

“Ravished Dignity: Is That So?”

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I. INTRODUCTION

One of the earliest examples of a biological determinist view is given by Geddes and Thompson^[1] who called women anabolic (conserving energy) and men being katabolic (expending their surplus energy). Based on this theory women are passive, sluggish, conservative, stable and uninterested in politics while men being eager, energetic, passionate are interested in social and political matters. In later years it became a reason to not grant women political rights, according to Geddes and Thompson. Although this argument presented by them has become uncommon in current times, the idea that behavioral and psychological differences between men and women have biological causes has not disappeared. Rubin uses the phrase “sex/gender system” to articulate that “part of social life is the locus of the oppression of women” (Rubin, 1975).^[2]

So where does Gender Determinism fit in this? The roots of gender determinism are found in the “sex/gender system” of Rubin. When preference is given to a male offspring than a female offspring, one underlines the social association of roles to males and females. This association is what causes a preference of males over females. Gendercide^[3] is the systematic killing of members of a specific sex. Census statistics reports that in countries such as China and India, the male to female ratio is as high as 108 males for every 100 females.

Talking about India, in 2003 a fiction movie called *Matrubhoomi: A Nation without Women*^[4] featured a dystopian situation of 2050 where a wealthy man discovers the existence of a young woman not too far from his home, and buys this woman as a sex slave to be used by him and other male family members of his house. This situation of 2050 had resulted from accumulated violence against women over many years. Maybe the current situation isn't as close to the fictitious one but it isn't far either.

Talking about gender determinism, one comes to the question of why the preference of a male offspring over a female offspring?

Rape in India is one of the most common crimes against women in India. After 16th December 2012 these incidents have received widespread attention from media and triggered protests in various parts of the country. Almost every rape is committed by a relative or neighbor (98%) (Vasundhara sirnate, 2014)^[5]. This also implies that rape is not a matter of sexual pleasure but rather a matter of ego, self pride and male dominance (patriarchy) over the female counterpart.

Rape is not the only crime against women, there are others too like:

Dowry –It is one of the most prominent forms of crime against women, where husband or in-laws of the bride seek a bride price by forced torture, trauma which at times leads to the woman's death. Almost every community of religion (caste, tribe) is indulged in such a bigotry practice. It is quite an irony that parents are hoarding funds to pay the dowry for their daughters rather than educating them and making them independent leading to their empowerment.

Domestic violence – An extremely private crime happening in almost every family of India, against the women of the household.

Female infanticide and feticide (the unwanted girl child) – It is an act against the very existence of girl child which ends up creating a huge sex ratio imbalance in the country. It is at this level that gender determinism comes into the picture.

There are other crimes like human trafficking, sex slaves, bondage labor etc.

Women universally portrayed as weak

This notion has been talked at length by writers like Young, Hilda L. Smith^[6], Raymond Diane Christine (sexual politics and political culture)^[7] etc.

The question of distribution of power amongst the Gender

Women and children are found to be the most common victims of rape and the perpetrators are men. The unequal distribution of power between men and women is at the root of rape. That unequal distribution of power has deep roots in custom, traditional culture, contemporary culture, history, the law of the land, schooling

and social role models, in most things. Girls are brought up to be passive, obedient, dependent, caring and nurturing women who compete with other women for male attention by being fairer and lovelier than the other of their kind. The same conditioning encourages boys to grow up into men who see women as powerless creatures and sexual objects, rather than whole individuals. It is vital to recognize this and reverse this, if our collective outrage against rape is not just mere lip service.

Some critics are of a different view that in the spate of rapes that have rocked states like Haryana, the victims have mostly been Dalits and that the rapists have been from landowning, socially-dominant castes. Clearly, inequality in social, economic and political power is a key factor in these criminal acts. A huge gap in social power emboldens the rapist and makes the victim vulnerable. But that is not all the link there is between power and rape. When the old order begins to change and the earlier power distribution threatens to crumble, rape is often resorted to, to assert the relationship of dominance and subordination. Very clearly, politics of empowerment of subaltern groups of the society is a key factor in what needs to be done to prevent crimes against women.

