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MESSAGE FROM THE HOSTING PARTNER, WCWS 2017

Bridgewater State University (BSU) is honored to be a hosting partner of the 2017 Women's Studies Conference. It is appropriate that BSU serve as a hosting partner since our mission and values as a university align with the goals of TIIKM in the advancement and promotion of the democratization of knowledge. Since BSU's founding in 1840, our university has been committed to empower individuals and in still our university community and partners with the desire to advance the public good through a dynamic academic environment. We encourage our faculty and students to become leaders in their fields. As part of this effort, we are deeply committed to the ideals of global citizenship: we encourage our community to make decisions based on a view of the world as an increasingly complex web of interconnections and interdependencies; to see ourselves as part of a world community, taking on active roles to nurture a more inclusive and secure world. These objective cannot occur without women's equality. It is in this spirit that Bridgewater State University is a proud hosting partner of TIIKM's Third Women's Studies World Conference.

MESSAGE FROM THE CONFERENCE CHAIR, WCWS 2017

College of Humanities and Social Sciences

Anthropology Department

Greetings and welcome to Colombo, Sri Lanka and to the Third World Conference on Women's Studies.

It is with great pleasure that I serve as conference chair for the second time for the Third World Conference on Women's Studies, organized by The International Institute of Knowledge Management (TIIKM). Bridgewater State University, my home institution, is honored to be a hosting partner. I attended the second conference in Colombo in 2016 for which I also served as conference chair. The 2017 conference is benefitting from observations and feedback from that 2016 conference, and we are thrilled to offer three new networking and organizing opportunities: 1) A publishing workshop, co-hosted by myself and Professor Patricia Mohammed from the University of the West Indies, St. Augustine campus in Trinidad and Tobago; 2) A graduate student workshop exploring opportunities in the field and offering motivational content to pursue a career that is gender/sexuality focused, which I will also co-host with my colleague from Bridgewater State University, Professor Madhavi Venkatesanas; and 3) A Roundtable discussion that will focus on strategies for change, including levels and forms of change as well as insights about forming partnerships across our differences. Panel presentation times are also lengthened this year, along with somewhat longer opportunities for Q&A. These modifications should increase opportunities for networking and thinking through activism—after all, Women's Studies, like feminism, must be concerned with the relationship between our scholarship and improving the human condition.

As with last year, this year we also look forward to a stimulating and provocative conference, one that challenges our ideas, builds our connections with one another, and invigorates us in our work. The theme, **"Building Resilience: Dialogue, Collaboration and Partnerships across Our Differences"** promises to help us achieve these goals by highlighting the current challenges we face in building local, regional and global women's movements: with all their variety and uniquenesses, there are nonetheless connecting threads. As the late Moroccan sociologist and feminist, Fatima Mernissa most brilliantly asserted in 1988: "we must develop our listening capacity, to be sure that we hear everything, even those things that don't fit into our theories and pretty constructs. And, above all, to avoid positing a `return to the past' as an alternative for women." By opening ourselves to really listen, particularly through discomfort and disagreement, we lend ourselves to new ideas and approaches, to revisiting those we have discarded too abruptly, and ultimately to achieving some measure of transformation.

I want to thank TIIKM on behalf of all conference participants, for organizing the conference, juggling all the logistical details including the hotel, meals, program, and other features of the conference planning. This group of brilliant, energetic, and hopeful conference organizers continue to add to the human story through their innovative conference themes, tackling the most difficult, persistent, and pressing topics of our times, bringing scholars, activists, policymakers, educators, artists and others together from across the region and the planet.

Please take every opportunity during the conference to engage with one another, to discuss your ideas for research, writing and practice. I also hope that you take some time to explore Colombo in all its vibrancy. Welcome to the conference!

