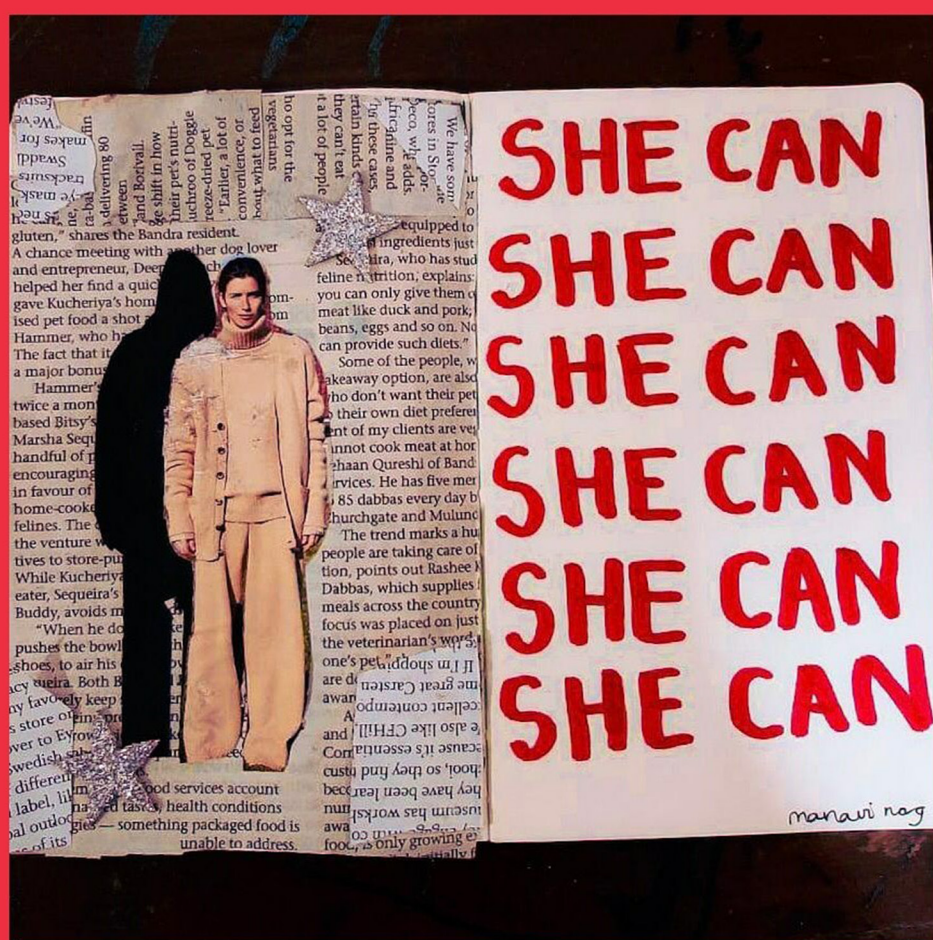


# GENOS

Re-Imagining Gender Roles and Women's Spaces in the  
North-East India



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## FOREWORD

A joyous Greeting to you all!!! With genuine appreciation, I would like to applaud the Department of Sociology, Tetso College for its launch of “GENOS”, a part of the series of annual e-books of the college. It will be the earnest endeavour of “GENOS” to be as enlightening and expansive as possible—giving out and getting through respectively. Therefore, buckle up to be enlightened with the valuable contributions and arguments of each paper and be rest assured that it will be entertained with outmost care by abled hands.

For its first edition, the Ebook is themed “**Re-imagining Gender Roles and Women’s Spaces in the North-East India**”. It may be argued here that in the recent past, feminist knowledge has expanded the boundaries of Sociology. Rigorous discourse on the issue of women has raised new questions and broadened the frontiers of sociological knowledge which gave rise to reflexive sociology. Simultaneously, with new developments steaming out from various feminist literature starting from the debates between sex and gender, to women studies, to the theoretical orientations, to a sociology of gender; it has strengthened and expanded the horizons of feminist knowledge. Within such a backdrop, the emerging dialogue in the North-East on Women’s Rights and questions on gender in general, evidences the necessity of more efforts directed towards education on gender justice and norms. These efforts can only be ushered in through educational institutions by consciously creating the space for such discussions to be generated. Hence, the venture started at “GENOS” makes it all worthwhile for such debates and deliberations on the issue of women.

For the present issue, we have voices of personalities ranging from faculty and students of the college, freelance writers as well as contributors from other universities to bolster reasoning and rationality of the readers. These contributions have given perspectives and prospects on a myriad of themes covering both theory and practice. “GENOS” is a space for young readers to

be acquainted with the voice of personalities who excel in their professions. Through this, there are lessons to be learned, knowledge to be gained, ideas to be incorporated, and issues and imperatives of our society to be mulled over. So let's make it a collective responsibility to make "GENOS" an entertaining, informative and communicative exercise.

Dr. Tiatula Ozukum

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## PREFACE

The quest to understand the social world is becoming important. As sociology studies the society, its pattern of relationships, social interaction and culture, this E-book will provide a medium to understand the social world better. There are still more issues to debate upon and discuss in the 21<sup>st</sup> century. As society moves from homogenous to more heterogeneous society, it becomes more complex and diverse. With the changing society and the changing role of humans, sociology as a subjects tries to focus and give us an image of the world.

GENOS meaning race/kind is an effort towards the direction of comprehension from gender lens. For its first edition, the E- Book has focused on gender. This is done with the intention to bring the emerging and multi-dimensional understandings on gender within a single platform. Issues and trends on various phenomena with regard to gender are often side-lined. So, with the launch of GENOS titled *Re-Imagining Gender roles and Women's Spaces in the North-East India*, we hope to provide a better grasp of the issue and assist academicians, researches and any writers to contribute ideas and opinion. Further, through this, the Department of Sociology, Tetso College, also aims to discover new and developing topics and findings to highlight, discuss, debates and add to the existing pool of literature.

## **ACKNOWLEDGEMENT**

The faculty of sociology department would like to extend our sincere appreciation to the contributors from various academic fields for their profound interest and valuable contribution to GENOS *Re-Imagining Gender Roles and Women's Spaces in the North-East India*. We are grateful for bringing to light the various dimensions of gender issues and making the E- book take shape and progress.

We express our thanks to Dr. Tiatula Ozukum, Asst. Professor, Department of Sociology, St. Joseph University, for writing the foreword of the E- Book.

Special thanks to Manavi Nag for contributing her art piece for the cover page. She is a feminist who expresses her thoughts through art pieces and most of her arts are inspired by female and her role in the society. The art piece for the cover page was inspired by the creative and constructive work of the Brents journal.

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**A Critical Commentary on  
Convergence among Foucauldian & Nietzschean Genealogy of Sexuality &  
Powers**

Dr. Aniruddha Babar,

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**Abstract**

Philosophy and Sociology complement each other, giving us a deeper understanding of human behaviour, social norms, morality, and the workings of the mind. The area of philosophy is vast in which numerous philosophers have made a significant contribution in their own ways. The article primarily focuses on two renowned philosophers namely Michel Foucault and Fredrich Nietzsche. The theories and philosophies that have been introduced by the philosophers are distinct yet similar to one another. Foucault's work has a major influence on social scientific as well as humanistic disciplines. His work primarily focuses on the link that exists between knowledge and power. Nietzsche is considered to be a major influence for modern thinkers. His works have mainly made an attempt to unmask the motive that acts as the basis of conventional Western religion, philosophy, and morality. The ideologies and views that have been presented by the philosophers explore the genealogy of sexuality and power (which among others more prominently visible in Gender Discourses). The convergence that exists between these Foucauldian and Nietzschean elements has been explored. For example, as per Foucault, varying modern fields of knowledge relating to sexuality have a close connection with the power structure that exists in the modern social setting. As per Nietzschean values, power is an indispensable element for man and all other life forms. In fact, enhanced power is what one tries to achieve in his life. The research work reflected in present article primarily explores the views and ideologies of Michel Foucault and Fredrich Nietzsche relating to the genealogy of sexuality and power (The objective is to capture the convergence that exists between these elements. Even though the philosophers have a distinct identity and contribution in the philosophical arena, there exists a strong connection between them that has been explored here.

**Keywords:** *Foucauldian, Nietzschean, sexuality and power, Western religion, morality*

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## ***Introduction***

In the modern social context, the concepts relating to sexuality and morality are considered to be of paramount importance. For the purpose of getting a thorough understanding of the existing modern society, one has to comprehend the structures relating to sexuality and morality as they are ingrained in the social context (Laubender, 3). These are the ideas that are believed to exist in the society and no one argues about their existence. But there were some philosophers that significantly contributed to unraveling the mysteries relating to morality and sexuality. In the 19<sup>th</sup> century, the German philosopher Fredrich Nietzsche introduced a unique approach to assess morality and power which has brought about a revolutionary change to how these subjects are understood. In the 20<sup>th</sup> century, Michel Foucault introduced distinct approaches relating to sexuality that has molded how it is seen and perceived by man today (Laubender, 5).

In the philosophical context, genealogy can be defined as a technique where an individual raises questions on the commonly known and understood the emergence of social and philosophical beliefs. The two philosophers that have been selected here have pioneered new philosophical thoughts that are associated with the tracing and understanding of social concepts relating to power, morality, and sexuality. In the 19<sup>th</sup> century, Nietzsche criticized genealogists and stated that there is a need to employ historic philosophies to criticize the morality of modern times (Laubender, 6). As per him, the modern morality concept is the result of power relations. During the latter part of the 20<sup>th</sup> century, Michel Foucault, the renowned French philosopher, broadened the genealogy concept into the counter-history relating to the position of the subject which explores the development of man and societies through history. His work on the subject has been significantly influenced by Fredrich Nietzsche's which revolves around the development of morals through power (Laubender, 8).

The work of the philosophers is linked with one another. Over the years, Foucault has been fascinated and influenced by Nietzsche's philosophy. It has led to shaping the design of western philosophy's thorough analysis of power by exploring social, political, economic and psychological mechanisms. In this context the present article primarily captures the development in the thoughts of power and sexuality. It even sheds light on how the key social concepts have evolved over the centuries and impacted the views of mankind. The philosophical contributions of Michel Foucault and Friedrich Nietzsche have been presented in the article and the interlink between Foucauldian and Nietzschean genealogy of sexuality and power have been critically explored. The objective is to get a hold of the common elements between these societal subjects (Drolet, 89).

### **Friedrich Nietzsche and Power**

*"All things are subject to interpretation whichever interpretation prevails at a given time is a function of power and not truth."*

~ Friedrich Nietzsche

Friedrich Nietzsche was a well-known German philosopher who has acted as a cultural critic for a very long time. He gained a lot of recognition because of his criticism of morality and religion of traditional Europe, the long-established philosophical views and social and political beliefs that are linked with modernity. Most of the criticisms that have been presented by Nietzsche depends on the psychological diagnosis which exposes the fake consciousness that infects people's ideas and views.

Some of the core Nietzschean values revolve around power and life, art and artistry, affirmation, truthfulness and honesty, individuality, freedom of spirit and pluralism. In his work in the philosophical arena, one of the distinct works relates to the significance of power. In the literature titled 'The Antichrist', he has presented the 'will to power' doctrine. It is considered to be a crucial central idea that has been captured in his work. The doctrine seems to propose that

all the creatures or all forms of life intend to enhance their power ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). In fact, it even goes on to state that enhanced power is good for everything. Some of the passages in his late work that highlight the importance of power include "What is good? Everything that heightens the feeling of power in man, the will to power, power itself", "What is bad? Everything that is born of weakness", "What is happiness? The feeling that power is growing and the resistance is overcome". These simple statements highlight the central idea behind Nietzsche's work which revolves around power.

In "Good and Evil," "Good and Bad," Friedrich Nietzsche has evaluated the linguistic development relating to the moral terms 'good' and 'evil' as compared with 'good' and 'bad' to showcase the various circumstances that envelop the evolution of selfish and selfless actions. According to him, those who have power are considered to be 'good' and those who do not have any power with them are considered to be 'bad' (Laubender, 17). In the real-life setting, the judgment relating to good and bad do not have any origin in selfish or selfless actions. But they are the representation of the possession of power. Nietzsche's understating of power is not something which is as simple as overcoming resistance. According to him, power is an ethical idea that can be viewed as a tendency towards domination, growth, and strength ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). "Will to power" has been viewed as the central idea in all of the works of Nietzsche. He explored this principle throughout his career as a philosopher to understand its deeper meaning. When we *live* our lives, and look *around*, and look *into* why we do things, we can curiously see what our motives are. And many times, we'll be gaining some form of power. Now, whether it's to *benefit* or *injure*, or whether it's *True* or *Tyrannical* - that's up to us.

### ***Will to power – Psychological Principle***

In the early work of Friedrich Nietzsche, he devoted a significant portion of his time to philosophy. Some of his popular works during this phase include

'Human, All too human', and 'Daybreak'. In these pieces of work, he does not explicitly talk about the will to power but a number of times he has explained human behavior in terms of the desire to dominate and master over other individuals or the environment. These elements that have been covered have a direct association with power. In his later work such as 'The Gay Science', Nietzsche has more explicitly spoken about power. Similarly, in "Thus Spoke Zarathustra", he has clearly used the phrase "will to power". The theory relating to power is applied in a very subtle manner (Westacott, 1). For example, in 'The Gay Science', he has presented the argument that people use power for the purpose of benefitting others as well as for the purpose of hurting others. As per the philosopher's views, the will to power is neither good nor bad. It can, in fact, be said to be a fundamental drive which is present in everyone but can be shown in varying ways. In order to illustrate the example in a proper way, it has been stated that artists channel their will to power by willing to create. Similarly, scientists and philosophers direct their will to power into the will to trust (Westacott, 1). Thus power can be channeled in different ways by different individuals. Hence he has said that the will to power cannot be categorized as good or bad. In his work, he has appreciated the will to power that is linked with creativity, and life-affirming and he has criticized the expressions relating to the will to power that is considered ugly or arises due to the weakness of an individual. A specific form of 'will to power' that Nietzsche gives a lot of attention to is called 'self-overcoming'. In this context, the 'will to power' is directed and utilized towards self-transformation and self-mastery. The key principle that guides this concept is that the real power of the self does not lie deep within oneself but it exists high above.

### ***Will to power – Metaphysical Principle***

The 'will to power' has also been referred to as a metaphysical principle. After the death of the philosopher, a number of unpublished records were made public by his sister Elizabeth. These sections were titled 'Will to power' (Aydin, 29). Some of the sections of the work made it quite clear that Nietzsche genuinely believed in the power concept (Aydin, 35). In fact, according to

him, 'will to power' could be the fundamental concept that exists and functions throughout the cosmos. For example, Section 1067 which is the last section of the book presents his thinking in a simple manner. It basically states that the entire work is seen as a 'will to power' and nothing other than this. Similarly, every individual can also be termed as the 'will to power' and nothing other than this concept.

### ***Will to power – Biological Principle***

Throughout the work of Friedrich Nietzsche, there are times when one can see that he postulates the 'will to power' as a component that is much more than a principle that gives an insight into the psychological motivations relating to human beings. In "Thus Spoke Zarathustra", it has been stated that wherever there exists a human being, there exists a will of power. In the work, the will to power has been applied to the biological arena (Aydin, 42). One of the practical examples that highlight this view is that a big fish eats a small fish as a form of the will to power. In this scenario, the bigger fish showcases the mastery of the environment in which it lives by capturing necessary information a vital part of the environment into itself.

The will to power can be referred to as the overall dynamic of the instincts of human beings and all living beings. In simple words, it can be said that once there is life, automatically there is the will to power. In fact, life is alive when power is intensified. As per the philosopher, life can be said to be a desire to increase ("Nietzsche: The Will To Power"). This subject encompasses an extremely complicated reality that is not restricted to human beings alone. In fact, the will to power can be seen in all kinds of life forms. According to Nietzsche, life is something where someone always wants more. It is more than the will to survive ("Nietzsche: The Will To Power"). The will to power acts as a force which motivates human beings or other living beings to extend what they currently have and achieve something that is still stronger than the current possession.

### **Michel Foucault on Sexuality and Power**

*".....By power... I do not understand a general system of domination exercised by one element or one group over another, whose effects... traverse the entire body social... It seems to me that first what needs to be understood is the multiplicity of relations of force that are immanent to the domain wherein they are exercised, and that are constitutive of its organization; the game that through incessant struggle and confrontation transforms them, reinforces them, inverts them; the supports these relations of force find in each other, so as to form a chain or system, or, on the other hand, the gaps, the contradictions that isolate them from each other; in the end, the strategies in which they take effect, and whose general pattern or institutional crystallization is embodied in the mechanisms of the state, in the formulation of the law, in social hegemonies. The condition of possibility of power... should not be sought in the primary existence of a central point, in a unique space of sovereignty whence would radiate derivative and descendent forms; it is the moving base of relations of force that incessantly induce, by their inequality, states of power, but always local and unstable. Omnipresence of power: not at all because it regroups everything under its invincible unity, but because it is produced at every instant, at every point, or moreover in every relation between one point and another. Power is everywhere: not that it engulfs everything, but that it comes from everywhere."*

~ Michel Foucault, 'History of Sexuality', Vol. I, p. 121-122.

Michel Foucault was a French philosopher who has had a strong influence in the area of philosophy. He has made tremendous contributions in a broad range of philosophical areas relating to the social scientific domain and humanistic discipline. He was considered to be one of the few philosophers who did not accept the pre-existing knowledge and views ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). He instead questioned the conventional philosophical ideas so that he could give rise to the modern idea relating to philosophy. Due to his lack of belief in the traditional philosophies

and views, the philosopher is associated with modern thinkers like Sigmund Freud and Karl Marx who took a stand against traditional values ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). Some of his major works include *Histories of Madness and Medicine*, *The Order of Things*, *History of Prison*, *History of Modern Sexuality* and *Sex in the Ancient World*. Foucault used the term 'genealogy' so that he could evoke Nietzschean's genealogy that is associated with morals and power.