Another aspect to the selection of having a boy child instead of a girl one is the “conceived trouble” that the parents think they have to go through while raising a girl child. From her safety, to her education, to her marriage everything is conceived to be a burden. When it comes to safety one can clearly see the crimes committed against women and the silent treatment of the public towards it. From rape to domestic violence to eve teasing, these are some physical expressions of these crimes. While asking or giving dowry is one of the indirect ways, an excuse to manhandle and misbehave with a woman. Investing in a girl’s education is considered futile as they are anyways considered “*paraaya dhan*”. Even if there are opportunities given to them they aren’t on parity with their male counterparts. For poor families, the need to pay a marriage dowry can make daughters a burden. India has one of the lowest sex ratios in the world because of sex-selective abortion and female infanticide. Throughout their lives sons are fed better than their sisters, and are more likely to be sent to school and have brighter career prospects, this shows the biased attitude towards a girl child. Another impact that constructs the mind of both boy and girl child is when their parents get involved in domestic violence or verbal violence. In most of the families these incidence occur daily which creates a negative impact on a child. A boy child generally perceives his father to be dominating the mother, a head of the family, a decision maker and a breadwinner while mother is the one obeying the father or being easily suppressed. This is the psyche that develops the mind of boy child to be insensitive towards women and not respecting or giving equal status to women.

Londa Schiebinger in *Has Feminism Changed Science?* ^[8] Elaborates, "In one study, parents were asked to describe their newborn babies-at a time when one of the few things they knew about the child was its sex." Parents described their male offspring as adventurous and observatory, as for female offspring, they were noted to be more fragile. Parents encourage their boys to conquer, enlighten, and provide the boost of ego to be successful within the scientific field. Simultaneously, parents’ treatment towards their female child carries the responsibility of teaching them homemaking skills and to abstain from "rough-and-tough play". Schiebinger notes, "adults tend to give children toys that reinforce sexual stereotypes". Girls are given dolls and encouraged to voice out their emotions, while boys play with cars and balls. Society has molded the norm for children to have distinct modes of play and interaction, which leads to advertisements and manufacturers who "insist that toys be clearly gendered". Handing a toy to a child, depending on their gender may seem harmless at their young age, yet "toys create aspirations, hone conceptual skills, and encourage certain behaviors to the exclusion of others”.

Commonly countries with gender imbalances have three characteristics in common: First, a rapid decline in fertility, either because of preference for smaller families or to comply with their nation’s population measures (China). Second, there is a pressure for women to give birth to sons, often because of cultural preferences for male heirs (India). Third, families have widespread access to technology to selectively abort female fetuses (Pakistan). ^[9]

What have been done so far to counter this?

One of the ways to counteract this was by improving the legal system and making it more sympathetic towards the victim.

Justice Verma Committee ^[10] was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. It made recommendations on laws related to rape, sexual harassment, and medical examination of victims, police, electoral and educational reforms. The gist of key recommendations is:

Rape: The Committee recommended that the gradation of sexual offences should be retained in the Indian Penal Code, 1860 (IPC).

The Committee was of the view that rape and sexual assault are not merely crimes of passion but an expression of power. Rape should be retained as a separate offence and it should not be limited to penetration of

the vagina, mouth or anus. Any non-consensual intercourse of a sexual nature should be included in the definition of rape.

Sexual assault: Currently, “assault” or use of criminal force to a woman with the intent to outrage her “modesty” is punishable under Section 354 of the IPC with 2 years imprisonment. This must be repealed.

The Committee recommended that non-penetrative forms of sexual contact should be regarded as sexual assault. The offence of sexual assault should be defined so as to include all forms of non-consensual non-penetrative touching of a sexual nature. The sexual nature of an act should be determined on the basis of the circumstances. Sexual gratification as a motive for the act should not be prerequisite for proving the offence. The offence should be punishable with 5 years of imprisonment, or fine, or both. Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment.

Verbal sexual assault: At present, use of words or gestures to “insult a woman’s modesty” is punishable with 1 year of imprisonment or fine or both under Section 509 of the IPC.

Sexual harassment: Some recommendations were made on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 that is still pending in Parliament are:

- Domestic workers should be included within the purview of the Bill.
- Under the Bill the complainant and the respondent are first required to attempt conciliation. This is contrary to the Supreme Court judgment in Vishakha vs. State of Rajasthan which aimed to secure a safe workplace to women.

