defended in favour of domination of wives/women by their male members of the family. For Millet since childhood girls and boys in the family particularly are indoctrinated in accordance with the idea that girls are inferior to boys due to physical differences between them which though is the result of social construction but is defined as the outcome of natural attributes. Because of these natural differences an ideology has been created by the patriarchal structure that women and men have specific role to play in the society. Based on sex both men and women are expected to play their specific gender role. This stereotyped ideology interestingly survived till now which is quite visible through the specific role played by husband and wife in the family based on their gender.

For the feminists sexual inequality in the family and between husband and wife has been preserved because of the sexual division of labour. For Mary Wollstonecraft sexual division is arbitrary and is the product of patriarchal society. Notably this sexual division of labour operates in relation to public and private divide i.e. the separation of workplace from home. The terms 'men's work' and 'women's work' are often used in relation to sexual division of labour which is clearly evident through the relation between married couples. The patriarchal society is structured in such a way that women/wives are allowed to play their role only in domestic sphere (the private sphere) and men/husbands being considered as superior and dominant race are deemed to occupy the public sphere. However, along with controlling the public sphere husbands in private sphere (entitled to women) also appear to be oppressing and dominating their wives in various forms mainly by making the body of the women restricted by four walls of the house. Men are considered as breadwinners, bringing home the bacon and women as wives and mothers engaging in household chores and childcare. Even many evolutionary arguments revolve around the idea of considering men as the hunter and women as the gatherer. Domestic works like cooking, laundering, and childcare are seen as the duty to be performed predominantly by the women/wives while men/husbands are to control the economic and production sector. Again women are expected to take the responsibility of childbirth based on their sex.

Under patriarchal structure the benefits of division of labour is enjoyed by the men keeping the women economically, politically and socially oppressed. According to the most of the cross-cultural surveys of gender difference in labour it has been found that in industrialized countries domestic works are considered as the responsibility of the women: employed women are bound to do more than 70% of household works while unemployed women had the responsibility of doing more than 80% of household works. Again the ideology of patriarchy has influenced the thoughts of the people that male tends to appear dominating in household hierarchies as respect to decision making, control of women's work and motherhood thereby reducing women to lower status and denying them of equal power and prestige in the family. Notably sexual division of labour is recognised as the main cause of marriage and of social organization. Marriage that is expected to flourish the idea of equal marital partnership, love and intimacy between marriage partners is however making the wife the victim of economic, political and social exploitation. Women after marriage are often made to surrender their self-identity as an independent being without having the right to decide for themselves outside the control of their husbands and remain helpless with the identity of being known as the wives/mothers. Neither are they allowed to empower themselves in public sphere nor they possess power of decision making in the domestic sphere. Betty Friedan in 'The Feminine Mystique' argued about the unhappiness and frustration many women experienced due to their confinement to the role of housewife and mother. Marriage as a patriarchal institution has been regulating sex, reproduction and family life. Notably women from the poorest households appear to be most neglected but if given the opportunity would have become the valuable contributors to the economic development of the country. The Marxist feminists are of the view that women confined in the domestic sphere are nothing less than the unpaid workers.

Notably for men entering into marital relationship wouldn't make him to be engaged in household works and child rearing functions but for women entering into marriage just symbolise their role as domestic slaves. It is to be noted that despite women's participation as paid workers in public sphere still they are bound to manage the private sphere single handedly without their husbands' help. Marriage does not result in the loss of individuality of men but in case of women it is just the

opposite. The way of life and the personality of woman get changed once she enters into marriage. A woman is expected to be a new person so as to get approved and accepted by new family. Even her way of talking and laughing is subjected to intense scrutiny. Man not only shapes the identity of his wife in family, in society but also tend to shape the personality and behaviour of his wife by deciding his wife's way of talking, walking, and dressing. This domination of men over the life of the women/wives is also encouraged by the idea that how girls since childhood are labelled as 'paraya dhan' (property of someone else). This proves that woman in her paternal home itself is objectified as the property of her future husband who has the legal and social right over her body and life. After marriage woman's rights, independence and even identity is snatched away by the will of her husband who appears to be her legal guardian in all aspects. This idea has in return helped the male section to confine the women section in the domestic realm.