Conference Chair
Diana J. Fox
Professor and Chairperson
Anthropology Department
Bridgewater State University

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Intimate Partner Violence: Exploring Links with Men's Childhood Gender Inequality and Violence Experiences

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Abstract: Intimate partner violence refers to any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in that relationship (WHO). Correlation between perpetration of Intimate Partner Violence and childhood violence experiences of abusers have been endorsed by theory of cycle of violence since long while feminist theorists presume that an entrenched patriarchal societal configuration and an inbuilt asymmetrical power distribution among men and women are the main culprits of transmission of intimate partner violence. At the same time socio- cultural theorists suggest that the traditions and norms which sanction violence and its tolerability aggravated by attitude of humanity towards gender inequity since childhood exacerbate the situation. This article attempts to give invigorate emphasis to the relevance and importance of understanding the version of intimate partner violence from the perpetrator's perspectives to have an inclusive understanding of this violence and their violent deeds. In this study author seeks to find out the prevalence of men's perpetration of different types of violence against their intimate female partners in four districts of Gujarat, India with a descriptive study in which a multistage random sampling method is used to select the samples. Also an attempt is done to explore the correlations between intimate partner violence and men's early childhood gender inequality and violence experiences. Findings revealed statistically significant correlations between Intimate partner violence and men's childhood gender inequality and violence experiences.

Keywords: Intimate Partner Violence, Gender equality, childhood, gender inequality experiences, violence experiences

Introduction

Intimate partner violence refers to any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in that relationship. It includes acts of physical aggression, psychological abuse forced sexual intercourse or any other controlling behavior (WHO 2015). It may include a single act of violence, or a number of acts that form a pattern of abuse. This can have serious-and sometimes fatal-consequences for victims and for those who see or hear the violence (Department of Justice, Canada 2017). Intimate partner violence may involve sexual, sadistic control, economic, physical, emotional and psychological abuse (Paula Nicolson, 2010).

Violence against women is one of the most extreme manifestations of gender power inequalities used by many men to exert control and dominance over women (ICRW 2012).

In his Times of India blog Jug Suraiyan endorses that it is the demonstration of the total dominance of men over all women, and is the logical extension of an entrenched patriarchal society fighting against any form of empowerment for women.

Available literature suggests various reasons behind violence against women. While some argue that hierarchical gender relations, perpetuated through gender socialization and socio-economic inequities, are the root cause of violence against women (Heise *et al.* 1994), a multi-country study in Chile, India, Egypt and Philippines identified regular alcohol consumption as by the husband or partner as a risk factor for any life time intimate partner violence across all four study countries (WHO 2015).

According to the brochure of a National Seminar on Violence against Women Sponsored by Indian Council of Social Science Research (ICSSR), MHRD, Government of India, New Delhi and Himachal Pradesh

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University, Shimla on 21ˢᵗ & 22ⁿᵈ August, 2013 the causes and factors of violence against women include entrenched unequal power relations between men and women that foster violence and its acceptability, aggravated by cultural and social norms, economic dependency, poverty and alcohol consumption etc. 9 Early childhood experiences of gender inequality have been found in many studies to shape people's views and behaviors in their later life (Gil-Gonzales *et al.* 2008; UNICEF 2007; WHO, 2005; Heise, 1998).

Understanding Intimate Partner Violence: Different Theories

There are many theories that have tried to explain perpetration of Intimate Partner Violence. No one theory can explain why every perpetrator becomes abusive. Correlation between perpetration of Intimate Partner Violence and childhood violence experiences of abusers have been endorsed by theory of cycle of violence since long while feminist theorists presume that an entrenched patriarchal societal configuration and an inbuilt asymmetrical power distribution among men and women are the main culprits of transmission of intimate partner violence. At the same time socio- cultural theorists suggest that the traditions and norms which sanction violence and its tolerability aggravated by attitude of humanity towards gender inequity since childhood exacerbate the situation.

Theory of cycle of violence

Children who grow up in families where IPV was present are more likely to become involved in relationships that are affected by IPV. Abusers are more likely to have witnessed abuse as children than those who engage in situational couple violence (Marilyn Fernandez 2010). According to the National Clearing house on Family Violence, Canada partners in violent and abusive relationships have often experienced family violence themselves as children.

