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Home as the Site of Violence: Social and Judicial Ambience and the Role of Curriculum

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Abstract

*Oppression of a woman in the very sanctuary of her own home was under theorized until feminists addressed it. The wider intellectual sphere also consciously evaded the issue. In spite of its wide prevalence, it remained largely invisible in public domain because of its insidious nature. Domestic Violence dates back to the establishment of family system. Our epics cite innumerable cases of the same. In the independent nation state also home remains the principal site of violence. In 2005 the Government of India framed an act entitled *The Protection of Women from Domestic Violence*. But the gesture remains a specious one, for; it's repressive state Apparatuses (like army and police) and 'ideological State Apparatuses' (like school, the church, the family and media) assist in the reproduction of the dominant patriarchal system. The paper investigates how curriculum may help to get rid of this malady.*

Key Words: *Repressive state apparatus, ideological state apparatus, social anxiety disorder, self accusation syndrome, divide and rule.*

As an ideological state apparatus, family, the fundamental unit of a patriarchal society, perpetrates violence against women and becomes the most effective tool to perpetuate the subordination of women. Till the mid 20th century domestic violence was viewed as a private family matter that need not involve the Govt. or criminal justice. But off late the Govt. has admitted barefaced that domestic violence is a serious deterrent to development of women and in 2005 India Govt. has framed a law to protect women from it. The umbrella term Domestic Violence refers to all sorts of physical, verbal, sexual, psychological and emotional violence against women (perpetrated both by women and men) living in a domestic relationship. Research centre for women's studies, SNDT, Mumbai elaborates the term as

“... All acts perpetrated in the private domain of the home to secure women's subordination and which is rationalized and sanctioned by the prevailing gender ideology”

Domestic Violence act, 2005 redefines violence against women in their intimate relationship and marks almost a shift in the paradigm of violence, since, the earlier criminal law left outside its ambit the non-physical forms of violence of everyday life and the present law prohibiting domestic violence terms any misdeed as violence that stands in the way of enjoying basic human rights. The insidious nature of domestic violence has been documented across nations and cultures worldwide. The Vienna Accord of 1994 and the Beijing Declaration and the platform for Action (1995) have acknowledged it as a serious social nuisance. The United Nations Committee on Convention For Elimination for All Forms of Discrimination Against Women (CEDAW) in its General Recommendation No XII (1989) has recommended that state parties should act to protect women against violence of any kind especially that occurring within the family.

Home as the Site of Violence: Oppression of a woman in the very sanctuary of her own home was seriously undertheorized until feminists addressed it. The wider intellectual sphere also consciously evaded the issue. Though liberal humanists like Rammohun Roy voiced his protest against gender inequality and oppression in the intimate relationship, the muffled voices of terror and trauma did not reach beyond the threshold. In spite of its wide prevalence, it remained largely invisible in public

domain. Domestic Violence dates back to the establishment of family system. Our epics cite innumerable cases of domestic violence. In The Mahabharata we see even before her advent into this world Kunti became a victim of violence, for, she was fated to be 'disowned' by her own father. In the home of her foster father, the father himself led her to a crisis by entrusting her with the charge of highly inflammable Durbasa. Pleas Durbasa's blessing also was a curse in disguise. Throughout her life she was exploited by males, mostly, the members of her own family. Sakuntala, Satyabati, Amba, Ambika, Ambalika all were victims of violence and in many cases the victimized herself became the victimizer in later life.

In the 19th century India also the basic principle of organizing family life and determining the right conduct for women was shaped by tradition and epics. The Nationalists advocated strongly the essential distinction between the role of men and women in terms of material and spiritual virtues and home became the principal site for expressing the spiritual quality of the national culture and women the protector of it. Creating the binary of home/world, material/spiritual Indian Nationalists proclaimed the superiority of the East over West. Though in the 19th century education became a project for enlightenment of women, the curriculum was feminine and as Partha Chatterjee says, it was nothing but a project of legitimizing women's subordination under new patriarchy. In 1870s, Bankimchandra, the most eminent littérateur of Bengal in the late 19th century criticized this hegemonic male dominated nationalist ideology. He said,

"Self interested men are mindful of the improvement of women only to the extent that it furthers their self interest; not for any other reason ..."

A peep into the autobiographies of 19th century 'educated women', more or less a kind of social history of the 19th century Bengal, reveals the extent of deprivation. Shanta Nag in her '*Purbasmriti*' reveals how she 'acquired a skill, namely the ability to read and write, that was meant for 'others'. Rassundari's (1809-1900) stories reveal how her movement was restricted, self expressions were monitored and she was forced to live like a 'bird in the cage'. An excerpt from her autobiography would reveal how she laments for her daughterhood.