Foucault's history of sexuality is a reputed piece of work which was initially projected as a simple and straightforward extension of the genealogical approach relating to 'Discipline and Punishment'. As per the French philosopher, a number of modern fields of knowledge on sexuality have an intimate connection with the power structures that exist in the non-conventional social setting. The initial volume of his work shed light on specific subjects associated with modern sexuality such as population, children women, perverts, etc. It primarily provided an outline of the entire history and explained the basic viewpoint and the methods that can be used. As per the philosopher's account, the modern control of sexuality is equivalent to the modern control of criminality. This is because sex just like crime is seen as an object relating to allegedly scientific field which provides knowledge and domination of a subject or object ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). As per his views, it can be seen that there exists a dimension of power that cannot be ignored or negated. It is evident that there exists a certain degree of control through an individual's view of himself or herself. As per Foucault, sexuality can become an integral construct which can ascertain not just the moral worth but also the identity, health, and desire of an individual. The modern sexuality is very different than the traditional sexuality concept. This is because the modern sexuality is influenced by the secularization of religious mechanisms relating to confession. For example, in the modern times, an individual is not in a position to share the details relating to the sexual desire to a physician or a priest. As per the prevalent views of sexuality in the 1960s and 1970s, it was considered to be a natural and healthy thing which could be



shared between all the living beings. But with the passage of time, such views on sexuality were repressed due to various factors such as conventions and cultural prohibitions. The modern sexuality is highly repressed as per the philosopher ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). Foucault has gone on to say that the cause of repressed modern sexuality is due to the existence of specific cultural elements and mechanisms relating to power. There is the need to liberate individuals from such elements that do not allow authentic sexuality to liberate itself. For the purpose of challenging the dominant view that is associated with the relationship between sexuality and repressed power, Foucault reconceived the nature that is associated with power. He claims that power is not exactly repressive in nature but it is actually productive in nature. It can, in fact, be stated that power does not function by prohibiting or repressing the authentic expressions of the natural sexuality of an individual. Power, in fact, can produce through cultural normative views as well as scientific discourses, the manner in which one experiences and conceives their sexuality. Thus Michel Foucault has argued that power relations are the internal controls relating to the sexual identities of human beings. His views on sexuality and power have played a key role to get a deeper insight into the concept of power. For example, in "The History of Sexuality, Volume 1, he outlined what became one of the most popular and influential present-day understanding of power ("Michel Foucault (Stanford Encyclopedia Of Philosophy)"). He captured the essence of power in a number of essays, interviews, and lectures. The basic idea relating to power and sexuality that has been shared by him is that one should not look for the central point of power or institutions that rule but it is necessary to build the 'microphysics of power' which focus on the 'multitude of loci of power' that is spread throughout the society. It is necessary to evaluate and assess the power relations from the bottom up and study the numerous ways in which the subjects themselves are constituted in the diverse and intersecting networks.

**Foucault on sexuality**

*"In actual fact. The manifold sexualities - those which appear with the different ages (sexualities of the infant or the child), those which become fixated on particular tastes or practices (the sexuality of the invert, the gerontophile, the fetishist), those which, in a diffuse manner, invest relationships (the sexuality of doctor and patient, teacher and student, psychiatrist and mental patient), those which haunt spaces (the sexuality of the home, the school, the prison)- all form the correlate of exact procedures of power."*

~ Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*

Foucault's focus on sexuality in "The History of Sexuality" can be said to be a critical reevaluation of the existing understanding of the role of sexuality in the existing society and cultural backdrop. Just like Nietzsche, Foucault has undertaken the endeavor by employing a genealogical analysis to which he has named 'repressive hypothesis' (Laubender, 18). The study has played a vital role and helped the philosopher to get a detailed insight into the compelling forces that come into play and have ultimately led to the growth, popularity, and acceptance of the functions of sexuality through history. As per the genealogical study, during the seventeenth century, there was a major shift in the acceptability of sexual thought, speech and act in the social setting (Laubender, 20). With the passage of time, a major repression of normative sexuality arose due to the existence of the conservative social class. As the power of this social class grew, their influence over sexuality and its expression in the social context intensified. This led to the further repression of acts relating to frivolous sexuality which existed outside the conventional marital model and did not serve any purpose (Laubender, 20). This scenario that existed in the social setting indicates that the people from the middle class had the power which they exerted in a direct or indirect manner over sexuality. This philosophical view shows that sexuality became a major object of power. Due to the power of the social elements, during the Victorian era, any kind of abnormal sexuality or something that was outside of a marital heteronormativity was not tolerated. The individuals that exhibited such

sexuality in the social context were either taken to brothels or psychiatric facilities. These places were considered to be the only settings where an 'abnormal sexuality' was considered to be acceptable. In the nineteenth century, the broadening discourse of sexuality was rapidly swallowed in the realms of medication and science. Sexual discourse took the form of an object of knowledge that could be learned (Laubender, 21).

In his most popular work titled "The Will to Knowledge", Foucault has stated that human beings are highly sexually repressed beings. In fact, the notion relating to sexual repression has been considered to be the part and parcel of the general imperative for people to discuss about sex. One of the main reasons for this is power. As per Foucault, power has been showcased in a negative light. It is seen as an element which prohibits someone to do something ("Foucault, Michel | Internet Encyclopedia Of Philosophy").

### ***Contribution of Foucault and Nietzsche***

The philosophical contributions that have been made by Michel Foucault and Fredrich Nietzsche interlink with one another as in their respective philosophies, power plays an extremely important role. Foucault has always been highly fascinated with the philosophical contributions and views of Fredrich Nietzsche (Whatmore). As per Foucault, due to the power that has been exerted by the middle-class section of the society, sexuality has been repressed for a very long time. Human sexuality is, in fact, bound up with the thoughts relating to power. Due to the power that has been exerted in the social context, authentic sexuality has not been able to liberate itself from the clutches of powerful elements that exist in the social environment. Sexuality has never been free in the vast social setting and it has been bounded by power (Whatmore).

The philosophical contribution that has been made by both the philosophers is of extreme relevance as they shed light on some of the most fundamental and important concepts such as power and sexuality (Patton, 68). Foucauldian view relating to power and sexuality cannot be compared to the works of others. He has been able to capture the essence of power by taking a

philosophical stance. According to him, power has a number of unique characteristics which can influence other elements that exist in the social realm. Instead of freezing power into a timeless essence, he has tried to track the movements of power.

### **The convergence between Foucauldian and Nietzschean genealogy of sexuality and power**

The central theme that has been captured by Michel Foucault in his work is on the field of epistemology. The term 'epistemology' can be defined as the theoretical framework which relates to mechanisms, validity, and scope between the justified belief and an opinion. Foucauldian values revolve around power as he intended to uncover knowledge and his search process ultimately led him to power (Foucault). With the progress that he made in his work in the area of philosophy, he was able to search for the ultimate truth which he could connect with power. Prior to his work, Nietzsche had conducted a thorough analysis of 'good' and 'evil' in his work "Genealogy of Morals". He had stated that there existed no essence or proper definition of truth. Foucault in his work supported and carried on with this argument. As per the Foucauldian values, it was stated that truth can be tied with the elements such as power and domination (Foucault). Hence truth is produced by power and the consequences that arise due to the exercise of power are created by the truth. Due to the common sentiments that have been seen in the Foucauldian and Nietzschean values relating to power, it can be stated that there is the point of intersection in their philosophical contribution in spite of the different kinds of work that have carried out throughout their careers as philosophers (Foucault).

People have been viewed as the ultimate products of power. This is because they are the ones who wield the same. Hence it has been argued that power has a relative autonomy and it emerges from the actions that are conducted by individuals within a network of power relations. Since the genealogy of sexuality has a strong association with power in various ways, Foucault has

gone on to evaluate and analyze certain historical dynamics that are associated with power. In fact, he also introduced the concept of 'biopower' which primarily combines disciplinary power with 'biopolitics' which invests individuals' at a biological level. In a Book titled "Foucault and Feminism" which offers a systematic attempt to explore the point of convergence between feminist theory and the work of Michel Foucault; Author Lois Macnay has observed that the philosopher has touched upon vital elements including bodies, sexuality, and norms in his discourse on 'power'.

Genealogies that have been framed have the intention to showcase how the objectification forms of reason have been made as historically contingent forces. According to him, these elements can be unmade if it is known how they were made in the very first place. The genealogy of sexuality that was written by Michel Foucault was constructed in order to problematize the contemporary notions relating to sexual liberation (Foucault). This was done by demonstrating the concepts of sexual nature in the early Christian culture. In the modern cultural context, these concepts were articulated by using therapeutic and disciplinary techniques that fundamentally restricted or imprisoned individuals to normalize their identities and discourses.

According to Leslie Paul Thiele, a well-known professor, there exists a certain degree of ambiguity in Michel Foucault's work. Many critics argue that this state of confusion exists because of the influence of Friedrich Nietzsche's philosophical work. Foucault, in his work, has stated that freedom needs to be understood as a resistance to the impositions of power (Thiele, 908). It is a state of being that exists due to the absence of domination, repression, and exploitation. Resistance cannot exist in the absence of power and at the same time, power cannot exist in the absence of resistance. During the final philosophical work of Foucault, his writings relating to sexuality circumscribed the notion of creating self as a 'work of art'. Such an approach preoccupied the thoughts of Foucault and they even showcased the high influence of Nietzsche's philosophical views (Thiele, 912).

### ***Genealogy of sexuality and power connection***

There exists a strong interlink between Michel Foucault and Fredrich Nietzsche's genealogy of sexuality and power connection. This is because Foucault has borrowed the genealogical mechanism from Nietzsche's philosophical work. The objective was to trace the genealogy of the concept relating to sexuality. Nietzsche made the use of the distinction that existed between genealogy and origins for the purpose of tracing the genealogy of morals. He showed that the concepts relating to right and wrong are nothing but the contingent outcome of the haphazard evolution of mankind as well as the human society. Such an approach was borrowed by Michel Foucault so that the genealogy relating to sexuality could be explored at a deeper level. According to him, prior to the nineteenth century, the term 'sexuality' did not even exist. It was during the nineteenth century that the sexuality concept came into existence due to the peculiar marriage of confession and scientific discourse. For instance, a number of strong arguments have been presented that suggest that calling Ancient Greeks 'bisexual' or 'homosexual' was not right because these terms and concepts have come into existence in the modern times (Thiele, 920). While tracing the genealogy of sexuality, Foucault has pointed out the temporary nature of the modern concept of sexuality. He has stated that there exists no such thing about the sexual desires that should make individuals think that they express learned truths about them. Instead, he has presented the argument that it is the scientific discourse that has been formulated around such sexual behavior or desires which have the power to suggest the profound truth.

Sexuality can be said to be an important regime of power as well as knowledge which develops within institutions. The fundamental objective is to harness the development potential and strength relating to human bodies and place them for utilization in the technological welfare and industrial production (McWhorter, 39). Power plays an extremely important role to frame the genealogy of sexuality. A major change has taken place in the historical setting that concerns sexuality. As he studied the concepts and histories of

sexuality, the history of criminality, and pedagogy, he came to realize that when power is used as a tool that by a controlling subject, it might not work in an effective manner. Thus he made it a point to rethink the entire concept. Thus he viewed power as a set of relations or events (McWhorter, 45). Hence it has been conceived by the philosopher that power is something which happens. It can be said to be tension that exists between arises among individuals when their specific goals and objectives are different. It has been viewed that resistance is an integral part of almost each and every power event. It is natural to see some or the other kind of friction between the people that have power and the people that lack power in their hands (McWhorter, 47).

As per the philosophical stance, it can be said that the sexual identities of individuals is the outcome or product of the normalizing power. In fact, it has also been said by Ladelle Mcwhorter, a famous professor in Philosophy that sexual identities might not exist in the regions of the world where there are no normalizing power channels (49). Michel Foucault has stated that the term 'homosexual' is the ultimate invention of the 19<sup>th</sup> century medicine. As per the philosopher, with the passage of time scientists started carrying out studies relating to sexual expression, anatomy, and activity. The detailed study on these aspects helped to shed light on sexual elements. It thus helped to create statistical accounts relating to sexual maturation. This study helped to determine that there existed some individuals who diverted from the existing norm relating to sexuality. Any sexual behavior which deviated from the accepted standards was considered to be abnormal in nature. The people that exhibited such abnormal sexual traits were categorized as zoophiles, fetishists, zooerasts, sexoesthetic inverts and the like. These individuals were considered to be the ones who were on the verge of total degeneration (McWhorter, 52). The instances that have been captured here indicated that there exists a deep connection between the genealogy of sexuality and power. Power has a major impact on how elements relating to sexuality and notions on sexuality are expressed.

The power that exists in the hands of certain subjects plays a key role to lay down rules and guidelines relating to sexuality. Thus, in other words, it can be stated that there is a strong convergence between the genealogy of sexuality and power as the latter tries to control the former. For instance, the power that is in the hands of the growing middle-class section of the society is used to suppress views and opinions relating to the notion of sexuality. Michel Foucault has argued in his philosophical work that different forms of power exist that make an attempt to govern sexuality and various notions relating to it (Foucault). By saying power, he does not only mean that the power that resides at the society and the community level. He is also talking about the power relations that exist all around. Hence the philosopher has argued that power exists everywhere and this element exerts a form of domination impacts the concept and notions of sexuality in the social setting. Thus the role of power is of paramount importance to shape how sexuality and its notions are viewed today by man. In his work, Foucault has said that in spite of the prohibition of sexuality, the concept took a new turn. For example, the sexual repression which was seen in the Victorian era did not succeed to eliminate the interest of people in the topic of sexuality (Foucault).

At the end of the "History of Sexuality", the French philosopher has highlighted the emergence of a new and updated political mechanism which is marked by "power's investment in life". He has described this new technology or mechanism as something which entails 'power over life' ("Gender Studies: Anthropology - Foucault And The Genealogy Of Sexuality"). The power that resides all around mankind acts as a key force which can influence and impact the notions relating to sexuality and how it is seen in the social setting. This examination of Nietzsche's and Foucault's thought has displayed their significant similarity. Although Foucault does not agree with the whole of Nietzsche's philosophy, he quotes him extensively, and we may consider Nietzsche to be the most important influence exerted on Foucault. Nietzsche's major topics are reproduced in Foucault's genealogical thought with a striking similarity. Thus the convergence between Foucauldian and Nietzschean



genealogy revolving around sexuality and power is clearly evident in the works of the philosophers. Keeping in mind these facts, as well as the discourses analyzed herein one may hope that the anthology will generate a new wave of scholarship with a sustained focus on the relationship between Nietzsche and Foucault, no longer an uncharted territory but nevertheless a field for many future discoveries.

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## ***A Critical Examination of Feminist Discourse towards Marriage and Women***

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### **Abstract**

The main aim of this paper is to study and explore the institution of marriage from the feminist perspective. Marriage has always remained a significant topic of debate among feminists and political thinkers. Feminist believe that marriage only cause pain, suffering and disadvantage for women, as women are considered as the property of their husbands after marriage. This paper provides various examples and evidence from the ancient civilisations, where marriage was mainly considered as the concept of giving birth to biological heirs. The concept of love and attachment did not exist in the institution of marriage. However, feminists have argued and criticised the moral and practical values of marriage. Feminists believe that historical, legal and social inequalities that have prevailed in the societies since the very beginning are significant in causing gender inequalities and providing a lower status to women within marriage and society. This paper provides various scholarly evidence to inform that marriage remains a significant burden for women as it destroys their natural liberty, freedom and voice.

**Keywords:** Marriage, Feminism, gender inequality, childbearing and women's oppression

## **Introduction**

The best available evidence have informed that the institution of marriage is around 4500 years old. The first recorded evidence of the marriage that had resulted in uniting a man and a woman dates back to 2350 B.C., in Mesopotamia. Over a period of hundreds of years, the institution of marriage had evolved in the form of different ceremonies in different cultures and religions, such as in ancient Romans, Greek and Hebrews. It has been known that marriages in the ancient period had little or nothing to do with love or partnership. The main purpose of the marriages was to legally unite a man and a woman, as the man could subjugate woman by being physically stronger than woman and the woman was frequently incapacitated by childbearing and child birth.

The institution of marriage has long been criticised by the feminists. Historically it was considered as the fundamental site, where the women were oppressed by men and they had no independent rights for themselves (Warburton, 304). Symbolically, a wedding in different cultures asserts the women's desire to marry and in the western culture the white wedding dress symbolises virginity. Moreover, in the Indian context the Red Colour of wedding dress symbolises 'Vaginal Blood' of a newly married virgin girl. Therefore, the feminists have identified and asserted that the institution of marriage is just to oppress women and use them for reproduction and child bearing.

In various conservative cultures women are considered subordinate to men and under marriage they are even required to surrender their name and their identity. Therefore, marriages are criticised by most of the feminists because of the belief that marriage results in making women as the men's property. It may not be wrong to assert that the men of all castes, creeds, races, classes connive in making certain belief of conduct and delineate the direction of female reinforcement and restrict her to the four walls of her home.