It is to be noted that even Aristotle (Father of political science) attached lower status to women. For Aristotle the rightful place of woman is her house for which she is suited because of the special abilities she possesses as a mother, wife, and householder, giving birth and educating the young. For him the world is structured hierarchically where the superior rule over the inferior, the strong over the weak and the soul over the body. In this connection he considered man to be superior and stronger ruling over the woman- 'a weak and defective, incomplete man'. He defined woman as an 'infertile male'. For him male is male because of his ability which a woman lacks. For him men are active partners while women are passive as they are required to fulfil the need of sexual reproduction. In this line Aristotle considered that both husband and wife as marriage partners though are interdependent on each other but are not equal. In marriage, the husband appears to be dominant by virtue of his superiority controlling and ruling over the mind and body of his wife. For him in marital relationship husband is naturally gifted with the ability to command his wife which she needs to obey. Again it is essential to highlight that Aristotle urged that a son should be trained as a free citizen, as a free man while a daughter needs to be trained to accept her subordination to her father and later to her husband. For him women though free, were nothing less than a slave. He defended a husband's superiority in the household by arguing that a woman/wife lacks reason and therefore she should surrender herself to the superior wisdom of her husband. This relationship between husband and wife if noted helped the male to function as 'head' of the family dominating and oppressing the female. Aristotle unlike Plato didn't support the equality between sexes as revealed by his idea on women and family.

Conclusion

The ongoing discussion reveals that since the beginning of human society women are reduced to the bottom and men to the top. Women are accorded the lower status since time immemorial. Radical feminist like Shulamith Firestone in her celebrated book 'The Dialectic of Sex' remarked that 'historically, women constituted the first oppressed group'. The identity of women/wives in the family, in the society symbolize the idea of weakness, oppression, inferiority which is not naturally but socially constructed. As a wife she is bound to obey her husband without questioning, carry the household works, and rear her children as a mother; even though she is employed it is her responsibility to manage the household. Marriage in fact is not based on equal partnership between husband and wife but on the stereotyped patriarchal ideas of men functioning in the public sphere and women in the private sphere.

The liberal feminists like J.S. Mill in his 'The Subjection of Women' remarked that a man or a husband can function as the guardian of his wife but it doesn't mean that he should possess absolute rights to make his wife his slave. He in fact demanded full legal and political rights for women to emancipate women. Again Betty Friedan in her famous work 'The Feminine Mystique' argued that both men and women should be given equal rights to self-determination and the liberal creed of autonomy. Further Mary Wollstonecraft in 'A Vindication of the Rights of Woman' argued that both wife and husband should be entitled to same rights and privileges on the ground that they are 'human beings'. For her educational equality can make a woman to raise her voice against her oppression as it is education that will bore her the ability of reason and help her to lead a life of dignity. The liberal feminists defending individualism argue that every human individual is important and therefore possess equal moral worth. None should be discriminated based on sex, creed, colour, race and religion.

However, the socialist feminists unlike liberal feminists argue that it is not the political and legal disadvantages that oppress women but is the social and economic structures that lead to women's oppression. According to Friedrich Engels oppression of women operates within the family that is capitalist and patriarchal in nature as it is based on the transfer of property from father to son. As women are denied of property they happen to serve as domestic labour in the family. So for them ensuring property rights to women can help them to improve their condition and status in the family.

Again the radical feminists argue that there should be equality in family and personal life. There should be equality in the control of one's own body, sexual expression and fulfilment, equality in regard to child care and other domestic responsibilities. Firestone in her 'The Dialectic of Sex' remarked that it is impossible to obliterate biological differences between men and women all of a sudden. Therefore to emancipate women, men need to take stand in favour of their wives/mothers. The men can free their wives from the responsibility of rearing a child and even from the responsibility of child bearing through use of contraceptives to prevent pregnancy. Again husband and wife can divide the domestic responsibilities.

Notably modernisation, development along with change in the mindset of people regarding biased gender role based on sex can help to change the life of women so that they too as per with their husbands can lead a life with dignity and respect in the society and most importantly within the family. Significantly without a radical political, social and economic change women's emancipation will remain as a dream.

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