"I tried in so many ways to go and see my mother, but I was not fated to do so. This is not a matter of small regret to me. Oh Lord, why did you give birth to me as a human being? Compared to all the birds and beasts and other inferior creatures in this world, it is a rare privilege to be granted a human birth. And yet, despite this privilege, I have failed grievously in my duty. Why was I born a woman? Shame on my life! . . . If I had been my mother's son and known of her imminent death, no matter where I happened to be, I would have flown to her side like a bird, Alas, I am only a bird in a cage."

It is really instructive to know how Rassundari and her widowed sisters in law, knowing nothing about the theory of 'Sisterhood' started a 'study circle', procured books from outer quarters and set up an elaborate warning system to prevent discovery and how with the assistance of her sons Rassundari learnt to read and write. The pioneering historian of Bengali literature Dinesh Chandra Sen refers to it as 'A true portrait of the traditional Hindu woman' and 'the original picture of the long-suffering, compassionate Bengali woman' (quoted in Partha Chatterjee, 143). However one notices signs of male hegemony in the praise of this lady. Partha Chatterjee in his essay 'Women and the Nation' says,

"Nationalist of the twentieth Century saw in Rassundari's story only a confirmation of their construction of the true essence of Indian woman-hood: self-sacrificing, compassionate, spiritual, and possessing great resources of emotional strength drawn from personal faith and devotion. This essence, they thought, needed to be recovered from the morass of bigotry and superstition into which tradition had fallen, and reform and education could accomplish this." (p-143)

Prasannamayi Devi in her *PurbaKatha* criticizes the hypergamous kulin marriage system in quite unambiguous language

"In their desire to preserve the reputation of their lineages, did not consider the uncertain consequences of giving their daughters in marriages of this sort, although many of these incompatible marriages led to much unhappiness. But it was difficult suddenly to break with a social custom". (p- 37)

However, she too tries her best to hide these stories behind the closed door and says that

“It is best that this unfortunate history remains unknown to the public.” (P-89)

In the newly independent nation state India, the fruits of liberation were made available only selectively. Freedom from colonial rule did not entail a freedom from patriarchy. The Indian English novels by women writers reveal how the very ‘home’ remains the principal site for violence. Domestic Violence has tied women to the stake – consumed them in monstrous schematization and deterred all possibilities of emancipation. Interior colonization of Indian women has pricked the conscience of Indian patriarchy too late and it has saved its face by enforcing an act to provide for more effective protection of the rights of women. But in spite of this attempt of the Govt., Indian women are mile away from their desired goal. Their mobility is restricted, their self expression is monitored and still now girls are victims of forced marriage. Preventing a girl child from attending educational institutions, insults for not having a male child, taking away the income of the partner and such other violence are viewed as socially sanctioned nuisance. Girls have almost no say in the selection of career or partner in marriage. These disempowered women play no role in making a decision. Though the Govt has tried to bolster the confidence of women by framing a law, lack of infrastructure, indifference of the judiciary and above all the deeply entrenched social attitude have nullified the belated attempt of the Govt.

Herein lays the gendered identity of the Nation state and the politics of women empowerment. If the nation state frames a rule that is pro-women it remains a specious one for its repressive state Apparatuses (like army and police) and ‘ideological State Apparatuses’ (like school, the church, the family and media) assist in the reproduction of the dominant patriarchal system by ‘creating’ subjects who are ideologically conditioned to accept the values of the system.

Divide and Rule – A Coercive Machiavellian Strategy: Playing upon the Machiavellian suggestion that power can be achieved through a combination of coercion and consent, patriarchy keeps up its domination. It practises the coercive method of ‘Divide & Rule’ and ‘creates’ subjects who willingly subscribes to the reigning ideologies. The system that depends and thrives on exploitation never grants integration, for, that would result in the collapse of the very exploitative system. Patriarchy engages ‘patriarchal’ women who according to Tyson are indoctrinated in the reigning patriarchal ideologies, against those who refuse to play the ‘angel in the house’. The narratives of domestic violence don’t constitute a linear plot centred around oppressing men and victimized women, rather patriarchal women’s complicity in the infliction of abuse complicates the situation. Patriarchal women work as surrogate agents of male hegemony. In exchange, Patriarchy celebrates these women as ‘ideal’ through all the ideological state apparatuses and ‘train’ others in the reigning ideologies and thereby tries their best to undermine women’s confidence and assertiveness. Hierarchies created for differential access to material resources, difference in marital status, status of the natal family creates scope for victimization and women for lack of proper education fall victims to this. A woman, in her search for security for the self and/or her offspring becomes an instrument of Patriarchy, for, she thinks that male, the centre of power only can be her refuge and a female a contestant. The easy, innocent and spontaneous love for the members of her own sex gets lost in the hunt for self-promotion.

Besides, patriarchy ‘manufactures’ women’s consent to their own subordination through mass ventilation of patriarchal ideologies and naturalization of the violence. Indian Patriarchy in the new nation state has upheld the icon of self-sacrificing, unselfish, constantly slaving wives/mothers to course upper/upper-middle class, upper caste women who in their turn are to course others. Motivated praise of the ‘sacrificing’ daughter/wife/mother hoodwinks women so much that they unconsciously develop a habit of self-accusation. Coursed in the ‘Fabricated’ family codes women feel an anxiety disorder for being a ‘freak’ to traditional codes of conduct and surrender passively to the abettor. As a result of this self accusation syndrome and social anxiety disorder women become victims of depression and low self esteem.