The epidemic of the deadly virus of 'Male Paramountcy' has spread all over the world since the dawn of human civilization. Women not only were condemned by the great ancient Indian civilization but also its contemporaries. The Hindu sage, Manu condemned woman to eternal bondage. The Greek, in their period of highest culture imprisoned their women within their houses and denied them all rights. The Spartans often destroyed women who could not give birth to healthy children. Even the most magnificent and civilized empire of Rome granted its women no legal rights. In Rome husbands had absolute control over their wives and treated them as slaves. Aristotle and Rousseau branded qualities like modesty, femininity, sensitivity and meekness as womanly and natural for the female sex. Plato did

concede them an equal status in his Republic but that is stray example which should be further examined in the light of his shocking advocacy for the system of 'Communism of Wives' (in current terminology-Wife Swapping) which not only shows his male chauvinistic character but also reflect his utter disregard and contempt for women that reduced the status of 'wife' merely to a public commodity. The socialist thinkers led by Karl Marx, Engels and others believed that women had been transformed from free and equal productive members of the society to subordinate wives and wards when humanity entered into an agrarian age which subsequently gave birth to the concepts, institutions of marriage and family which caused further degradation of status of a woman in society. No Civilization, No Society, No Culture, No Religion, No God had ever spare a women from the wrath of the politics of 'The Phallus of Patriarchy' that gradually destroy the sanctity of the physical and emotional existence of women in society.

### ***A holistic study of Marriages in Ancient Cultures***

Feminists have identified that the primary purpose of marriage is to bind women in order to guarantee that women will give birth to truly biological heirs of men. In the ancient Greek culture, marriage was considered to be a matter of public interest. This was specially identified in the case of 'Sparta'. In the law of Sparta, the subordination of the private interests and personal happiness for the public good was the main provision associated with institution of marriage (Mason, 6). Marriage had the legal importance in ancient Greek culture. For example, according to the law of Lycurgus of Sparta, the criminal proceedings were taken against the people who do not marry (*graphe agamiou*) or those who married too late (*graphe opsigamiou*) (Ellen, 124). The main principle on which these laws were based had placed the duty on every citizen to form the families and give birth to legitimate children. Therefore, the marriage was not based on love or affection, whereas it was considered to be a legal duty of men to marry and raise families. Women had little or no control or right over making a choice about getting married or not getting married. It has also been found that in the ancient Greek culture the father of the bride used to say "*I pledge my daughter for the purpose of producing legitimate offspring*" (*The Nagaland Post*). This explains the main purpose of marriage for the ancient societies.

Studies have also identified that *teknopoioia* also considered as childbearing as the most important object of marriage. Therefore, the purpose was to prevent the extinction of the family by giving birth to children. In such practice, if a woman did not have children with her husband, the state allowed her to

live with another man. This condition enforced that childbearing was the main motive of marriage (Cartledge, 89). The main principle engraved in the institution of marriage was that the marriage was the matter of social and political importance and interests. According to Dillon, Solon also considered marriage as of social and political importance (211). Plato also identified a similar role for the state to interfere by applying and regulating social and political pressure to encourage marriage. The Greek scholars and philosophers believed that every man ought to fulfil the interest of the state (Dillon, 214). This resulted in significantly affecting the freedom and rights of women in the society and women were seen as the property of men.

There are various other examples of the ancient times that informed about the institutions of marriage as the necessity for giving birth to children. The Ancient Hebrew law code written in the Bible does not provide the details of the marriage and its requirements, but the general principles of marriage in the legal systems such as the Babylonian and Roman can be traced. According to these laws marriage and children are considered to be most significant for the fulfilled life (Apostolou, 508). Giving birth to the legitimate children and biological, legal heirs of the husband is the most important duty that was placed on the women. In Ancient Hebrew law marriage was called as 'taking the wife' and the women were required to give birth to the children who could bear the name of her husband. If a woman could not give birth or remain childless then she was required to give her maid-servant to her husband as second wife, while the wife could be called the mother of that child. The role of maid-servant in such case was to produce a child (Emmerson, 378).

Childbearing was the main reason for which, men in ancient Hebrew culture could take various wives. The main reason behind it was the belief that society could not survive without a new generation (Bach, 45). Also, sons were preferred over daughters because of two main reasons- first sons had the power and control over the wealth and the patriarchal society required man to take the wife and give birth to children, who could care for their fathers in his old age (Meyers, 10). Ancient Indian society and laws have not been very different from the ancient Roman and Greek laws related to marriage. In the ancient Indian law, the main objective of the marriage was to fulfil the desire of having children or preferably male offspring. Evidence has shown that abundance of son was constantly desired and desire for daughters was never expressed (Apte, 52).

The patriarchal organisation of the society remained the significant reason behind the desire of a son. Some of the evidence have also informed that Rigveda also have some hymns, which states that a childless widow must live

with her brother-in-law until the birth of the son and it was also considered as the short term levirate. These examples show that basic role of women in society is just seen as the child-bearer and this remains at the core of the institution of marriage (*The Nagaland Post*).

Politics uses religion as a tool to manipulate the masses, women bear the brunt of the consequences of cultural attitudes and the impact of religion and politics in their particular milieu. Men have been dominant as recipients, interpreters and transmitters of divine messages, while women have largely remained passive receivers of teachings and ardent practitioners of religious rituals. Attitudes developed around patriarchal interpretations of religious belief have defined and shaped the social and cultural contexts of women resulting in their disempowerment and second-class status. Therefore, it is pertinent to examine religious texts to understand the status of a married woman. The Hindu Code Manusmriti has reduced the status of a woman and that of married woman in particular to unimaginably low level. Following are the verses (and their interpretation) from Manusmriti which shockingly destroyed the natural honour of a married woman and condemned her simply as a slave to Man.

(9.70)

यथाविध्यधिगम्यैनां शुक्लवस्त्रां शुचिव्रताम् ।

मिथो भजेता प्रसवात् सकृत्सकृद् ऋतावृतौ ॥ ७० ॥

*yathāvidhyadhigamyaināṃ śuklavastrāṃ śucivratām |*

*mitho bhajetā prasavāt sakṛtsakṛd ṛtāvṛtau || 70 ||*

*(In accordance with established law, the sister-in-law must be clad in white garments; with pure intent her brother-in-law will cohabit with her until she conceives. It proceeds to declare that all this does not make the woman the actual 'wife' of the brother-in-law; hence the child born of this union belongs to the real (i.e., the former) husband; Bālabhāṭṭī adds that the action of the brother-in-law is purely for the purpose of providing a child for his dead brother; it goes on to add the following notes Kullūka Bhāṭṭa remarks that the fact of the child born of the intercourse here sanctioned belonging to the dead betrothed is clear from the restrictions imposed, that there is to be intercourse only once during the course, and that also only until conception takes place.)*

(9.78)

अतिक्रामेत् प्रमत्तं या मत्तं रोगार्तमेव वा ।

सा त्रीन् मासान् परित्याज्या विभूषणपरिच्छदा ॥ ७८ ॥

*atikrāmet pramattaṃ yā mattaṃ rogārtameva vā |*

*sā trīn māsān parityājyā vibhūṣaṇapariicchadā || 78 ||*

*(If the wife disregards her husband who is mad, or intoxicated, or afflicted by disease, she should be deprived of ornaments and appurtenances and abandoned for three months. Briefly speaking, women who disobey orders of her lethargic, alcoholic and diseased husband shall be deserted for three months and be deprived of her ornaments.)*

(9.81)

वन्ध्याष्टमेऽधिवेद्याब्दे चश्मे तू मृतप्रजा ।

एकादशे स्त्रीजननी सद्यस्त्वप्रियवादिनी ॥ ८१ ॥

*vandhyāṣṭame'dhivedyābde daśame tu mṛtaprajā |*

*ekādaśe strījananī sadyastvapriyavādinī || 81 ||*

*(The barren wife shall be superseded in the eighth year; in the tenth she whose children die off; in the eleventh she who bears only daughters; but immediately she who talks harshly.)*

(9.59)

देवराद् वा सपिण्डाद् वा स्त्रिया सम्यक्नियुक्तया ।

प्रजेप्सिताऽऽधिगन्तव्या सन्तानस्य परिक्षये ॥ ५९ ॥

*devarād vā sapiṇḍād vā striyā samyakniyuktayā |*

*prajepsitā"dhigantavyā santānasya parikṣaye || 59 ||*

*(On failure of issue, the woman, on being authorised, may obtain, in the proper manner, the desired offspring, either from her younger brother-in-law or from a 'Sapiṇḍa')*

(9.15)

पौश्रल्याच्चलचित्ताच्च नैस्नेह्याच्च स्वभावतः ।

रक्षिता यत्नतोऽपीह भर्तृष्वेता विकुर्वते ॥ १५ ॥

*paum̐ścalyāccalacittācca naisnehyācca svabhāvataḥ |*

*rakṣitā yatnato'pīha bhartṛṣvetā vikurvate || 15 ||*

*(Even though carefully guarded, they injure their husbands, on account of their passion for males, of fickle mindedness and of innate want of tenderness. Which also mean because of their passion for men, immutable temper and natural heartlessness, wives are not loyal to their husbands.)*

(4.43)

नाश्रियाद् भार्यया सार्धं नैनामीक्षेत चाश्रतीम् ।

क्षुवतीं जृम्भमाणां वा न चासीनां यथासुखम् ॥ ४३ ॥

*nāśnīyād bhāryayā sārḍhaṃ naināmīkṣeta cāśnatīm |*

*kṣuvatīm jṛmbhamāṇāṃ vā na cāsīnāṃ yathāsukham || 43 ||*

*(He shall not eat with his wife; nor shall he looks at her while she is eating, or snoring, or yawning, or sitting at her ease).*

(3.17)

शूद्रां शयनमारोप्य ब्राह्मण यात्यधोगतिम् ।

जनयित्वा सुतं तस्यां ब्राह्मण्यादेव हीयते ॥ १७ ॥

*śūdrāṃ śayanamāropya brāhmaṇo yātyadhogatim |*

*janayitvā sutam tasyāṃ brāhmaṇyādeva hīyate || 17 ||*



*(Having placed a Śūdrā woman on his bed, the Brāhmaṇa goes to perdition; and having begotten a son by her, he falls from Brāhmaṇahood itself. Which mean- A Brahman who marries a Shudra woman, degrades himself and his whole family, becomes morally degenerate, loses Brahman status and his children too attain status of shudra-an untouchable outcaste.)*

Islam has been propagated as a Religion of Peace and Justice, however, it is important to examine what this religion speaks about Married women. At this juncture it is pertinent to quote revolutionary Bangladeshi Writer Taslima Nasrin, she says.... **"When I began to study the Koran, the holy book of Islam, I found many unreasonable ideas. The women in the Koran were treated as slaves. They are nothing but sexual objects. Naturally, I set aside the Koran and looked around me. I found religion equally oppressive in real life. They considered women as chattel slaves and treated them no better than the slaves of the ancient world. I write against the religion because if women want to live like human beings, they will have to live outside the religion and Islamic law."**

Like Manusmriti; Quran too absolutely degraded the status of women and placed them in the hands of men as nothing less than an inanimate object, a toy. How? Let us examine the following verses from the Quran.

Quran (2:223)

وَبَشِّرِ الْمُؤْمِنِينَ لَكُمْ فَأَنْتُمْ حَرْثُكُمْ أَنْتُمْ أَنْتُمْ وَأَنْتُمْ وَاللَّهُ وَاعْلَمُوا أَنْتُمْ مَلَاقُهُ نِسَاؤُكُمْ حَرْثٌ

*("Your wives are as a tilth unto you; so approach your tilth when or how ye will..." which means according to Quran A man has dominion over his wives' bodies as he does his land.)*

Quran (4:3)

وَجِدَّةً أَوْ مَا مَلَكَتْ فِ سَطْرٍ خِفْتُمْ أَلَّا تَعْدِلُوا إِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبُعَ أَيْمَنُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

*(And if ye fear that ye will not deal fairly by the orphans, marry women, who seem good to you, two or three or four; and if ye fear that ye cannot do justice (to so many) then one (only) or (the captives) that your right hands possess. Thus it is more likely that ye will not do injustice. Which mean- "Marry women of your choice, Two or three or four")*

Sahih Al Bukhari (62:81)

*("The Prophet said: "The stipulations most entitled to be abided by are those with which you are given the right to enjoy the (women's) private parts (i.e. the stipulations of the marriage contract)."* In other words, the most important thing a woman brings to marriage is between her legs.)

Sahih Al Bukhari (62:58)

*(A woman presents herself in marriage to Muhammad, but he does not find her attractive, so he "donates" her on the spot to another man.)*

Tafsir al-Qurtubi v. 17, p. 172

*(Women are like cows, horses, and camels, for all are ridden.)*

## Quran in Sura 4:34

الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَاللَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

(Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband's absence what Allah orders them to guard (e.g. their chastity, their husband's property, etc.). As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful), but if they return to obedience, seek not against them means (of annoyance). Surely, Allah is Ever Most High, Most Great).

## Quran 33:33

الرَّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا ۚ وَفِي بُيُوتِكُمْ لَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَىٰ ۚ وَأَقِمْنَ الصَّلَاةَ وَآتِينَ الزَّكَاةَ وَأَطِعْنَ اللَّهَ وَرَسُولَهُ ۚ إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا ۚ

(And stay **quietly** in your houses, and make not a dazzling display, like that of the former Times of Ignorance; and establish regular Prayer, and give regular Charity; and obey Allah and His Messenger. And Allah only wishes to remove all abomination from you, ye members of the Family, and to make you pure and spotless. It is a clear cut order to the women to remain in their houses.)

## Al – Baqarah 2: 222

“They questioned thee (O Mohammad) concerning menstruation, Say it is an illness, so let women alone at such times and go not unto them till they are cleansed.”

## Al – Baqarah 2: 228

الْيَوْمَ اللَّهُ فِي أَرْحَامِهِنَّ إِن كُنَّ يُؤْمِنَنَّ بِاللَّهِ وَآمَنَ أَتَمَّ لَقَدْ يَنْزِلْنَ بِنَفْسِهِنَّ ثَلَاثَةَ قُرُوءٍ ۚ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ رُفُوفٍ ۚ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ۚ وَوَعَوَّلْنَهُنَّ أَحَقَّ بِرِدْهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ ۚ عَزِيزٌ حَكِيمٌ

“Men, your wives are your tillage. Go into your tillage any way you want.”

“Women have such honourable rights as obligations, but men have a (single) degree above them.”

“Men are the managers of the affairs of women because Allah has preferred men over women and women were expended of their rights.

## Quran in Surah 2:230

مَا حُدِّدَ اللَّهُ يُقِيًّا أَنْ يَنْزَاجِعَا إِنْ ظَنَّا أَنْ فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ حَتَّىٰ تَنْكِحَ زَوْجًا غَيْرَهُ ۚ فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا وَتِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ

(If he divorces her (for the third time), she shall not be lawful to him after that until she has wed (not for the purpose of remarrying her former husband) another spouse and then if he divorces her it shall be no offense for either of them to return to each other, if they think that they can keep within the Bounds of Allah. Those are the Bounds of Allah. He makes them plain to people who know.)

## Quran 65:4

ضَعْنِ وَلْتُ الْأَحْمَالِ أَجَلَهُنَّ أَنْ يَيْسَنَ مِنَ الْمَحِيضِ مَنْ يَسْأَلُكُمْ إِنْ أَرَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّتِي لَمْ يَحْضَنْ ۚ وَأُولَٰئِي يَحْمَلُهُنَّ ۚ وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا

*(As for your women who have despaired of further menstruating, if you are in doubt, then their waiting period is three months as well as those who have not yet menstruated. As for those who are pregnant, their term shall be the time they deliver their burden. Allah will ease (matters) by His order for whosoever fears Him. Therefore, making mention of the waiting—period for girls who have not yet menstruated, clearly proves that it is not only permissible to give away the girl at this age but it is permissible for the husband to consummate marriage with her. Now, obviously no Muslim has the right to forbid a thing which the Qur'an has held as permissible. Maududi, vol. 5, p. 620, note 13. In short this particular verse allow mature men to marry prepubescent girls)*

Moreover, Muhammad's declarations concerning women (especially MARRIED WOMEN) are quite clear and succinct. But how did the greatest teacher and preacher of Islam view women? Al-Ghazali is recognised as the most influential Muslim thinker of all time and is described in the Encyclopaedia of Islam as 'The greatest theologian produced by Islam.' His writings have been considered as 'Juristic Writings' and also they have been critically acclaimed as the best commentaries on the Quran.

In his book 'The Revival of the Religious Sciences' Ghazali defines the role of a woman as follows:

**She should stay at home and get on with her spinning**

**She can go out only in emergencies.**

**She must not be well-informed nor must she be communicative with her neighbours and only visit them when absolutely necessary.**

**She should take care of her husband and respect him in his presence and his absence and seek to satisfy him in everything.**

**She must not leave her house without his permission and if given his permission she must leave secretly.**

**She should put on old clothes and take deserted streets and alleys, avoid markets, and make sure that a stranger does not hear her voice, footsteps, smell her or recognize her.**

**She must not speak to her husband's friend even in need.**

**Her sole worry should be her "al bud" (reproductive organs), her home as well as her prayers and her fast.**

**If a friend of her husband calls when her husband is absent she must not open the door nor reply to him in order to safeguard her "al bud".**

**She should accept what her husband gives her as sufficient sexual needs at any moment.**

**She should be clean and ready to satisfy her husband's sexual needs at any moment.**

Al-Ghazali also states "It is a fact that all the trials, misfortunes and woes which befall men come from women". In his Book of Counsel for Kings, Ghazali sums

up eighteen punishments that a woman has to endure resulting from the curse Eve received for eating from the tree of knowledge in the Garden of Eden:

**Menstruation; Childbirth; Pregnancy**

**Separation from mother and father and marriage to a stranger;**

**Not having control over her own person;**

**Half the share in inheritance compared to male**

**Her liability to be divorced and inability to divorce;**

**It being lawful for men to have four wives, but for a woman to have only one husband;**

**She must stay secluded in the house;**

**She must keep her head covered inside the house;**

**Two women's testimony equals the testimony of one man;**

**She must not go out unless accompanied by a near relative;**

**Men take part in Friday and feast day prayers and funerals while women do not;**

**Disqualification from positions such as ruler and judge;**

**Merit has one thousand components, only one of which is attributable to women, while 999 are attributable to men;**

**If women are profligate they will be given twice as much torment as the rest of the community on Resurrection Day;**

**If their husbands die they must observe a waiting period of four months and ten days before remarrying;**

**If their husbands divorce them they must observe a waiting period of three months or three menstruations before remarrying.**

Unfortunately Biblical views on women, especially on married women too raise eyebrows. There have been criticisms and heavy debates going on for centuries on how the status of women has been depicted in the Bible. The way women have evidently been objectified in the scriptures is no different than the oppression and subjugation of women sanctified by Hinduism and Islam (if a serious comparative religious study is initiated, a common undertone challenging the natural rights and fundamental dignity of women can easily be identified). To put more light on it, let us examine some of the Bible verses that have gone absolutely detrimental to the principles of natural justice in case of women.