Coker and colleagues found that men were 2.5 times more likely to report exposure to IPV as adults if they had reported being physically assaulted as a child. Childhood exposure to violence is associated with increased risk for future perpetration.

The results from a large multi country study show that, to varying degrees, childhood trauma is highly prevalent among women and men in the general population, across the Asia–Pacific region. The findings indicate that there are strong links between childhood experiences of maltreatment and the perpetration or experience of violence against women in adulthood, and that the cycle of violence is facilitated and fuelled by gender inequality. Importantly, the findings show the pathways through which experiences of childhood trauma contribute to violence against women and further child maltreatment. The data point to both a co-occurrence and a cycle of abuse, with childhood trauma leading to violence against women and further child maltreatment, which in turn increases the risk of experience or perpetration of violence during adulthood (Emma Fulu *et.al.* 2017).

The pathways from childhood trauma to adulthood experiences and perpetration of violence are complex and multifaceted. There is some evidence that women who experience intimate partner violence are more likely to physically abuse their children than women who do not experience abuse (Srinivasan, Sharada & Bedi, 2007). Furthermore, children who grow up witnessing abuse are at increased risk of being physically and sexually abused themselves.

(Saenger 2000) observes from infancy to adolescence, family violence interfered with the children's growth and development. For them violence is their role model and violence is a mean of survival.

Feminist theory- A second important perspective is feminist theory which explains that transmission of IPV is maintained by a normative patriarchal social structure, based on gender-related power differentials.

Intimate partner violence and abuse is rooted in a power imbalance between individuals, within families and in society. Basically, when one person is controlled and/or considered less worthy than another one -- because they are a vulnerable person or part of a vulnerable population -- there is the potential for abuse.

The chances of intimate partner violence are more when men have gender inequity attitude towards women and they feel that their spouses are inferior to them. The more they feel that wives do not obey them blindly, do according to their instructions and try to take more freedom than allowed to them, more the violence inflicted upon them by men. It is been proved by many studies that when the belief of men that they are superior to women is shattered by the way their partners talk, behave or act, they try to put them down usually with violence.

So it is believed that intimate partner violence is not uncommon among high class and rich societies also where women sometimes have educational qualifications and earn more than their husbands. It is generally assumed that violence would decline with an increase in educational status. However, a study conducted in Rajasthan, India reported that violence by men does not corroborate this assumption. On the contrary it is been found that sexual violence does not seem to have any association with educational gap and women with more education tend to experience more violence. At the same time when the woman was more educated, control (restrictions, sanctions and surveillance) was found to be considerably higher (91.3 percent) than other groups.

Socio-Cultural Theory

Socio- cultural theorists suggest that the traditions and norms which sanction violence and its tolerability aggravated by attitude of humanity towards gender inequity since childhood exacerbate the situation. Intimate partner violence in India is prevalent in all castes, socioeconomic classes, religious groups and regions. Societies where gender inequitable practices are accepted as normal chances are more to inflict violence upon women on deviations from these practices. An indissoluble relation is apparent with culture-attitude- belief and practice followed in a society and the prevalence of IPV perpetuated by men on their women in that society. Many societies believe that the said duties of women according to their perceived roles are supposed to be done by them, and failing to complete them, they are deserved to be punished including physical, emotional and sexual violence. Shockingly some women too sanction this attitude and carry forward this belief to their offsprings.

Relevance and significance of the study

The Declaration on the Elimination of Violence against Women passed by the UN General Assembly, in 1993 states that violence against women is an obstacle to the achievement of human rights and fundamental freedoms by women, which have led to domination over, and discrimination against, women by men; and it is one of the crucial social mechanisms by which women are forced into a subordinate position (Coomaraswamy 1995).