Women’s Right to Property- A Neglected Social Question: Right to property could have been another means of women empowerment. But though women’s right to property is protected by law,

still now it is a neglected social question. Patriarchy has dissuaded women from claiming their portion by spreading the ideology of 'sacrificing' women. A false sense of honour and pride hinder women to claim the entitled parental property after marriage. Dowry given at the time of marriage often weakens/nullifies their claim though the nature of the two is completely different. Dowry, far from empowering a woman, commodifies her. Patriarchal women, often the senior female members of the family themselves work as agents of patriarchy to spread the notion that a woman who claims the entitled parental property stigmatizes her family or at least the gesture does not become the family. They try to socialize young female members of the family citing precedence of sacrificing women and cursing the 'wayward' women who have claimed the property to realize their dreams. The sons of the family trained in this peculiar 'ethics' think it 'unnatural' for the daughters to claim it. As a result, in spite of the legal protection women's right to property proves itself a fiasco.

Role of the Judiciary: The role of the police and judiciary is very vital in this context. Since Prejudice against women is entrenched in the very patriarchal structure, as products of this society, policemen also share it. The indifference of the judiciary, their hostility, condescending attitudes towards women, tendency to prioritize 'male' issues are more or less a product of this deeply entrenched societal attitudes. In course of their socialization they have internalized the reigning patriarchal ideology. Moreover as the part and parcel of the Repressive state apparatus, police and judiciary try to manipulate power so as to establish and perpetuate the dominance of men and subordination of women. They believe in the stereotyped gender roles of women and a woman who tries to assert herself naturally incurs their wrath. The tendency to naturalize the violence is conspicuous in the system. Like the society at large they too believe that women must obey the men of their families, they should be polite, obedient, uncomplaining, serviceable to the family members, soft-speaking, dressed traditionally and obviously they are not to value their own desires and individuality and never, on any condition, assert their independence.

I can't refrain myself from sharing my experience in this context. In a Legal literacy programme the advocate after delivering his speech cautioned women not to report cases of domestic violence to the police, for, that would destroy the peace of the family and slander the family reputation. Those few advocates with whom I have talked so far, in many cases the protection officer himself has told that only 'bad women' are taking help of the law prohibiting Domestic Violence and they are vocal to change this law. Our police system is not yet ready to tackle human rights issues. Recruitment of more females in the police service and gender-related sensitizing programmes and programme on social issues will make the system more responsible and women-friendly. Any radical change of attitude in human beings is too much an expectation. Still we may hope for a gradual change.

Remedies Proposed: Most women continue to endure violence even while recognizing its criminality because of the absence of the support structure in the community at large. If we can involve the whole community, only then perhaps such an inhuman practice can be checked. We should remember that indifference leads to legitimization of the violence. However, though any radical change in the mindset is impossible to achieve within a day, as Shaw said in his essay *Freedom*, if we can catch them young then perhaps it is possible to effect a change and higher education can be the chief instrument in this regard. Education not only makes one economically self-reliant but also imparts intelligence and helps to create mental habits which enable people to form sound judgments for themselves. So if the nation wants to make it a democracy in the truest sense of the word and not a camouflage of democracy, it must frame a curriculum that aims at sharpening intelligence besides supplying information.

Incorporation of Gender related texts in the syllabi will give the teachers opportunity to communicate on the related field and equip students with necessary information regarding the history of human civilization which will help them to be 'resisting readers'.

Gender related sensitizing programmes for teachers, students and community fellows – three stakeholders for the community are most important. First of all teachers must free themselves from gender biasness. Students who are victims of terrible self conflict will be most profited from such programme. The same programme for community people may bring the desired result. counselors from their own community will help them immensely. We should develop a holistic approach to do away with this social malady. Apart from this the institution of higher education may arrange legal

literacy camps along with the NGOs. Women counseling cell of the college may work in tandem with NGOs and serve women by providing information on legal aid and support structures. NSS programmes can be a useful tool for this purpose. Association with human rights activists may be a great help. If we look forward to a woman friendly society we should try our best to get beyond patriarchal programming and resist the various ways in which patriarchy dictates our lives.

Notes:

1. Raja Rammohun Roy may be termed as the first feminist of India. He opposed the practice of Sati or widow immolation and challenged the putative sacredness of Hindu marriage system in quite unambiguous language. He told “At marriage the wife is recognized as half of her husband, but in conduct they are treated worse than inferior animals” and argued for women’s right to property in his book **Brief Remarks Regarding Modern Encroachment on the Ancient Rights of Females (1822)**
2. Patriarchal Women- by patriarchal women Tyson means those who have internalized the norms and values of patriarchy.

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