(Ephesians 5: 22-23, NIV)

*("Wives, submit to your own husbands, as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Saviour.")*

(1 Timothy 2: 11-12, NIV)

*("A woman should learn in quietness and full submission. I do not permit a woman to teach or to assume authority over a man; she must be quiet.)*

*(1 Peter 3:7, KJV)*

*(Likewise, ye husbands, dwell with them according to knowledge, giving honour unto the wife, as unto the weaker vessel, and as being heirs together of the grace of life; that your prayers be not hindered.)*

*(Deuteronomy 25:11-12, KJV)*

*(When men strive together one with another, and the wife of the one draweth near to deliver her husband out of the hand of him that smiteth him, and putteth forth her hand, and taketh him by the secrets: then thou shalt cut off her hand, thine eye shall not pity her.")*

*(Leviticus 12:2, KJV)*

*("Speak unto the children of Israel, saying, If a woman have conceived seed, and born a man child: then she shall be unclean for seven days; according to the days of the separation for her infirmity shall she be unclean.")*

*(Leviticus 12:5, KJV)*

*("But if she bear a maid child, then she shall be unclean for two weeks, as in her separation: and she shall continue in the blood of her purifying threescore and six days.")*

*(I Corinthians 11:3, KJV)*

*("But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God.")*

*(I Corinthians 11:8-9, KJV)*

*("For the man is not of the woman; but the woman of the man. Neither was the man created for the woman; but the woman for the man.")*

*(I Corinthians 14:35, NIV)*

*("If they want to inquire about something, they should ask their own husbands at home; for it is disgraceful for a woman to speak in the church.")*

*(1Peter 3:1, KJV)*

*("Likewise, ye wives, be in subjection to your own husbands; that, if any obey not the word, they also may without the word be won by the conversation of the wives;")*

*(Titus 2: 4-5, NIV)*

*("Then they can train the younger women to love their husbands and children, to be self controlled and pure, to be busy at home, to be kind, and to be subject to their husbands so that no one will malign the word of God.")*

*(Eccles. 26:14-15, KJVA)*

*("A silent and loving woman is a gift of the Lord: and there is nothing so much worth as a mind well instructed. A shamefaced and faithful woman is a double grace, and her continent mind cannot be valued.")*

*(Luke 2: 22, NIV)*

*("When the time came for the purification rites required by the Law of Moses, Joseph and Mary took him to Jerusalem to present him to the Lord.")*

*"For woman seems to be a creature somewhat different from man, in that she has dissimilar members, a varied form and a mind weaker than man. Although Eve was a most excellent and beautiful creature, like unto Adam in reference to the image of God, that is with respect to*

*righteousness, wisdom and salvation, yet she was a woman. For as the sun is more glorious than the moon, though the moon is a most glorious body, so woman, though she was a most beautiful work of God, yet she did not equal the glory of the male creature.”*

(By Martin Luther, German Priest; Theologian and Protestant Reformer, in “Commentary on Genesis”, Chapter 2, Part V, 27b.)

*On the first post-resurrection appearance of Jesus to women rather than to men: “I consider this was done by way of reproach, because they [the men] had been so tardy and sluggish to believe. And indeed, they deserve not only to have women for their teachers, but even oxen and asses. . . . Yet it pleased the Lord, by means of those weak and contemptible vessels, to give display of his power.”*

(By John Calvin, French Theologian; Pastor and Protestant Reformer, in “Commentary on the Gospel of John” (John 20))

*“Woman in her greatest perfection was made to serve and obey man . . .”*  
*“Nature I say, paints [women] further to be weak, frail, impatient, feeble and foolish: and experience has declared them to be inconstant, variable, cruel and lacking the spirit of counsel and regiment [or, leadership].”*

(By John Knox, Scottish Clergyman and Protestant Reformer in “The First Blast of the Trumpet Against the Monstrous Regiment of Women”.)

The study of aforementioned verses from different religious scriptures belonging to (3)three major faiths in the world i.e. Hinduism, Islam and Christianity helps us to understand that they elevate the status of men over women, have stricter sanctions against married women, and require them to be absolutely, unconditionally, unquestionably submissive. A lot of variations for the Bible verses above can be identified in numerous commentaries. Like the word ‘quietness’ for ‘silence’, but the admonition concerns the behaviour of women in religious assemblies or public assemblies for worship. The stand that has been taken by religious scriptures against prepubescent girls, single women, married women, Widows needs serious examination and reconsideration. Apparently, as evident; all religious scriptures have created a system which is predominantly sexist and male dominated. System of Marriage derive its legality and sanctity from the system of Religion that has confined women; married women in particular in a strange kind of invisible ‘Ghetto’ where their individuality has been sacrificed. It is in this ‘Ghetto’ women have been brainwashed and indoctrinated with the norms, rules, regulations, ethics, moralities, notions of purity created by ‘MEN’. Therefore, it can be said that patriarchal society and patriarchal rules (sanctified through religion) in the ancient world significantly created the hindrance to the development, advancement and progress of women and also resulted in treating women as

objects. Therefore, the feminists have taken a different approach to the institution of marriage and family.

### ***Examination of Feminist Perspective and Criticism of Marriage***

The meaning of marriage is so deeply rooted in patriarchy and gender inequality, that, in the modern sense, it does not make sense for a young woman to tie the knot unless she has a partner willing to reject all traditional overtures of marriage. Does she have the right to challenge dominance of male sexuality which causes '*Bedroom Politics of Power*'?

In the past, women were generally forced into marriage for economic security. In a world where the "welfare state" did not exist, a woman's best chance at survival was to marry, and to marry well. But as soon as she married, the woman's rights, independence and even identity - thus, the Mrs ABCD title - were surpassed by the will of her husband's, who became her legal guardian in every way.

Despite today's popular view that marriage equals love, matrimony is not actually grounded in love or intimacy: historically, it was a strategic alliance between two families, more often than not orchestrated by the families to ensure long-term stability and prosperity for the maximum amount of people. If you think about it, marriage is a brilliant invention that, in the past, simultaneously ensure women's rights and feelings remained subservient, and that reproduction - the only thing which could be controlled by women, considering babies grow within their own bodies - was kept firmly within the sphere of male control instead.

Historically, it has been identified that there are very few philosophers, who identify the justice in the public political realm and have argued the significance of the just family structures. However, most of the philosophers in the history have identified that family should be considered as a separate realm and must be protected from the state's interference. As to history, Lawrence Stone tells us that in England, until well into the sixteenth century, neither Church nor State regulated marriage in a systematic way, (Lawrence Stone, *UNCERTAIN UNIONS AND BROKEN LIVES* 15-35(1995)). The aforementioned evidence informed that marriage and family remained a significant part of the social and political realm and states (also through theocratic channels) have significantly interfered in this personal matter through different laws and principles. Connecting marriage and family with the interest of state has resulted in snatching the fundamental rights of equality and freedom of women, as some rights or obligations (subjected to being contracted around - by a premarital agreement or marital agreement that meets certain criteria) are considered unenforceable under the doctrine of 'Family Privacy', if brought by parties still in an intact marriage.

John Stuart Mill in his book *The Subjection of Women* informed that women face various inequalities in the family life that are incompatible with their equal status in the social sphere. He also identified that masculinity and patriarchy have resulted in the oppression of women and enforcement of "*the self-worship, the unjust self-preference*" (Mill, 86-87). These feelings and thoughts are nourished in the boys since childhood and the society remains male dominated. The male dominated society also results in reinforcing that by being born as male, men gets the right of being superior to women and when these boys grow and marry women, they treat them as mere objects (Mill, 88).

The feminist scholars have continued to support this view and see marriage as an institution that is meant for the oppression and subjugation of the women (Lorber, 32). Feminists have criticised marriage because of the moral and practical values associated with marriage. According to the moral and practical values of marriage, there are no individual liberty, freedom and equality between both sexes (Pateman, 45). The idea of 'personal is political' is at the core of feminist perspective towards marriage (Satz, 1). The feminist scholars and activists have often pointed towards the social, historical and political inequalities of marriage and family life that have become the reason of criticism. Sheila Cronan has also claimed that equality and freedom for women could not be achieved "*without abolition of marriage*" (Sheila, 219). Some of the feminists have also considered that the institution of marriage is the main vehicle for perpetuating violence and oppression of women.

Through the role of wife given to a woman, the subjugation of women is maintained within society (Dixon, 71). Andrea Dworkin is a feminist who have also stated that marriage is that institution of the society that developed from the practice of rape (Dworkin, 47). It has also been identified that second wave of the feminist literature in the Western world had significantly opposed the institution of marriage. There are various important feminists scholars who have raised concern regarding the provision of marriage and oppression of women, some of them are Marilyn French (*The Women's Room*, 1977), Kate Millett (*Sexual Politics*, 1969), Germaine Greer (*The Female Eunuch*, 1970), Jessie Bernard (*The Future of Marriage*, 1972), and Shulamith Firestone (*The Dialectic of Sex: The Case for Feminist Revolution*, 1970).

Marilyn French first publication was *The Women's Room*, published in the year 1977. This fictional novel became a significant part of the women's movement in the 20<sup>th</sup> century. In her book she explained the institution of marriage in the Western civilisation (Baghbidi, 87). This novel also informed regarding the radical feminist perspective of French towards marriage and informed that



marriage results in loss of identity, oppression of women and subordination of women to patriarchal society. In her works, she also stated that patriarchal society treats women as a sex object and the bodies of the women are treated as the property of men (Baghbidi, 88). Other feminists have also identified that in a patriarchal society, where the male domination is prevalent; women are often given the secondary place and the purposeful control of men. Philippa Levine in her work has stated that marriage is the "*single most profound and far-reaching institution that would affect the course of her (women's) life*" (150). She also identified that pressure that is imposed over women by the institution of marriage is very difficult to resist.

Philippa Levine further informs that marriage causes the demographic imbalance between the sexes mainly in the period of the 19th century. Feminist perspective also informs that wifehood is considered as the main occupation for women and intensifies the concern regarding inequality, loss of liberty and freedom of women (Levine, 151). Feminist also believe that marital status of the women is considered as the scale of their social success or failure resulting in denying their personal identity and status. Spector (25) identified that there have been various feminists in the industrial age, who have raised the concern regarding the marriage and its implications on women. Some of them include Sarah Fielding, Mary Hays, and Mary Wollstonecraft; they are few feminists who have considered that marriage can be identified or characterised as "*legal prostitution*" for the unprivileged women (Spector, 51).

Naomi Gerstel and Natalia Sarkisian have stated in their work "Marriage: The good, the bad, and the greedy" as well as Elyakim Kislev in her book have informed that marriage is often at odds with the whole community that results in diminishing the ties of the women with their friends, family and relatives and cause loneliness (Naomi, and Natalia 18; Kislev 34). The philosophical analysis of the marriage and family informs that traditional theorists have considered that the difference between the nature of men and women results in creating the difference between men and women. For example, the traditional theorists believe that women by nature want to have children and raise them, while men don't want (Rousseau). Therefore, the traditional perspective regarding the status of women is physiologically grounded on the basis of gender difference, which reinforces that women's predominant role in childrearing and fulfilling domestic duties and it is also their biological destiny (Satz, 4).

### **Feminist Critique: Marriage Oppress Women**

Behind the curtains of feminism lies the dark truth of oppression by male-dominated society. This society silently works to manipulate the social order into believing that God created the difference between the two sexes and by

the holy rule, we must abide by it blindly. The institution of Marriage which has been sanctified by religion has been invented with a notion to restrict the 'natural life and existence' of women so that she can be used for the purpose of lawful procreation and kept in perpetual servitude.

Marriage has been projected as a destination for women and everything else in her life is like the halt station. It is romanticized and fantasized to the extent that a woman starts believing that her life won't come to a fuller circle without marriage. It is a much internalized concept that a woman is someone else's property and the giving away of the bride by the father screams out loud that women are property transferred from one household to another. The marital symbols that a woman needs to don during the marriage rituals is a manifestation that now she is someone else's property. It is still expected that it is women who will acclimatize to a new family and becomes an examinee to the constant test she is put to. Within the urban space, many married couples live separately away from the husband's parents. However, that doesn't mean that a woman is discounted from misery. If she is a housewife, she has the responsibilities of accomplishing the household chores and devoting herself to the thankless job that does not find any recognition. It is taken for granted that a woman is 'naturally gifted' for the domestic sphere and hence she will take care of the home while her husband works outside. Even if there is a domestic worker and a cook, the onus rests with the women to supervise them. And if the woman has a job, Â 'double-day work' becomes her fate. A woman who chooses to escape from the glare of the trope of her wifely duties is implicitly or explicitly reminded by one and all that she is a failure, thus injecting guilt in her; a slow poison to bring her back to the track of her womanhood.

The feminists have three different positions to argue against the belief of traditional theorists regarding marriage and duties of women in marriage. The first argument is presented by the *social constructivists*, who deny that the differences between the male and female bodies and their psychologies position women within families (Haslanger, 301). Social constructivists have identified that culture and society results in shaping the role of men and women within society and in family system. They also argued that most of the differences are because of the prevailing gender inequalities and the difference in status of men and women should be considered as the outcome of those inequalities. Therefore, the feminist anthropologists and historians have focused on demonstrating that a significant role is played by the culture, religion and social class in shaping the lives of women and their oppression under the institution of marriage (Lorber, 85).

The second argument against the traditional gender perspectives are provided by *difference feminists*. They believe that there is psychological difference between men and women, but those differences can be challenged through normative and social implications. They believe that women can be caring and nurturing, but the difference is caused by how they are valued. The male and female roles within family must be voluntary, which is not often accepted and women are objectified (Gilligan and Attanucci, 225). The third argument is presented by the *anti-subordination* feminist perspective that rejects the concepts of biological and psychological difference between men and women in context of marriage and reproduction. Such feminists provides "A narrow focus on men and women's "difference" versus their "equality" obscures what is at stake in treating people as equals" (Staz, 7). They also believe that even if there are some differences between men and women, those differences do not justify the social structures that objectify women and consider them as men's property. They also believe that few differences cannot justify the inequality, lack of liberty and freedom for women. MacKinnon had also argued that whatever the biological or psychological difference are between men and women, they do not entail women subordination and oppression (MacKinnon, 50).

The evidence inform the child bearing remains the main role of women within marriage and family system. However, with time many changes have occurred the meaning, interpretation and importance of marriage. But, the perspective of people in the modern society has not significantly changed towards women. The feminist movement in the 20<sup>th</sup> century have helped in making some advances in the status of women, yet the marriages and families are still based on unequal division of labour. Women around the world still do most of the domestic labour, married for giving birth to children and have the responsibility of raising them. Therefore, the feminist scholars have also raised the concern regarding their prevailing inequality. For example, some of the feminist scholars have criticised the dominant economic and social approaches within family, where men are still considered as the head of the family and women are oppressed and their rights of freedom and liberty are denied (Basu, 51). A study conducted by Haddad in the year 1997 had identified that in the poor and developing nations, the development aids are firstly provided to males rather than females or children (Basu 47). This explains the inequality and injustices towards women still prevails in the modern society and are implicated in various forms.

According to the evidences, the major feminist political philosophy focuses on the main theme of exclusion of institution of marriage from the justice. Historically marriage and childbearing was considered as the significant

provision under law, but life of individual within marriage remained a private matter. The women were confined to the private sphere and this sphere was also considered as the non-interference zone for the state. This also implicated that what is being done to women or what is happening to her was not subjected or related to legal norms or justice (Brake, 8). However, as the time changed, the political philosophy have focused on acknowledging the importance of equal rights and liberty for women and such liberties and rights should be provided to them in the private sphere as well. The feminist economists and sociologists believe that responsibility of childbearing and raising children have resulted in restricting women to pursue their career and compete for demanding jobs. Marriage result in forcing women to remain economically dependent on their husbands and create vulnerability in the event of divorce (Staz, 9).

Feminists have also argued that marriages in contemporary society are also gender-structured that results in disempowering women and causing economic inequality for them. It is only through law and justice that such inequalities can be regulated through interfering in voluntary marital relations. Oppression of women and inequalities within marriage has resulted in outweighing the virtues and values of marriage (Smith et al 79). It is the economic dependence of women that results in causing physical, psychological and sexual abuse towards them. Feminists have also identified that women are often provided with asymmetric ability to exit marriage and provide more power and bargaining advantage to the males resulting in causing continuous denial of fundamental rights for women (Shanley, 56). Therefore, marriage remains on the significant focus of feminists because of its effect on the lives of women.