Although childhood trauma and violence against women are global public health issues, few population based data from low-income and middle-income countries exist about the links between them. Even though there is evidence that the main perpetrators of intimate partner violence in almost all developing country settings are men, most of the relevant research has been mainly focused on the perspectives of women respondents (Koenig et al 2006).

A majority of these studies highlights the types of the intimate partner violence and the coping mechanisms women and society use to overcome the stress and trauma. Some of them have tried to analyse and understand the effectiveness of existing support systems and legal provisions to the victims of intimate partner violence. Programs and policies that address the needs of victims (including same-sex victims), while critically important, fail to address the root causes for the behaviors that lead to the violence.

A general understanding of the underlying precipitating factors for intimate partner violence in developing countries remains limited while important knowledge about its root causes is lacking. It is very important to understand the version of intimate partner violence from the perpetrator's perspectives too in order to have a complete comprehension of this violence and their violent behavior. To find out whether their childhood gender inequity attitude and violence experiences bear any impact on the prevalence of IPV is essential to have relevant policy changes in the curriculum of school syllabi to inculcate a gender equity attitude among children so that to an extend they grow with a positive attitude to adolescent and adulthood stages.

Some studies even if few, reported that for men, all forms of childhood trauma are associated with all forms of intimate partner violence perpetration. and children who witness abuse between their parents are more likely to experience or perpetrate violence as adults. At the same time men who experience childhood emotional abuse and neglect and childhood sexual abuse, are also at increased risk perpetration of rape, intimate partner violence, and sexual assault.

In order to develop effective intervention programs and policies, it is vital to study the attitudes and behaviours of both men and women to understand this problem. Yet, most of the available studies concentrate on women's perspective of domestic violence. Studies on prevalence and patterns and the risk factors of domestic violence have viewed the male partner as a perpetrator of the violence, but there are few studies that reveal a male perspective on this issue. Further, research on men and violence is extremely limited in India and theory building on this issue within the Indian context has rarely been attempted. Therefore, there is an urgent need to understand the men's perspectives, along with the factors and circumstances that shape the masculinity of men in India.

While launching the He For She initiative, on September 20, 2014, which aims to get men and boys to pledge to join the feminist fight for gender equality, Emma Watson (2016), British actor and Goodwill Ambassador for UN Women pointed out that in order for gender equality to be achieved, harmful and destructive stereotypes of and expectations for masculinity have got to change. To end gender inequality, she stressed, the need of everyone's involvement and she appealed to as many men and boys as possible to be advocates for change.

While this study aims to assess men's perpetration of different types of violence against their intimate female partners in Gujarat it will try to assess and compare the correlations between the intimate partner violence and their early childhood gender inequality and violence experiences. The information obtained as a result of this study will be the reality situation of the extent of violence within the intimate relations perpetrated by men. In addition, the determinants of violence against an intimate partner also will be identified and discussed.

Moreover, it will highlight the need to encourage and engage boys at a very early stage in gender equitable norms and practices. It will also help us to understand the importance of a gender related violence–free family environment where children should be brought up so that they develop healthy gender role concepts and practices in their entire life. This is so because childhood experiences of gender equality can make a man able to respect his intimate partner and can give enough space for equality in all spheres of their family lives including division of labour in domestic works. This is in fact one of the urgent needs of the day as more women are stepping out of their houses to get into the work force while many women are forced to stay back leaving their lucrative and much needed jobs, which give them a feeling of identity and empowerment to them.

Early childhood gender inequality and violence experiences of men are proved to have a significant correlation with their gender inequality attitude, which they learnt from childhood gender inequity experiences, and violent behavior with intimate partners. For these men women are not equal partners, they are subordinates and supposed to obey them always. There is a need to be more sensitive to this relationship and thus pay more attention towards gender sensitization of boys and men. They should be learned and experienced from their childhood itself that men and women are equal partners in all respect, a notion which

is widely acknowledged and propagated by all those who are concerned about the ever increasing violence against women including within the intimate relations too.