Punishment for crimes against women: It rejected the proposal for chemical castration as it fails to treat the social foundations of rape. It opined that death penalty should not be awarded for the offence of rape as there was considerable evidence that death penalty was not deterrence to serious crimes. It recommended life imprisonment for rape.

Medical examination of a rape victim: It has recommended the discontinuation of the two-finger test which is conducted to determine the laxity of the vaginal muscles. The Supreme Court has through various judgments held that the two-finger test must not be conducted and that the previous sexual experience of the victim should not be relied upon for determining the consent or quality of consent given by the victim.

Police reforms: These include establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines so that the Police act according to the law. A Police Establishment Board should be established to decide all transfers, postings and promotions of officers. Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

Reforms in management of cases related to crime against women:

A Rape Crisis Cell should be set up and it should be immediately notified when an FIR in relation to sexual assault is made. The Cell must provide legal assistance to the victim. All police stations should have CCTVs at the entrance and in the questioning room. A complainant should be able to file FIRs online. Police officers should be duty bound to assist victims of sexual offences irrespective of the crime’s jurisdiction. Members of the public who help the victims should not be treated as wrong doers. The police should be trained to deal with sexual offences appropriately, etc.

Education reforms: The Committee has recommended that children’s experiences should not be gendered. It has recommended that sex education should be imparted to children. Adult literacy programs are necessary for gender empowerment.

But is it enough?

India, a country that worships powerful female goddesses at one end, is also a country where women are looked down upon and demeaned. It faces one of the highest rates of violence against women. Despite such recommendations, and laws being repealed and made more stringent through criminal amendment act 2013 rape cases are not lessening in terms of numbers. According to researchers this could also be because more and more women are coming out to report cases of crime against them but it doesn’t seem that laws are making a great impact or acting as a deterrent to such heinous crime. So how else can we tackle this issue? It cannot be only dealt by making laws (we can see how much the laws are helping this social evil), India needs an awakening but in what terms? Is it really about woman’s modesty? Isn’t using terms like “modesty” by agencies of government and courts, itself legitimizing a woman’s worth in the society?

Gender sensitizing^[11] is one of the most important measures that could lead to a better status of woman in the society. It is about raising awareness of equal treatment towards both sexes. It’s not about teaching them “to save the modesty of a woman” that will help fight crimes, female infanticide and feticide but about a change in the very social fabric of how woman are perceived. Unless this won’t happen universally this situation of

gender inequality will persist leading to misbehavior and such evils at a later stage, to prove the male dominance and ego. It is interlinked with women empowerment.

One of the things is the absence of gender education in the Indian curriculum. How do young Indian boys and girls grow up to think about sex and about gender and about sexual relationships or even emotional relationships? What is adolescent education, and what should it be, and what are the issues that really need to be in the public sphere? People generally are not comfortable talking about sexuality or reproductive rights or issues like menstruation or sexual desire, even within the family, let alone in the classroom or the workplace. These issues are swept under the carpet. As a result, there's an enormous amount of ignorance and denial. Teachers are likely to have difficulty answering questions about sexual relations, about masturbation, about homosexuality. In fact, some of the words mentioned are hardly uttered in public. For over 20 years, leading Indian research bodies have been developing excellent adolescent education syllabi. But this excellent work is just sitting on a shelf. In fact, some state governments in India, when there were attempts to implement these revised curriculums protocols, were vehemently against them — prohibited them, claiming that sexual education equals encouraging sex. Telling the child that everyone is strong be it a girl or a boy, can be a beginning to this change. That a boy or a girl can fight for their own selves, will help bring a new belief that women are not burden or weak but are just like any other man. This thought leads me to question if, hypothetically speaking, there existed a matriarchal society would men be treated the same way women are treated in patriarchal society? Generally speaking one knows there was a time when women held a better position in society if not a matriarchal society than a more equal one than today. Bell Hooks^[12] an African feminist is of the view that with the modern state new identities has come into place which never existed before and has brought with itself its form of power politics. Taking from this line of thought one might suggest that the oppression of women in modern society is somewhere linked to the new identities of a man and a woman. With legitimizing these new identities, the powerful group gets an opportunity to oppress other groups. But does the answer lie in giving power from one group to another? I believe not. A society based on dignity for all might seem like an egalitarian idea but when seen at a microcosm level it isn't too much to ask for an individual.

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