## **Conclusion**

***“Awake, Arise and Educate. Smash traditions-Liberate”***

~ Savitribai Phule

(First Female School Teacher in India who built first all-girls school in the country with her husband Social Reformer Mahatma Jyotirao Phule)

This study is based on the critical analysis of the institution of marriage and status of women from the feminist perspective. The main hypothesis on which this paper has been based is that marriage is mainly to bind women so that men can guarantee to have the legitimate and truly biological heirs. Marriage makes women as the men's property and this institution of marriage results in complete destruction of the natural liberty and freedom of women. Through the institution of marriage, women have become the eternal slaves of

masculine supremacy. This paper provides the comprehensive review of the existing feminist records and provides the critical perspective towards institution of marriage.

It can be concluded that institution of marriage was created mainly to bind women with men so that women can be treated as the property of men and can be used for childbearing. Our concept of family is essentially forcing women to give up ownership of their mind, bodies and lives. This paper provides many examples from the ancient Roman, Greek, Hebrew and Indian cultures in which the main objective of marriage was to give birth to children. Feminists have argued that such provision resulted in oppression and subjugation of women and remains prevalent in modern society. Women often have to face various disadvantages and inequalities within marriage that are specifically associated with gender inequalities. The validity of the arguments that gender inequalities are still rooted and persist over time, place, and culture can be claimed on the concept of intersectionality, that is, how the variables of caste, class, sexuality, race, and ethnicity, for example, intersect in relation to people's gendered experiences. If we are unable to even think about gender inequalities or issues, it is of high importance that academicians, practitioners, and activists continue to find new ways or space of speaking to each other; not for victory but for progress.

The social constructive perspective informs that the role of women is constructed as the domestic labour, who have the responsibility of child care. This perspective remains prevalent in modern Western societies as well. Feminists have also argued that institution of marriage results in denying the fundamental rights, liberties and freedom of women, as women are provided with a secondary position within society. Feminists argue that marriage is not a private but a public and political matter, as it requires equality and justice for women and requires providing them with equal rights. The truth of the system of marriage is not simply an expression of love and commitment between two people. It is a legally and socially sanctioned institution which evidently continues to benefit men at the expense of women. It is a direct product of patriarchy and it continues to thrive on it, particularly through the enforcement and maintenance of traditional gender roles where men are expected to be the unchallenged head of the family & breadwinners while women do all the housework and childcare. The institution of marriage is still as patriarchal and as old as the hills. In India today like in most societies across the world, women still do the bulk of unpaid and household/care work, whether they live and work in rural areas or in the city like Mumbai or Delhi. Their work remains largely undervalued (taken for granted) in macroeconomics. In addition, women are expected to ensure men are cleaned, washed, fed like babies and be sexually

satisfied. Meanwhile men (barring miniscule exceptions) who make very little effort to be parents or husbands are praised for being exceptional for the reason being their so called tall status in the family. Moreover, Religion and Culture are two strong strategic systems which has been formed to control women's natural freedom and most importantly their sexuality and to treat them as men's property which exacerbates the inequalities in marriage and between women and men in general. Traditional and/or harmful practices like child marriage (which is sugar-coated in Islamic laws), forced marriage, dowry tradition, son preference and polygamy are some of the customs and practices that are still widely accepted and sanctioned by both religion and culture today which has labelled woman as a second class, worthless member of a human race.

History has taught us, that every civilization that has prospered on Earth attempted to subjugate women by glorifying their feminine nature and inherent strength as well as destructive powers for e.g. various female Deities in Indian religious culture. The contradiction is visible. On one hand women have been made the slaves of patriarchy and on the other, the same patriarchy; by granting them the status of deity elevated their religious status. What mystery, what a contradiction, what conspiracy is this? How has the sexual objectification of a woman transformed into a religious objectification? The answers to the question lie in an age old conspiracy that made women the sacred object of veneration by declaring them as living goddesses. The moment living human beings starts to be venerated as a God or Deity they ceased to exist as a human being, as a result, their whole existence gets devoid of the human rights that they lawfully claims by virtue of being born as a human. God has no rights, isn't it? Declare woman a Goddess and deprive her of all her Human Rights, Individuality, Dignity and Status. Glorification of compulsory suicide of woman after the death of her husband was done by declaring her *Sati-Maata*. The dark legacy of the 'Sati' tradition is still alive, adored and venerated in the form of various temples built in the memory of 'Sati Mata' scattered over different places in northern India. Sati tradition was the best example as to what extent the society could go to degrade the existence of woman. Where else in the world could we find the greatest example of hypocrisy and slavery where married women are required to ascertain, derive, affirm and declare her 'LIFE and Overall Existence' from the Life and Authority of her husband? The 'Patriarchal wrath' mistook delicate feminine body as a sign of weakness and feminine beauty and sexuality has always been considered as threatening, damaging and challenging to the 'Tower of Power' of traditional male dominance in the institution of marriage.

What is threatening should either have to be destroyed or brought under the absolute control. This is exactly what happened with women all over the world.

Can the institution of marriage ever be conceived of as liberatory in its inclusion of non-heterosexual relationships and unconventional forms of kinship, even as it rests on a foundation of men's exploitation of women, and the exclusion of non-normative affective practices ? A recent paper ([https://www.huffingtonpost.in/entry/women-more-likely-than-men-to-initiate-divorces-but-not-breakups-study-finds\\_n\\_55d61f03e4b0ab468da049bb](https://www.huffingtonpost.in/entry/women-more-likely-than-men-to-initiate-divorces-but-not-breakups-study-finds_n_55d61f03e4b0ab468da049bb))

by Stanford sociologist Michael J. Rosenfeld analyzed longitudinal data from the How Couples Meet and Stay Together survey-a survey of a nationally representative sample of 2,262 adults in heterosexual relations followed from 2009 to early 2015.

The results revealed an intriguing pattern: As expected, women initiated roughly two thirds (69%) of the breakups in heterosexual marriages. However, the gendered trend in relationship breakups held only for marriages and not for other non-marital unions. Moreover, women in marriages, but not in other relationships, reported lower levels of satisfaction.

According to Rosenfeld, these data suggest that the tendency for women to initiate breakups is not an inherent feature of male-female relationships. Rather, it is a feature of male-female marriage. This finding appears to provide support for the notion that women experience the institution of marriage as oppressive, in large part because it emerged from and still carries the imprint of a system of female subjugation. Finally, the accumulating data and the analysis reflected so far in this paper gives a picture of marriage as not only socio-religious-political golden cage but also complex commerce in which women may often play a paradoxical role: They work harder for a smaller share of the benefits, which may explain why, while they may often be more eager to get into a marriage, they are often also more eager to get out. Women have been indoctrinated by the patriarchy to think there is only one path to take: find a man and give him all the love and energy. Time has come to redefine and reconstruct the concept of marriage. A new definition of marriage- characterized by the eternal principles of Justice, Equality, Liberty and Freedom will liberate the soul of a woman trapped for centuries. Let Woman Fly, Let her Grow, Let her Shine, Let her Glow. Let woman be free from the chains of 'Phallic Slavery'. Let woman reclaim her own 'WOMANHOOD'. And then, Let liberated woman take her man to the journey of lands unknown to him. FREE WOMAN IS A SYMBOL OF LOVE! O'MAN, SURRENDER!

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## ***A Study of Social Status of Women in Northeast India- A Review***

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### **Abstract**

In 21<sup>st</sup> century, the concept of 'Women Empowerment' have emerged around the globe which has found its reflection in the North-East part of India as well. The past has witnessed women's subjugation and suppression under patriarchy which has been characterized by the male dominated society. However, today, women have raised their voices, fought for their rights from every corner of the world. Women's participation in the mass movement against British colonization in the pre-independence and after post-independence against the policies as well as oppressive tactics of Indian Government have been a great contribution in peace building over several setbacks in the conflict ridden north-east region over a period of time. Women in the northeast India might have been belonging to different tribes however, their contribution in various capacities-as an individual and also as part of various women's organizations and groups has created a positive impact on the various societies that they are part of. Present paper is primarily based on secondary sources. Through our research and from the findings and views of several other researchers, it has come to light that women have always been a marginalized section of the society. However, despite of all the hardships, women stood tall on their feet. They have been fighting for the rights-individually as well as collectively. Women have now understood the complexities of the battle they required to fight and also discovered the challenges that 'patriarchy' has imposed on them. The final purpose of this paper is to discover the voice of a woman that needs to be heard, and to be empowered in social, economic, culture and political spectrum.

**Keywords:** Empowerment, Education, Women Status, Women's Movement, , Economy, SHGs, Peace building.

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***"I measure the progress of a community by the degree of progress which women have achieved."***

~ Dr. B.R. Ambedkar

## **Introduction**

Gender studies resulting out of the women's movement for justice, equality, liberty and freedom all over the world has become a current aspect of intellectual exercise and debate. With the beginning of movement in the 19<sup>th</sup> century in the west, there has been an increasingly growing consciousness regarding the status of women in society and their empowerment. Although women constitute half of the human population of the world, their contribution in the making of human civilization has always been largely ignored and marginalized. As Gerda Learner opines, "Like men, women are also and always have been actors and agents of history; and women have been central and not marginal to the making of the society, and the beginning of civilization" (Learner, 9). Various scholars like Dr. Ira Das opined that women in North-East India enjoy a comparatively better position than their counterparts in the rest of the country (Das, 1). Historical records maintain that in the past, when women in many other parts of India had to confine themselves within the house, in the heartland of the Brahmaputra valley women moved in open and freely without any socio-cultural or political barriers, they also traded in the market places, participated in the warfare as fighters, conducted religious life as abbots (it has been observed that the Christianity has a dominance over entire northeast India, and we get to see equal number of female pastors that of with their male counterparts.) and so forth. In the production system also they were indispensable. In spite of their liberal status in society, being under the control of patriarchy women always had to subordinate to men and make sacrifices for their welfare. In short, the liberty of the women in various tribal societies of the northeast India directly connected with the 'willingness' of the men to grant liberty to the women. Therefore, it is a sad fact to note that the women have not derived their natural liberty from the eternal principles of natural justice, but from the whims and fancies of their MEN.

Women's question involving her status in society came up in India in the 19<sup>th</sup> century when the colonial and Indian thinkers – both progressive and the traditionalist debated women's relationship to modernity. The forces of colonialism and accompanying modernization have brought both benefits to the hitherto static society of India. The freedom struggle gave them and encouraged them to view the role they could play in the social and political life. In the name of customary law women among many of the tribal communities suffered economic and social disabilities which have handicapped them to be independent citizens of the society. If we take a reference of any tribal custom or tradition of any tribe not only in the northeast part of India, but tribal society located in any part of the world, we will come

to the shocking realization that the women were made to sacrifice their natural rights in the name of 'patriarchy'.

Swami Vivekananda opined, "There is no chance for the welfare of the world unless the condition of the woman has improved. It is not possible for a bird to fly on one wing." Pandit Jawaharlal Nehru was with the view that, in order to awaken the people, it is the woman who has to be awakened. According to him once the woman is in the move, the household moves, and then village moves and there after the country moves. The need of the present hour is to make the women fully independent and empowered through various social, political as well as economic activities.

Women, who has been used by patriarchy to satisfy their carnal desires and also been instrumental in enslaving the women, had also required to look at women to pacify the warring warriors. This is an irony of society. Understanding the status of women in the northeast India and the issues and challenges involved in their empowerment would be futile unless we understand how they contributed to the peace processes to tackle the conflict that changed the entire face of the region.

### **Women's participation in peace building:**

Undoubtedly, from the time immemorial women have played a bigger role but their contribution has not been taken much into account when compared to men. However, women's movement gave its shape only during the 1980s in North-East. Despite a weak representation in institutional politics, women in North-East are known for their active participation in social, economic, cultural and political life. The women in North-East are found to be independent, courageous and assertive and react assertively against social wrong doings. Though nominal presence in electoral politics, there are other areas in public life where several North-East women's peace groups have met their presence felt. The participation of women and inclusion of gender perspective in both formal and informal peace process is vital in establishing sustainable peace (Hanjaban and Subhra, 2008). In United Nations Conference, women's contributions to conflict prevention are conceptualized into three areas;

- Non-violent transformation - Women all over the world at the forefront of the movement for democracy and human rights.
- Preventing escalation of conflict - Whether protesting against unconstitutional government or requesting an insurgent group. And,
- Preventing resurgence of violence.

Years of conflict are followed by years of transition. Without women's equal participation and full involvement in the peace process, neither justice nor is a

development possible. In North-East India, initiatives taken by women for peace are classified by Puala Banarjee into three different groups;

- Groups that organize sporadic issue based peace movement.
- Groups who tried to collaborate with different groups and organizations.
- Groups that stand independently and negotiate with both army and insurgence.

In North-East India, most of the conflicts are either communalism or ethic based. Their conflicts are specific to a region or ethic group organized around paternal pattern. Such cases can be seen on the following points;

- Nupi Lan (1904 and 1939-40) is one such case where women had strongly participated. Nupi Lan in Manipuri means women's war which refers to two historic movements of Manipuri women against the exploitation and artificial famine created by British policies. The first Nupi Lan broke out in 1904 against a British order to send Manipur men to Kabow Valley to fetch timber for rebuilding the bungalow of the police agent under so called Lalup (kind of Begar or forced labor). It was fiercely opposed by 5000 women and turned into a sort of uprising that lasted for a week. The second Nupi Lan was triggered in 12<sup>th</sup> December, 1939, due to indiscriminate export of rice from Manipuri businessmen with the support of British which resulted in inflation of food and artificial famine. Today, the Manipuri people observe the day as Women's War Day (Nupilal Numit). The movement started as an agitation against the policies of British and local Maharaja. Meira Paibi in Manipur was another women's movement started in the late 1970's to control the social order and gendered violence occurring due to alcoholism and drug abuse. Every married woman is a compulsory member of the local Meira Paibi Association. (Hanjabam and Subhra, 2008)
- The Naga Mothers' Association, NMA was established in 1984 in Kohima against the backdrop of the Nagaland conflict, rampant alcoholism and drug problems. It became an umbrella organization, which brought together the women's wings of different Naga tribes. "Neidomo Angami" was one of the founding members of NMA. She was also popularly known as the 'Mother of Peace'. She served as its General Secretary from 1984-1994. Since the early 80s, drug-addiction was a rampant problem in the North-East which affected the states' young people adversely. This brought Naga women together from different works of life to fight this menace which kill the future of Naga. In the

1990s, the NMA also played a pioneering role in tackling HIV and AIDS. In the political field also, the NMA fought for more representation of women in politics and decision making in the public sphere. The NMA fought for a case in India's Supreme Court pushing for a 33% reservation for women in local polls. The NMA has also played an important role in peace talks. In 1994, the NMA started a peace building effort through its, 'Shed No More Blood' campaign and it remains the guiding force of the peace efforts undertaken by them. The campaign is based on the motto of human integrity and considers the value of each life as sacred. They also train to maintain peace and prohibit violence by nurturing and sustaining ceasefire between Nagaland underground groups and government where they also demanded that AFSPA to be withdrawn. (Shrinivasan, 2013)

- The Asom Pradeshik Mahila Samiti in Assam was established in 1926 under the leadership of Chandraprasa Saikiani. This organization was initially formed for the welfare of women and children.
- Meghalaya has a matrilineal society where no purdah system is imposed, where no restrictions as such exists on women's physical movements or dresses. Some of the Women's movements are Mother's Union, Ka Synjuk Kynthei, Ka Seng Longkmie Laitumkhrah, etc., Mother's Union is the oldest which started in 1941 at Tura in Garo Hills. They work to bring up children in the best moral character. Ka Synjuk Kynthei is a purely non-political and non-sectarian with social objectives. Ka Seng Longkmie Laitumkhrah is a Tribal Women Welfare and Development Association of Meghalaya.
- The Hmeichhe Tangrual Pawl (HTP) in Mizoram was established in 1946 followed by the Mizo Women Organization (MHIP) in 1964. These organizations initially raised the need to reform traditional and cultural practices of the Mizo's but later they also raised voice against the discrimination and injustice in the society. (GK Today, 2017)

The role as a peacemaker performed by women in the various conflict zones of the northeast India is commendable; however, did that change the status of women in their respective tribal societies? Did the menfolk have change their attitude towards women? Women were venerated as peacemakers, but did they get freedom from the clutches of social norms and traditions that have taken away their natural rights, their human rights from them? Are women sufficiently represented in the various tribal bodies and political institutions as well as platforms located in different states of the northeast region? How many women MPs and MLA have been produced by this region so far? Are women

allowed to take independent decision? Love, compassion, help, support, protection given by MEN to the WOMEN is absolutely fruitless. Unless, women are empowered, there can be no progress

### **Women Empowerment: A Bird's Eye View**

According to Kait, Kavita "Empowerment is a multi-faceted, multi-dimensional and multi-layered concept. Women's empowerment is a process in which women gain greater share of control over resources material, human and intellectual like knowledge, information, ideas and financial resources like money - and access to money and control over decision-making in the home, community, society and nation, and to gain 'power'. According to the Country Report of Government of India, "Empowerment means moving from a position of enforced powerlessness to one; of power". But, from time immemorial, the women in this land of ours were treated as a sort of thing. Her placing in the society was not at par with other human beings. She has no rights. She cannot move nor do anything at her will." (Kavita 2019)

Empowerment is the process of change by which individual or groups gain power and ability to take control over their lives. It involves increase well-being, access to resources, increase self-confidence, self-esteem and respect, increase participation in decision making and bargaining power and increased control over benefits, resource and own life. Empowering of women presupposes a drastic, dynamic and democratic change in the perception of and expectations from women in our society. A scientific perception of women's need is essential for the process which is to the empowering. Women as a socially and politically excluded group must rethink and reorder the patriarchal notions of femininity which justified their execution and represent it in their own terms. "Empowerment is the process by which the powerless gain greater control over the circumstances of their lives. It includes both controls over resources and over ideology, a growing intrinsic capability – greater self-confidence, and an inner transformation of one's consciousness that enables one to overcome external barriers" (Sen and Batliwala, 2000). It is also the process of internal change and to the capacity and right to make decisions.

The question of Empowerment of women comes with a solution to their free, unobstructed access to the resources and assets of the society and therefore, it is necessary for women to have financial independence through the process of Economic Empowerment which will have positive impact in transforming the social status of women. As we have seen, the social status of women primarily in the rural areas has been marred by discrimination at every level in their lives. Even if they are literate, they are not educated enough, confident enough



and independent enough to exercise their choices. The main reason being is their financial dependency on their husbands, families and other menfolks. Therefore, in the introductory discourse on the Women Empowerment it becomes pertinent to discuss the ways and means where women in rural regions of the northeast could have opportunities to become financially independent.

### **Women Employment Opportunities in Rural Economy:**

1. *Agriculture and Allied Sector:* The mode of women participation in agricultural production varies with the land owning status of farm household. In animal husbandry, women have played a multiple role. Their activities vary widely ranging from taking care of animals, grazing, fodder collection, cleaning of animal sheds to processing milk and livestock products. The nature and extent of women participation in fishery varies across the country. Piggery, poultry, goatry are also providing employment opportunities for rural women to some extent. Sericulture, handloom and textile industries in rural economy in North-Eastern region has huge potentiality for women employment generation, given that the communities has some basic skills and the local market has demand for a product. The tea industries especially in Assam also provide some working opportunities basically who belongs to the illiterate group or very low literary group. (Borah, Jyotismita and Barah, 2014)
2. *Small Scale Industries:* Women in the rural economy are directly or indirectly involved in processing of Non Timber Forest Product (NTFP) particularly in the small scale enterprises. This includes basket, broom, rope making, tesar silk cocoon bearing, lac cultivation, oil extraction and bamboo works.
3. *Government Programmed:* Government of India have been taking an enormous step regarding the rural employment. Swarnajayati Gram Swarojgar Yojana (SGSY) and Mahatma Gandhi National Rural Employment Guarantee Programme (MNREGA) are effective for women employment. Besides these, there are some other programmes which are implemented by the State Government which directly or indirectly are providing employment opportunities in rural areas. National Rural Guarantee Act (NREGA) of India is another major scheme provided by the government enacted since independence, guarantying rural employment and right to work as an enforceable legal entitlement, in a rural milieu marked by stark inequalities between men and women, created opportunities for gainful socio economics inclusion of women. It's a bold and unique experiment in the provision of rural employment in India and indeed in world at large. The act stipulates that

wages will be equal for men and women. It is also committed to ensuring that at least 33% of the workers shall be women. By generating employment for women at fair wages in the village, NREGA can play a substantial role in economically empowering women and laying the basis for greater independence and self-esteem. The NREGA, with its guarantee of 100 days of unskilled work for every household, has been envisaged as a gender sensitization scheme'. While providing employment priority shall be given to the women in such a way at least one third of the beneficiaries shall be women who have registered and requested for work under the scheme. (Borgohain and Sikhamoni, 2014)

As discussed before, in the process of social empowerment of women; their economic liberty and financial freedom play an important role. Besides employment opportunities there is another mechanism which has been developed over a period of time which is based on the principle of "**Help one-Help All**". This mechanism came to be known as Self Help Group which has not only changed the dimension of the movement of women's liberation but also paved the path to the new financial freedom that contributed greatly to the social empowerment of women in the northeast region of India.

### **Role of Self Help Groups (SHGs) and Women Empowerment:**

A self-help group (SHG) is a financial intermediary committee usually composed of 10–20 local women or men. Most self-help groups are located in India, though SHGs can be found in other countries, especially in South Asia and Southeast Asia. As generally understood, Self-Help Groups (SHGs) are informal associations of people who choose to come together to find ways to improve their living conditions. It can be defined as self-governed, peer controlled information group of people with similar socio-economic background and having a desire to collectively perform common purpose. Villages face numerous problems related to poverty, illiteracy, lack of skills, lack of formal credit etc. These problems cannot be tackled at an individual level and need collective efforts. Thus, SHG can become a vehicle of change for the poor and marginalized. Not only Self Help Group has been found to be beneficial to bring social change but it has also transformed many lives. For Women, SHG has become a boon, a well cultivated path to carve their own, independent destiny and secured future.

In the context of the women of Northeast India, the stage of formation of self-help group may be said to be the foundation stone laying stage. The formation of SHGs is not ultimately a micro credit projects but an empowering process, which can be the concept of empowering women and thus uplifting their

families above the poverty line. It is a gradual process resulting from interaction with group members through awareness and capacity building. The volunteers of the poor women coming together are of crucial importance. The women are motivated by the agencies through small informal gatherings, at which the virtues of small savings and the importance of reducing wages, expenditures and building up funds for meeting their contingency credit needs are explained to them. Today the SHGs are catching up as the most viable means of mobilizing credit support for the poor at grass root level, particularly for the women folk. The major objective of SHG is socioeconomic empowerment of women through group initiatives of training production and marketing. (Hazarika and Ritu, 2014). Self-help group of the present study are able to organized the poor and the marginalized to come together to work for the development of the rural areas. Following are some of the role played by the SHGs in the rural areas of the study.

1. SHGs provide self-employed to the rural poor to have sustained income to meet their urgent need. As far as the education level is concerned, 90% of the SHGs beneficiaries were below class X, 8% under secondary level and only 2% were under graduate level. Low level of literacy make it difficult for the poor to find employment but SHGs gives them an opportunity to employ themselves in order to earn a living.
2. 95% of the SHGs beneficiaries were found to be house-wives without any income before joining the SHGs. But SHGs provide them an opportunity to engage themselves in various occupations to improve their earning capacity. Now these housewives are able to help their families financially at the time of need and they are also able to get prestige in the family as well as in the society.
3. SHGs have been able to improve the skills of women to do various things by managing the available natural resource. As a group they can help each other to learn so many things along with the money management because most of the women in the rural areas have a very little knowledge for the management of money.
4. SHGs helps the poor people in the village to save huge amount more quickly by pulling their savings in a common fund which can be used by the group or member of the group for productive investment. As the poor can save only a small amount individually, which are usually not enough for investment.

5. SHGs increase the level of social empowerment of women through participation and decision making in the group level. All the members of the SHGs are made to take part in the meeting and income generation activities. It gives them confidence and understating to actively participate at household level as well as external environment in the process of development. (Therila, 2017)

**Education and Women Empowerment:**

Education for women is the most powerful instrument of changing their position in the society. Education also brings about reduction in inequalities and also acts as a means to improve their status within the family. In order to encourage the education of women at all levels and to dilute gender bias in the provision and acquaintance of education, schools, colleges and even universities were established exclusively for women in the country. To bring more girl children, especially from marginalised BPL families, into the mainstream of education, Government has been providing a package of concessions in the form of free supply of books, uniforms, boarding and lodging, clothing for hostilities, mid-day meals, scholarships, free by-cycles and so on. (Kavita Ibid 2019)

Education is an optional tool in the emancipation and empowerment of women. The greatest single factor which can incredibly improve the status of women in any society is education. It is indispensable that education enables women not only to gain more knowledge about the world outside of her health and home but helps her to get status, positive self-esteem and self-confidence, necessary courage and inner strength to face challenges in life. Education makes the women empowered personally, economically, socially, culturally and politically. . Educated women can help acquire self-confidence, self-esteem, and independence. Education provides women access to knowledge in areas like health, childcare, nutrition and family planning. Moreover it develops the personality of the women. Through education women develop interpersonal skills and problem solving skills, through which they are able to tackle the problems that they come across in day to day life. An educated woman is able to maintain her own morality, personal hygiene, emotionally balance and a married educated woman can take care her home, husband and children. Thus, an educated woman has a great influence in the household decision making which is the foremost step to the ladder of empowerment.

Education is an important aspect to develop nation and it is proved that nations without education cannot developed at its full, as it cannot take full advantage of its human resources where human resources is one of the major

resources or an asset of any nation. Without educated women, a nation cannot see its distance dream as it is the women who write the future of a generation. India is the world's largest democracy where billions of people live and almost half of these are women. When girls are not educated, families suffer too. Educated mothers use their knowledge to improve their children and family members. Educating girls is not an option but a necessity therefore much progress has been made in recent decades.

Some of the most successful efforts to link women empowerment with education have been Mahila Samakhya, the Total Literacy Campaign (TLC) and Operation Blackboard. In both Kendriya Vidyalayas and Navodaya Vidyalayas, education for girls is free up to class-XII. The district primary education program also focuses on improving a girl access to and participate in school. Vocational training program which emphasizes entrepreneurship have been designed for girls who complete class-X and those dropped out in Technical and Professional Higher Education's Programs which has increased the participation of women to a great extent.. The UGCs has been encouraging institutions to take up researches, projects in the area of women's students by providing the necessary funds. (Puzari, Goswami and Mrinali, 2014).

In Northeast part of India, as published by various government reports, the literacy rate is high, for instance in Nagaland literacy rate is 79 percent, out of which 76.11 percent have been identified as literate. However, literacy cannot be synonymous to social justice or empowerment; also, literacy cannot be termed as education. The entire northeast region which is having high literacy rate among women, have been seriously challenged by the number of 'educated' women. Education and Empowerment goes hand in hand, however the question is whether the women have been allowed to be educated enough to raise their own voice independently? Introspection is necessary.

### **Conclusion**

Women were always forced to be graceful, beautiful, sexy, clean, kind, accommodative and to always obey the words of their husbands, brothers and fathers, denying them their own free will and autonomy. Within Shakespeare's play "OTHELLO", the character, Iago outlines his own misogynistic views, stating that "**[women] are pictures out of door, bells in your parlors, wild-cats in your kitchens, saints in your injuries, devils being offended, players in your housewifery, and housewives in your beds.**" The views that Iago expressed for woman has still been echoed positively through the mouths of

male chauvinists, male dominated cultures, Phallic Supremacists and most of the men in any given society all over the world including tribal and non-tribal societies of the northeast India.

As evident, women has always been subjugated by men in almost every field, their gender has always determined and appropriated to stop them from being independent and free willed. Gender differences became a hindrance from receiving education. Women were not given the right of choosing one's own life partner and so on. But all these did not stop women in progressing as individual and in society at large. Women have played an enormous role both in family life and outside where from a child bearer, they have become a torch bearer of the society. We learnt from the past that women in North-East have enjoyed certain privileges as compared to other parts of the country but they were/are not fully independent-they were/are the victims of stark social contradictions. With all these clutches and hurdles women never gave up and fought for their rights in every field. In fact, women have achieved a greater height over a period of time. Great personalities can be seen from North-East representing the country. Daughters of this region have achieved great feats in as diverse fields as sports, music, business, politics, education, literature and so forth. Such personalities include MC Mary Kom, who not only brought laurels and reorganization to the people of North-East but country at whole. Indira Miri, an Indian Educationist whose contribution in promoting education in the North East Frontier Agency (now Arunachal Pradesh) is beyond words. She was a recipient of the fourth highest Indian civilian award of Padma Shri. Another female writer Indira Goswami, a Jnanpith awardee followed by modern day acclaimed writers like Anuradha Sharma, Pujari, Rita Chaudhary, Eastrine Kire Iralu and many more. They are playing multiple roles of a mother, daughter, sister, wife, and working professionals with remarkable harmony and ease. With equal opportunities to work, they are functioning with the spirit of team work to render all possible co-operations to their counterparts in meeting the deadlines and targets set in their respective professions. Women empowerment is not limited to urban, working women but women in remote towns and villages are now increasingly voicing out their voices. Educated or not (formal education), they are asserting their social and political rights and making their presence felt regardless of socio-economic background. Women have achieved tremendously in every field, as a matter of fact in education sector girls have outwitted boys by great margins.

However, the question remains the same, are women free from all kinds of prejudices, biases or discriminations? It is sad to note that in today's 21<sup>st</sup> century women are still facing discrimination; moreover many are not free from

exploitation and harassment; physical, emotional, mental and sexual. The positive impact can be seen only when the society changes their attitude towards women folk and accepting them as they are, providing equal opportunities in respect of their abilities and capabilities, treating them with proper respect, dignity, fairness and equality. The political unrest in North-East India is also another major defect which in turn has caused deterioration in the status of women and the people in general. Government and the civil bodies should join hands and create awareness and spread it in every corner of the states, and also stimulating women's role on the basis of their natural status and rights. We have found a gist of our article in a quotation given by William Golding, a British Novelist, Playwright and Poet where he says, ***"I think women are foolish to pretend they are equal to men. They are far superior and always have been. Whatever you give a woman, she will make it greater. If you give her sperm, she will give you a baby. If you give her a house, she will give you a home. If you give her groceries, she will give you a meal. If you give her a smile, she will give you her heart. She multiplies and enlarges what is given to her. So, if you give her any crap, be... ready to receive a ton of shit!"***

Now, the time has come for Men to recognize the true nature and natural status of a woman. Woman does not need protection of Man, but Trust. She does not need veneration, but Justice. She does not need fancy clothes, make up kits but Recognition. She does not need men falling at her feet, but partners equal in the affairs of life. No doubt, Woman is a Creator, but will Man ever surrender his ego? Will Man ever free himself from social, cultural prejudices that he has been indoctrinated in for centuries? Will Man ever accept the leadership of a Woman? Will Man ever understand that Woman is neither lesser, nor equal but by nature superior than him? If the answer is in AFFIRMATIVE, then we believe that we have an opportunity to gift a better world to our future generations- A world, free from discrimination, A world of Justice, Equality, Liberty, Fraternity and Freedom. A world where Man and Woman would be one-Socially, Economically, Politically, Culturally and Sexually.

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## ***Beyond Gender Deception***

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### **Abstract**

Gender is a social and cultural construct where males and females play the role according to their gender. System of differentiation based on gender has always been a major issue in Naga society. Looking into the context of Naga society we find different opinions with regard to the position of women in the 'tribal societies'. The fact that it is a patriarchal society cannot be denied. However with the transition from tradition to modernity, changing role of the females are visible. In modern times, women are working side by side with men in all kinds of jobs. It can further be said that education is the main indicator for the development of women's status in a society

**Keyword:** Transition, Patriarchy, Women, Gender

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Gender is a social and cultural construct of what constitutes being a 'man' or a 'woman'. Based on the characteristics that a society or culture perceives to be 'masculine' or 'feminine' it also refers to the economic, social, political and cultural attributes and opportunities associated with being women and men. Gender roles and expectations are learned. They can change over time and they vary within and between cultures. Systems of social differentiation such as political status, class, ethnicity, physical and mental disability, age and more, modify gender roles.

Gender is defined by FAO as 'the relations between men and women, both perceptual and material. Gender is not determined biologically, as a result of sexual characteristics of either women or men, but is constructed socially. It is a central organizing principle of societies, and often governs the processes of production and reproduction, consumption and distribution' (FAO, 1997). Gender is a culture-specific construct - there are significant differences in what women and men can or cannot do in one culture as compared to another. But what is fairly consistent across cultures is that there is always a distinct difference between women's and men's roles, access to productive resources, and decision-making authority. Typically, men are seen as being responsible for the productive activities outside the home than women.

Over the past several decades, women have been increasingly successful at integrating into male-dominated professional occupations. However, women's presence in blue-collar male-dominated jobs continues to be

stubbornly low. We are still carrying the burden of traditional divided society which was based primarily on ascribed statuses that ensured the place of a person in a particular community, caste or group by virtue of her birth in that particular group. Prejudice and discriminatory attitude is something that has not changed much over a period of time. This is true even in the case of gender discrimination which is a manifestation of patriarchal mindset and ideology that stops short of calling this century a truly modern one. Gender inequality is also reflected in India's poor ranking in various global gender indices. According to the Global Gender Gap Report released by the World Economic Forum (WEF) in 2018, India was ranked 108<sup>th</sup> on the Gender Gap Index (GGI) among 149 countries polled. India also scored poorly on overall female to male literacy and health ranking.

However, women's position which has deteriorated during the British rule in India regained slowly in the subsequent phases. It was only through the spread of education and the inter-mixture of western and eastern cultures that women began to realize their importance in society. Formal education has a role to play in according social status to women. Education is a major avenue of upward social mobility. The 108<sup>th</sup> Constitutional Amendment Bill, popularly known as the Women's Reservation Bill which seeks to reserve one-third of seats for women in the Lok Sabha and the State Legislative Assemblies has provided an impetus to the empowerment of women in the political arena in recent times.

Looking into the context of Naga society we find different opinions with regard to the position of women in the 'tribal societies'. Some say that Nagaland being a "caste and classless" society does not discriminate against women on any ground and generally assign a high status to women while others opine that women are regarded as a mere subordinate to their husbands. Hutton has shown that the status of Naga woman is high but they are not free from the influences of traditional customary law. Mills has also expressed similar opinion about the life of men and women in every aspect of their life.

Naga society is patriarchal in nature that gives importance to male members more than female members in the family as well as the society. In theory Naga women have almost the same rights and duties as men. However, in practical, women are less privileged than men in many spheres even though they are partners of men in all their wishes, thoughts and functions. Generally women are not recognized or accepted in terms of ownership and inheritance rights because Nagas maintain that female members have full right to enjoy the benefits and privileges entitled to their husbands once they leave their parents at the time of marriage. Women are also not seen in the decision-making body

such as, the Village Council which is usually headed by the village chief and elders in the village. Every member in the village is bound to abide by the judgment or resolution passed by the village council. Although 1,428 villages in Nagaland have Village Development Board (VDB), most of its members are males which projects the mindset of women that they are still being inferior and taking up the accountability for its implementation and inclusion of women as a member in the village council is farfetched.

In most of the Village Development Boards (VDBs) and Village Council, women are voiceless and their views are not considered valid and in most cases, their views are not taken into account. Although the state Government stipulates 25 percent of the total members in the VDB to be women, in most villages, women members in the Village Development Boards exists only on papers. In some, the women suffer from the 'Tea Women' syndrome where women members are inducted only to prepare and serve tea to the men members of the board. The gender inequality is apparent even in the Nagaland Legislative Assembly (NLA), where not a single woman has been elected to the seat even after 56 years of statehood. Naga women are brainwashed by male ideologies and that Naga girls are brought up in a society where women are discriminated in the name of culture and traditions. There is no future for Naga women in a rigid patriarchal society unless cultural and traditional practices are reviewed or redefined.

Even though traditional Naga society is not free from patriarchal culture, women enjoy a high status as compared to other societies of the world. In the family, though male child is more expected, parents do not feel complete and happy if they do not have female child. All children are considered a blessing and good fortune for the family. In the earlier days, girls are cared for and nurtured well at home until they attain their puberty. Once they attain puberty, they are admitted to the Morung where they are trained by their elders. Young girls are taught the art of cooking, cleaning, weaving, singing and other activities which help them to prepare for their next stage in life which is marriage. Once they reach the marriageable age, they leave the Morung and live with their husbands. . Concerning the status of women in the Naga traditional society, Prof. Fürer Haimendorf, during his trip to Naga Hills in 1930s, rightly observed,

*"Many women in more civilized parts of India may well envy the women of Naga Hills their high status and their free life and happy life; and if you measure...*

*the cultural level of a people by the social position and personal tradition of its women, you will think twice before looking down on the Nagas as 'savages.'*

It can further be safely inferred that all Naga communities are passing through transition. Change from tradition to modernity is taking place. Urbanism has caused a change in the ethos of the tribal culture. This finally has led to the change in the female role. In modern times, women are working side by side with men in all kinds of jobs. It can further be said that education is the main indicator for the development of women's status in a society. Much progress has been made in the sphere of education and they are occupying a high position in the government jobs. Now the time has changed and the status of women in the Naga society is also improved visibly. Boys and girls are no more seen like before. The level of gender justice and equality is a lot more improved. Now in many areas, Naga women are more privileged than men. For instance, in education sector Naga girls are, if not equal, more privileged than boys and Naga parents do not hesitate to invest for their daughters.

As per 2011 census the gender gap is almost 6.60 % in the state. The literacy rate in Nagaland is 80.11 %.Male literacy stands at 82.75% and female literacy rate at 76.11 %.The sex ratio (Females per 1000 Males) in Nagaland steadily increased from 886 in 1991 to 909 in 2001 and further increased to 931 in 2011 (Census 2011). However it is still below National average to 940 females per 1000 males. Sex ratio in urban areas of Nagaland was 908, whereas in rural areas it was 940. The Gender Development Index for the State was 0.58 in 2011, which shows a considerable improvement over the figures of 0.49 in 2001. Here Dimapur has the highest index of about 0.72 followed by Kohima, Wokha and Mokokchung. The total workforce constitutes 49.24 percent of the total population of Nagaland. The work Participation Rate (WPR) among males increased from 47.3 percent in 2001 to 56.18 percent in 2011. Among females it increased from 42.5 percent to 43.81 percent during the same period. The gender disparity in terms of Work Participation Rate both in rural and urban areas has been declining over the last two decades.

It has been stated that there is an increase in crimes against women, although the National Crime Records Bureau (NCRB) 2012 Report rated Nagaland as the lowest among the states in the country with low crimes against women. The disadvantages faced by women are still numerous. These disadvantages need to be identified and addressed through sensitization of both men and women

at the grass root level and of the tribal Hohos and policy makers on gains of gender equality which will consequently lead to the development of people's abilities and economic gain.

Throughout history, the central role of women in society has ensured the stability, progress and long term development of nations. The theme for International Women's Day 2019 "Think equal, build smart, innovate for change" strongly advocates gender equality and the empowerment of women. Gender equality facilitates the empowerment of women. Women in businesses and leadership positions have profound social and global implications. Some notable example of such influential women is Malala Yousafzai, a Nobel laureate who is regarded as a role model for young women and with good reason. She is a young woman who survived an attempt on her life and who is now an outspoken advocate of female rights and female education in the Middle East. She has bravely spoken in the United Nations and continuous to fight for girls to get an education in all corners of the globe. Another dynamic women leader is Aung San Suu kyi who is a living political activist and has gained international fame and recognition when she campaigned for democracy in Burma, earning herself a spot amongst the great female role models. Suu Kyi led the national league for democracy for many years and gained huge global respect and praise for her continuous stance, despite being a political prisoner under house arrest for 20 years before her release. Now she is the present leader of the ruling political party in Burma. Since education begins at home, the upliftment of women would be accompanied by the development of the family, the society and in turn, would lead towards a holistic development of the nation. Thus planning on an extensive scale including all the stakeholders, spread of awareness in general and sensitization of women rights coupled with education will go a long way in the empowerment of women in areas of social, economic and political sphere to ensure liberty, equality and justice as it was envisioned in the preamble of the Indian constitution by the founding fathers of the constitution which will propel women at par with men.

As quoted by Pandit Jawaharlal Nehru

*"To awaken the people, it is the women who must be awakened.  
Once she is on the move, the family moves, the village moves,  
and the nation moves."*

Women with influence and power have the ability to transform a generation.

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## ***Contesting political space in Nagaland: A Gendered perspective***

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### **Abstract**

Gender, as a social construct give rise to stereotype formulations which serve to restrict the social roles of women, often made possible by the public and private dichotomy wherein the latter, represented by home and the domestic sphere, supposedly constitutes the 'ideal' space for women. Thus, the public sphere of governance, polity and decision making is generally regarded as the exclusive domain of men, a 'masculine' sphere, rationalized through the fact that women are still under-represented in politics in most parts of the world barring a few nations. The Inter-Parliamentary Union (IPU) holds that democracy will assume true significance only when political policies and legislation are decided jointly by men and women in the interests of both halves of the population- a partnership for democracy. The current article seeks to provide a critical overview of the contestation over political space in Naga society given the emergent focus on the importance of women in governance as a pre-requisite determinant of progressive societies. Women in Nagaland have been able to make remarkable advancement in most facets of life, most notably in the educational arena; however, the political sphere remains one where women have not yet gained an equivalent status with men. The persistent gender gap in politics is located in the socio-cultural setup defined by appropriate gender roles. Hence, the contemporary temporal process of qualitative change governed by encompassing values like universal human rights and individual liberty demands a shift in paradigm wherein the traditional practices of the Naga people be re-assessed with gender relations and issues of equity being core to this interrogation.

**Keywords:** Gender, Contestation, Tradition, Democracy, Equity, Politics

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### **Understanding Gender and Politics**

Generally understood, gender implies the ways in which the social categories of men and women in a particular society interact in various spheres of social activity, determining access to and control over resources and power, as well as opportunities to participate in cultural, economic and decision making domain. Taylor and Miller (1990) opine that gender organizes social life, social structure and social beliefs. Hence, gender determines what is expected, allowed and valued in a man or woman in a particular cultural context. Gender has also been defined as the qualitative and interdependent

character of women and men in society (Ostergaard, 1992). It is constituted in terms of the relation of power and dominance that structure the life chances of women and men, which one may term as gender relations. Central to the understanding of gender is socially produced attributes of masculinity and femininity and the social arrangements based upon them.

Gender, as a social construct give rise to stereotype formulations which serve to restrict the social roles of women (Jamir, 2012), often made possible by the public and private dichotomy wherein the latter, represented by home and the domestic sphere, supposedly constitutes the 'ideal' space for women. Thus, the public sphere of governance, polity and decision making where the 'authoritative allocation of values' (Easton in Sharma, 1998) are made, is seen as the exclusive domain of men. According to Wendy Brown, more than any other kind of human activity, politics has historically borne an explicit masculine identity; it has been more exclusively limited to men than any other realm of endeavour and has been more intensely self-consciously masculine than most other social practices (in Kalwaljit, 2005). Perhaps this explains why women are still under-represented in politics in most parts of the world barring a few nations. However, the significance of equal gender participation in politics is underscored when we see how the participants of a UNESCO seminar defined the sphere of politics, which includes ... *the social relations that create and institutionalize power relations and use them to foster and manipulate people's behavior, attitudes and beliefs in order to supervise and regulate the distribution of resources* (Sharma, 2005). Political power is hence, key to gaining control over a community's resources. The Inter-Parliamentary Union (IPU) holds that democracy will assume true significance only when political policies and legislation are decided jointly by men and women in the interests of both halves of the population- a partnership for democracy (Joseph, 1997). In fact, gender balance in political participation and decision-making is the internationally agreed target set in the Beijing Declaration and Platform for Action, 1995.

Though political participation is an assured right in any democracy, the following data of the UN Women shows that the participation of women in most nations lags behind that of men. Globally, only 24 per cent of all national parliamentarians were women as of November 2018, and as of January 2019, only 11 women are serving as Head of State and 10 are serving as Head of Government. (UN Women, 2019). In light of the persistent gender gap in political participation, studies on the issue remains pertinent to understand the cultural and gender dynamics behind the phenomenon.



The current article seeks to provide a critical overview of the contestation over political space in Naga society given the emergent focus on the importance of women in governance as a pre-requisite determinant of progressive societies. Like most cultures in the predominantly tribal communities of north east India, the Naga society boasts of a rich cultural heritage and traditional knowledge that has withstood the test of time based on the wisdom acquired through the lived experiences of the preceding generations. The contemporary temporal process of qualitative change governed by encompassing values like universal human rights and individual liberty however, demands a shift in paradigm wherein the exalted heritage of the Naga people be re-assessed with gender relations and issues of equity being core to this interrogation. According to Xaxa Virginus (2004) of all the forms of inequality in tribal society in its traditional setting, gender inequality is perceived as being most pervasive. Naga society today, in spite of the sweeping changes ushered in through modern educational system, Christianization and associated western influence, democratic polity though introduction of electoral system and the globalization process in general, remains steeped in traditional ethos, whereby facets of the cultural practice poses impediment to women's equal access to power and resource. as Amartya Sen (1999) points out, traditional inequalities such as unequal treatment of women in sexist societies, often survive by making the respective identities, which may include subservient roles of the traditional underdog, matters for unquestioning acceptance, rather than reflective examination; but the unquestioned presumptions are merely unquestioned - not unquestionable.

### **A gendered space: politics and Naga women**

A Naga women's lived experience is embedded in her particular culture (Jamir, 2012). The traditional law of the Naga society clearly distinguishes gender roles and gendered responsibilities. For instance, women are in charge of domestic sphere such as family and its related issues, while men deal with the public sphere, including village administration and councils, to the extent that men have always dominated the political space in Naga society since the ancient times. Political education for men commenced at the bachelors' dormitories popularly known as *Morungs*, an exclusive preserve of young males where boys were trained for their future responsibilities as leaders and decision makers of the community. Whilst, from a young age, girls were oriented through their socialization process towards a domesticated role. This cultural arrangement remained unchanged even after the introduction of

modern educational system and Christianity in the 19<sup>th</sup> century to the Naga people. Mention may be made here that the Naga people lived for long in relative isolation, except for occasional trading exchanges with their neighboring people, the Ahoms of Assam. Their first encounter with the Britishers started only in 1832 (Johnstone, 1971). The Nagas being a fiercely independent people, the British foray into their land and the subsequent arbitrary division of the Naga territory by the colonialists for their administrative convenience led to a consciousness that united the Nagas and evolved into a political struggle by the early part of the 20<sup>th</sup> century (Kuba, 2001), demanding for a right to self-determine their own destiny. In line with the prevailing socio-political structure of the Naga people, leadership in the movement was 'naturally' assumed by men, and though women also played significant supporting role, their contribution finds no place in any formal narrative of the national movement which continue to date. Oral sources have it though, that in the 1950s women from every Naga village were conscripted on the basis of clan representation, whose primary duties were to collect and provide food and clothes to the soldiers, carry information and provide shelter as and when the need arose. As such, women were never a part of strategy and decision making in the national struggle (Jamir, 2005).

The advent of statehood in 1963 and subsequent adoption of the democratic electoral system of polity have indeed not made a dent in the traditional political structure where men continued to hold rein. Women in Nagaland have been able to make remarkable advancement along with men in most facets of public life, most notably in the literacy growth, which stands at 76.11 percent for females as against the state total literacy rate of 79.55 percent (2011 census). However, the political sphere remains one where women have not yet gained an equivalent status with men. Even after more than five decades of statehood, Nagaland continues to be the only state which has never seen a woman MLA. This can be clearly gauged from the fact that since the first assembly election in 1964 to the latest one in 2018, not a single woman candidate have succeeded in making entry into the hallowed halls of the Nagaland State Assembly. The 2018 assembly elections in fact saw five women candidates, the highest number ever in the history of electoral politics of the state, none of whom stood successful. The only instance the state elected a woman legislator was during the 1977 Lok Sabha elections wherein Rano M. Shaiza won the seat from the state and became the first and only Naga woman parliamentarian. Confounding as it may seem, her electoral success did not happen under normal circumstances as Ms. Shaiza pointed out that her entry into politics happened at a time of a vacuum, in her own words "when

*the menfolk had either been taken away for questioning or had gone underground”* (The Hindu, 09<sup>th</sup> March 2015)

The gender scene of politics in Naga society being such, women's participation in electoral politics appear to be confined to their role as voters, where statistics reveal that there had even been instances, such as in the 1987 assembly election and the 1989 by-election, where female voters outnumbered males. However, the casting of votes alone is not to be regarded as political progress or empowerment. Concurrently, the question of whether they even vote independently need to be addressed. A study on voting behavior of Naga women highlights the fact that family figures as the predominant agency that determines their voting pattern (Amer, 2012). Coupled with the widely prevalent practice of 'family-voting' or 'community-voting' in Naga society wherein the patriarch of the family or the village elders cast collective votes on behalf of the family/community (Jamir, 2012), the veracity of the high voting percentage of Naga women stands contested.

The role of political parties in the state which are monopolized by men also need to be taken into consideration. Political parties assume significance because they are the primary vehicle to increase women's mobilization and are considered important tools to political empowerment. Women are very often seen as 'unwinnable' candidates and there is no evidence to date of any political party in the state taking the extra mile to boost women forward as candidates.

Persistent gender gap in politics and the dismal performance of the Naga women candidates do not reflect their incapability to hold public office, but may well be a reflection of Naga society's resistance to accept women in seats of decision making. Emergent studies by native scholars of the region on the issue of gender and politics have drawn comparable conclusions, i.e., the continued marginalization of women in politics in Naga society have been located within their socio-cultural setup where gender relations still continue to be governed by patrifocal conventions of appropriate gender roles (Jamir, 2012; Amer, 2012; Koutsu, 2018). Apart from the broader electoral politics, even at the micro level, it is notable that in Naga society, calls for any 'public' meeting invariably ends up being all-men meetings, women hardly in attendance unless particular women's organizations are specifically invited for the same. It seem totally incongruous with what is often claimed to be a 'pure' democracy (Horam, 1975), rendering the female half of the population virtually voiceless, passive takers of policy. Men were and continue to be the public face of Naga society. Towards this end, one can concur with Kaushik (1985) when she argues that the marginalization of women in politics is due to

women's secondary place in society. Similarly, a United Nations study edited by Duverger also notes that the small part played by women in politics merely reflects and results from the secondary place to which they are assigned by the customs and attitudes of society and which their education tend to make them accept as the natural order of things.

### **Affirmative action versus traditional ideals**

Locating the hurdle to narrowing the political gender gap in the socio-cultural setting, one may cite Article 5 of the UN Convention on Elimination of all Forms of Discrimination against Women (CEDAW) that hold governments responsible for taking steps to modify practices based on stereotypes about women's role as well as beliefs about women's inferiority. This essentially paves way for advocating affirmative measures for women such as reservation policy to ameliorate the existing situation. Affirmative action represents a strategy to redress previous injustices in the name of the right of individuals who have suffered to claim their just share of the benefits of individualism, from which they have been excluded (Mahapatra, 2001).

In line with this aspiration for social justice and equality for all, one-third reservation of seats for women in the local bodies became a national policy under the 73rd and 74<sup>th</sup> Constitutional Amendment Acts of India in 1992. While all states across the country have implemented this policy successfully, the Naga society finds itself embroiled in a peculiar political stalemate over its implementation till date. Though the policy is ratified in the state through The Nagaland Municipal (Amendment) Act 2006 & 2016, it is opposed by many tribal organizations across the state led by the Naga Hoho, claiming to be the 'voices' of the people. It may be pointed out that the Naga Hoho comprises of only males and typifies the exclusive male club. Significantly, all women organizations across the state led by the apex women organization, the Naga Mothers' Association (NMA) welcomed and lauded the reservation policy for women.

The opposing forces against the reservation policy went public when Municipal Councilors, along with several like-minded organizations gave a joint declaration on August 2008 wherein they resolved to demand for scrapping of the reservation for women. The state government, another all male bastion, succumbed to the demand of the opposing forces to the reservation policy and deferred election to the municipal council indefinitely. Subsequent upon the failure of the state Government to implement the reservation for women, a conglomerate of varied women's organizations under the nomenclature Joint Action Committee on Women Reservation (JACWR) was formed in May

2011 to strategize the implementation of the women reservation. The JACWR petitioned the Gauhati High Court on the issue of reservation and received a favorable ruling from the High Court. Counter petitions from the state Government finally led to the JACWR filing a Special Leave Petition in the Supreme Court of the country. On the 5<sup>th</sup> August 2016 Hearing of the case, the State Government finally relented to the holding of election with the reservation for women.

Subsequent to this turn of events, strident voices against the reservation for women again resurfaced in 2016, with the state government announcing plans to conduct the election to the urban local bodies, incorporating the one-third reservation for women. Apart from the Naga Hoho, additional nascent organizations like the Dimapur based Joint Coordination Committee (JCC) and the Kohima based Naga Tribes Action Committee (NTAC) emerged with the sole purpose of preventing the implementation of reservation for women. The opposing forces opined that reservation for women threatened the very foundation of Naga society. They invoked 'customary traditions' as their main argument. These groups asserted that granting women seats in local bodies would not only dilute the traditions of Naga society but also be 'unconstitutional' in reference to Article 371(A) of India's Constitution which says that no Act of Parliament should apply to the State of Nagaland when regarding religious, political, social or law practices of the Nagas. Confronted with violent civil unrest, the then government had to defer the elections.

In this farcical narrative over the reservation policy, the voices of the Naga women went largely disregarded. Pertinent issues of parity of political representation and social justice based on gender equity as highlighted by the women folk across the state have been subdued, as also arguments that since Naga women are still underrepresented in politics, reservation would play a leverage role to aid their entry into the political arena. But the unison of women's voices was drowned by a plethora of tribal (male) organizations putting forth their unequivocal demand that election with the reservation for women should not be conducted under any circumstances on the ground that it '*violates customary laws*'. It may be noted that many tribal women's organizations such as the Angami Women Organization, Ao women Organization, etc., were pressured by their respective mainstream tribal organizations to dissociate with the JACWR and the NMA over this issue. The vertical divide between men and women in their response to the reservation policy clearly shows that it is indeed a gender issue that exhibit elements of suppression and marginalization, countering claims of an 'egalitarian' culture.

At the core of the present debate stands the prevailing customary law of governance and polity in Naga society that disallow women from participating in decision making bodies. In spite of the fact that Municipal Councils are urban civic institutions, the idea of making way for women even within such an urban body could not be conceded to by many males considering it to be against the traditional norms of governance as such that existed in the villages. Clearly then, the Naga people have managed to incorporate key elements and principles of traditional decision making into the modern electoral system such as exclusion of women, thus maintaining a continuum of traditional decision making process within the contemporary democratic political structure. This represents a conflict of traditional ethos espousing gender hierarchy with that of democratic and progressive ideals of gender and social justice.

### **Towards gender-just politics**

A tangible, meaningful and inclusive democracy to be realized necessitates the participation of every citizen in all facets of the political sphere, and especially in the decision making echelons so that the interests of all sections of society are accorded due attention. Hence, first and foremost, Naga women themselves need to overcome their deep beliefs in the traditional roles assigned to them and be able to embrace the world of possibilities including a greater role in politics. The issue of political empowerment of women, though a potentially sensitive one in Naga society, need to be debated and articulated because their political empowerment is often correlated to their status within the family and society, including the right to inheritance. Very importantly, male-centric interpretations of traditional norms have resulted in social attitudes discriminatory towards women's right to equal participation in socio-economic and political spheres. It is increasingly recognized today that prevailing customary laws in the Naga context were moulded upon the cultural values and practices of foregone days where the focus on physical strength and supremacy superseded other intellectual and ethical considerations including gender justice. Therefore, an important strategy for public advocacy can be to provide positive and rational interpretations of tradition with a focus on gender justice and democratic ethos. The concept of masculinity as that of power or control must be redefined in Naga society so that a progressive alternative model of masculinity that promotes the ideals of equity and partnership between men and women can be advanced. To conclude with a statement by Dr.Ambedkar, *"I Measure the progress of a community by the degree of progress which women have achieved."*

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## ***Gender, Customary Law and Land***

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### **Abstract**

The concept of property can be understood as possession of something or anything that is valuable to a person. It can also mean the right to own and use it. While there are varied understanding of property, the meaning or the concept can differ from society to society or in case of the Nagas from tribe to tribe. Each Naga tribe has its own law that defines and describes property. Property can thus be defined or understood according to society's approval. Property for a Naga are usually understood in terms of land. Land is the most important of all other property. Land is considered not only as an asset or the right exercise upon but most importantly, it signifies identity, power and prestige. Property in terms of land is crucial for the Nagas. When land becomes the centre for identity and power, women's relation with land also becomes crucial. The customary laws, rules and practices sanctioned by each Naga tribe are approved by the society. This law gives sanction to the males and females to perform according to their gender. And this law provides for the stability and order in the society. Gender implications can be manifold but the focus is always concentrated on succession, ownership and inheritance of land. While, Naga women have progressed over the years and have proven their ability and capabilities, ownership of/over land still presents a blur picture. Women can use the land but cannot own it. As a result they are alienated or they alienate themselves with the thought that they are not worthy of such land. Thus, the question of succession and inheritance is a long haul for Naga women. It is therefore a prerequisite to understand gender with relation to land and the laws that defines the Naga society.

Keyword- *Land, Gender, Customary Law, Naga Women*

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Property can be understood as possession of something or anything that is valuable to a person. The concept rests upon a relationship between or among people with reference to an object- tangible or intangible (Wunderlich Gene, 1969) that belongs to an individual or group of individuals. Property means the right to own and use it. While the concept of property has varied definitions and theories, it is also used in different sense. According to some sociologists it includes goods or things owned by an individual or group of individuals. Thus, Anderson and Parker define "Property consists of goods and services that society gives an individual or group of individuals the exclusive right to possess use and dispose of it" (<http://www.yourarticlelibrary.com>). Property in broader sense, thus can include things or objects or goods which can be possessed and used. It includes all movable and immovable objects and the rights over such property. The varied definition and theories can also be viewed depending on the understanding of what property is for a particular person. According to Phibrick, "the concept of property never has been, is not,



and never can be of definite content" (F. Philbrick, 1938) because the property is a broad concept which includes legal rights and customary rights as well. The concept of property, therefore, can be understood depending upon the different type of culture and society one lives. It can differ from society to society or in the case of the Nagas from tribe to tribe and even within tribes. Each Naga tribe has its own law that defines and describes the property. Property can thus be defined or understood according to society's approval. As MacIver (2018) rightly points out, "Property is not wealth or possessions, but right to control, to exploit, to use or to enjoy wealth or possessions which may be owned by an individual or a number of individuals who belong to the same group or kin or clan" (<http://www.yourarticlelibrary.com>). Thus, for the Nagas, property can be considered as a right enjoyed by individuals or group of individuals or kin or clan who are considered as the owner and who has the right to control or exploit it.

### **Property vis a vis land and Customary Law**

Globally, land is a key element in the identities of indigenous people. Land is more than a material resource. It takes multiple meanings such as their culture, language, social and community norms and their identity. Property for a Naga is usually understood in terms of land. Land was and still is considered not only as an asset or the right exercise upon, but most importantly, it signifies identity, power and prestige. Land is the most important of all other property. It signifies the root of a person, their lineage and their ancestral right over the land. Land is further considered an important factor for determining the status of a citizen in a village, i.e. whether the person/clan is an original/pioneering settler of the village, as no original member of the village would be found without land. Therefore, it is vital for the Nagas to have land; either inherited or acquired (Longkumar & Jamir, 2012).

Land in Naga Village can be generally classified as common village land, clan land, lineage land and individual land (Jamir, 2015). The classifications of land are similar among the Nagas where common village land is commonly used by any citizen of the village for their personal and household needs. A portion of common village land is allotted for general village ground which is used for various activities such as festivals, events, gatherings and sometimes for general meetings. Ownership of such land belongs to the entire village and is maintained by the villagers. Clan land is another classification wherein each clan have a specific plot of land over which they have absolute rights and ownership within the village. The clan land is allotted to the clan members in consonance with the elders. Every year before the beginning of agricultural cycle, a meeting is held by each clan to distribute the land. Once the land

distribution is decided, agricultural cycle starts. Clan land are collectively own by them. Patrilineal is followed where all the members of the clan are males and the authority resides with them. The oldest male member of the clan is considered the custodian or head and he exercises titular rights over the land (Longkumar& Jamir, 2012). Lineage land is owned collectively. Similar to clan land, the eldest male member of the descent decides on the use of the land. The arrangement is accepted by all the male members as well. Another classification of land is the Individual lands that are owned by individuals which are either inherited or acquired. He has the full authority to use and sell the land. He also has the authority to distribute his land according to his preference. In the individual land system, an individual has the freedom to gift land to his daughters if he wishes. If he succumb without a male child, individual land can be passed to his brother, brothers sons etc. From the above classification of the land it describes patrilineal and patriarchal society wherein whatever types of land, land are transferred from father to son, and in case there is no male heir, the land will ultimately revert back to the nearest kin group of the same clan. The land cannot be given to women by inheritance or gift, and in case of a woman purchasing land with her own money it passes to her male heirs, son if she has them, or, if not, her brothers or her father's male relations(Hutton J.H, 1969). The classification and distribution of land is done according to the customary law. Although each tribe has different laws with regard to land, the similarity lies in the patriarchal system. The customary law thus allow and encourage the traditional practice of land classification.

### **Women and land**

Since, land as a property is considered an important factor of identity, citizenship, and security for a Naga, women's relationship with land becomes crucial. A Naga woman by customary law cannot and do not own or inherit land. Whether it is a clan land, community land or individual land, it is always directed by men. This shows that identity, security and citizenship is not a vital factor for a Naga woman. It also places women in a crucial position where it has often caused dissatisfaction among the Naga women. They can and are identified with their fathers, brothers, husbands or sons nomenclature. They make use of the land and its resources with the permission of the male member. This in itself reflects patriarchal norms which are sanctioned by customary law and protected under Article 371 (A) of the Indian Constitution.

Customary Law can be defined as, "A usage or practice of the people, which, by common adoption and acquiescence, and by long and unvarying habit, has become compulsory, and has acquired the force of a law with respect to the place or subject-matter to which it relates. It results from a long series of

actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a tacit and common consent." (Ezung & Dr Christina, 2015). It has evolved over time and continues to be a strong part of the present. It is an unwritten law that acts as a powerful tool to define the role of men and women which are approved or given consent of the people under the law. This law gives sanction to the males and females to perform according to their gender. Regardless of the manifold changes taking place, customary law still continues to be a force and an agent for maintaining the traditional norms and rules. Customary Law in Naga society is considered as a tool that provides for the stability and order in the society. Under the law, it maintains that gender differences are there and should be present in order to maintain stability and order in society.

Thus, the land is solely owned by males and the ownership rights are given to the male members. Whether clan land, individual/ private land or descent land, the males enjoy the benefits and privilege. Possession of property vis-a-vis land is sanctioned by customary law. It is owned by a male for centuries and continues to be owned by them alone. The males have the ultimate authority over it and it is used according to what is decided by the male members. In other words, it is an ascribed status given to males in the family. Whether a son is capable or not, ownership rest with him. In case there is no male heir, it is shifted to his brother's or brother's sons. In most cases, no legal law are required for such kind of land as it is decided according to customary law.

Similar to ownership, entitlement is also totally in the hands of the males. As the male in the family own the land and property, entitlement without question rest with them. In some cases, women are entitled to use the land of their father's; however, they do not have the right to own the land. This can be augmented where Hutton explains about the Sumi Naga tribe as "The right of ownership and entitlement is not given to Sumi women nor do they have any authority over the property. Women are barred from intervening in such issues of land or property, which directly reflects on women being denied the right (Hutton J.H, 1969)

According to the Customary Law, a son can inherit all the non- movable properties like house, forest and land while movable properties can be given to women like clothes, ornaments, livestock etc. The son is entitled to inherit his father's immovable property after the demise of his father and in some cases, the father divides the land among his sons before his demise. Similar trends were also followed among the Romans and the Greeks. According to the Law

of the Twelve Tables, the oldest written Roman law known, the children, as natural heirs, had the first title to the estate; in default of children, then the agnates (descendants in the male line); in default of agnates, the gentiles. In all cases the property remained within the gens. Descendants in the female line were excluded (Frederick, 1972). Although there can be differences among the tribes, the system of inheritance is common wherein the sons inherit the land. Among the Sumi Naga, the eldest son inherits the bigger share of the land and the youngest son receives the parental home as it is considered his duty to take care of his parent during old age and also because he is the last one to marry. In the event of the absence of a son, the deceased's property is inherited by his brothers or brother's sons. In case of no sons and brothers then the nearest kin, but male inherits his property. Moveable properties such as ornaments, household goods, domesticated animals etc are shared with women. Widows and daughters can only share ornaments, fowls and paddy as a general rule, but they are entitled to one-third share of the sum of these three sorts of property (Frederick (1972) left by his father/ husband. Being patrilineal, Naga women have no right to inherit land. Patrilineal descent is strictly followed given that no female has the privilege to own or inherit any immovable property. A widow can make use of the property however she is only considered as a custodian and not the real owner. A woman is also not in line of succession. The chronology of succession follows the male line and descendants in the female line are excluded.

## **Conclusion**

Gender is a social construction that categorises males and females. The social expectation plays a vital part in defining the roles of male and female. It defines the behaviours that are appropriate for men and women and determine women's and men's different access to rights, resources, power in society and even health behaviours (Kumar, 2015). Thus, the issue of gender and customary law occupies a serious position. Tradition and customary law plays a pivotal role in identifying gender relation in Naga society. Society confers the roles played by gender. While, Naga women have progressed over the years and have proven their ability and capabilities, ownership of/over land still presents a blur picture. The question of owning land is multifaceted because it does not only include the use of the land and the free access to the resource but most importantly, it deals with security and identity. It includes the security of life as a single women, a divorced women, a widowed women or a women with male heir. Women can use the land and its resources but they cannot own it. If one observes for instance the Garos of Meghalaya, they follow a matrilineal inheritance system, however even among them, while the

ancestral property are inherited by Garo women, the lands are completely managed by men. This illustrates the status and position of women. Despite the society being matrilineal, there is the question on the use of the land creating a disparity between the genders. It also illustrates not just about who owns or inherits the land but it involves the freedom to access and make decisions over the land. Among the Angami Naga, a woman cannot inherit clan property but her parents can gift her acquired land and she can inherit what belong to her mother. By and large what belongs to the mother is shared among her daughters and what belong to the father is shared by the sons. But among the Angami tribes, the custom of the girl receiving gifts is used as a justification to exclude her from any kind of inheritance (Customary rights of tribal women with reference to property and land rights and Northeast. July 8 2014).

A major drawback with gender and land issues is the fact that most women do not see the need to inherit land and they do not insist on the matter. As a result, they alienate themselves with the thought that they are not worthy of such land or they accept that it was and never will be theirs. Social construction of gender plays a significant role where from an early age, both men and women are taught how to behave, act, perform and think. Gender differences thus starts from the grassroot level. For some women who considers that they need to confer with the issues over gender and land are often jilted by the society. As a result, they are alienated by the society. A woman who raises her voice is considered as going against the traditions and cultural practices of the society. As Temsula Ao, Head of the Nagaland State Women's Commission said the topic/ issue of land rights for Naga women is like hitting a hornet nest. It can be dangerous and daring at the same time. It is not an impossible achievement for Naga women to improve their roles in society.

### **Liberation of Mizo Women**

Examining the Mizo society which is also characterised by patriarchy and dominance of male members in the society. Even though Mizoram is marked as the literate state, gender inequality still persists. Since customary law is rigid and strictly followed it continues to define the status of Mizo women as customary laws favor men in many aspects. Though, patriarchal ideology defines the state, Mizo women in their own ways have been playing a significant role in improving the lives of the women in the state. Infact, they have been playing an important role in the upliftment of women and downtrodden for over 40 years. The most striking role in working towards the upliftment is the Mizo Hmeichhe Insuihkhawm Pawl (MHIP), an organisation established in 1974. Their role has been a major boost to the codification of customary law and the liberation of Mizo women through Marriage, Divorce

and inheritance of property Act, 2014. This act is considered as a huge landmark in the history given that after years of struggle, the bill was passed. According to the Bill, women now have a share over family property. After the divorce, the legislation grants women 25 percent over acquired property along with personal property brought during the wedding. The passing of the Mizo Marriage, Divorce and Inheritance of Property Act 2014 has resulted in a paradigm shift of society. As Mizo women now have a share, it will further lead to gender equality and gender balance in the state. A new outlook has emerged paving way for further development and empowering women in social, political, economic and religious field. Thus, the bill has also given women the bargaining power. Change in the traditional customary law and its codification has proved that certain old aged norms need to be changed to fit the modern society. Citing the liberation of Mizo women and the ability to pass the bill, it can be a ray of hope for the Naga women as well. When a change in the property and inheritance rules changes, women's status can also be improved. Considering the growth of education amongst women, there is brighter opportunity for Naga Women. Women have the agility to bring change all they need is support and encouragement from the male counterparts.

The fact that women are progressing in the diverse fields cannot be denied. They are given immense freedom to choose their profession. Educated women today are working in diverse fields such as lawyers, doctors, teaching profession, civil service officers, entrepreneurs etc. this has helped them achieve economic and social status in the society. Awareness is growing at the same time where young people are being taught the importance of rights, gender justice and empowerment. This stage of change in Naga society can also be a crucial transition, where we see the presence of both the elements of tradition and modernity in our society. What constitutes to be very important at this stage is the transmission of relevant and useful customs and traditions to the younger generation that is going to uphold the mantle of our Naga society in the coming years, so that they are able to assimilate the old with the new, in such a way that our identity and roots are kept intact and at the same time we incorporate necessary changes that are required for any given society to grow with the rest of the global societies (Ezung & Dr Christina, 2015). If Naga society continues upholding the traditional customary law and maintain its rigidity, it can cause an obstacle to change and the question of succession/ inheritance or ownership will remain a long haul for Naga women. One should also consider that the issue of land in relation to women is not an end in itself but a means for gender security. Therefore it is a prerequisite to understand

gender in relation with the land and the law that governs the society. At this point of departure, careful evaluation is need and intense research is required.

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