The findings of this study will definitely throw more light into the interconnectedness of this issue and will highlight the urgent need for sensitizing the society especially the parents about the importance of upbringing their children imbibed with real gender values. Also it will contribute towards guiding and influencing policies for active governmental intervention in direction to correcting gender imbalances and promoting proper gender socialization among boys and girls.

Literature Review

The most common type of violence against women worldwide is domestic violence, defined as the physical, emotional and/or sexual abuse of women by their intimate partners (Heise 1999).

Several factors have been found to be consistently associated with the physical assault of intimate partners, and as a result they are widely believed to play some causal role. At the societal level, these include poverty (Bachman & Saltzman, 1995; Hotaling & Sugarman, 1986; Aldorando & Sugarman, 1996) and social norms that reflect male dominance (Levinson, 1989). At the individual level, it has been demonstrated that those who physically assault their female intimates are more likely to have witnessed inter parental violence (Hotaling & Sugarman, 1986), experienced child abuse (Wekerle & Wolfe, 1998; Alexander, Moore & Alexander, 1991; Simonelli *et al.,* 2002), have been raised in families with patriarchal values (Fagot, Loerber & Reid, 1998; Gwartney-Gibbs, Stockard & Bohmer, 1987; Riggs & O'Leary, 1989), subscribe to patriarchal values (Yllo & Straus, 1990), and use alcohol or drugs more than their non-abusive counterparts (Hotaling & Sugarman, 1986; Tolman & Bennett, 1990; Kantor & Straus, 1989).

In dysfunctional families, the husband sees himself as the absolute individual power within the family system. He strongly believes that his position as the only bread winner of the family grants him the right exercise control of all aspects of the family life and overall individuals living in the same household (Forte, Franks &Rigsby 1996).

Rudo & Powell (1996) asserts that family violence is inter-generational. In dysfunctional families, the victim as well as the perpetrator is capable of child maltreatment and neglect. Research in family violence established evidence that abusive parents have experienced some form of abuse in their childhood. Adults who experienced and witnessed violence in their childhood had increased potential of becoming a batterer themselves. Marital rape is also a strong link that child abuse is imminent.

Saunders (1994), Rudo and Powell (1996) believe that the sins of the parents and the failings of society are to blame for child abuse and neglect. When the structure is interrupted by dysfunctional behavior, child rearing becomes a significant problem. In these families parents use socially inappropriate child rearing practices including inconsistent parental supervison of children, use of harsh punishment, failure to set limits, neglect in rewarding pro-social behavior and a coercive style of parent-child interaction.

In a survey of married men in Bangkok, 20% reported physical abuse towards their wives (Hoffman *et al.* 1994). In South Africa, 44% of working men surveyed in Cape Town reported physical and/or sexual abuse towards their partners in the last 10 years (Abrahams *et al.* 1999). In a study on men and marital violence in Peru, Fuller (2001) found that it was always wives who triggered violent reactions, either because they didn't comply with their part of the marital contract or because they "react[ed] with energy" when the man did not fulfill his duties.

Findings from ICRW's first phase of research demonstrated that domestic violence in India is a widespread problem with an extensive, but inadequate response. In the household survey, nearly one in two women reported experiencing at least one form of domestic violence, and over 40 percent of women reported being slapped, hit, kicked, or beaten by their husbands (INCLEN 2000).

Reports of a study from Rajasthan, India revealed that nearly 87 percent of the men had engaged in at least one violent behavior in the past year. On further exploring the forms of violence, emotional violence (73.3 percent) emerged to be the most commonly inflicted form of violence against women by men. However, the prevalence of other forms of violence was also high. Fifty-seven percent of men reported at least one sexual violence behavior, 37 percent reported at least one physical violence behavior and at least 61 percent reported one control behavior in the past year.

Sometimes due to insufficient financial resources, the battered women are unable to provide for themselves and their children. Other resources such as governmental housing and shelter for battered women are also limited in numbers in a country like India throughout many communities. Studies in this area point out, that leaving the violent relationship increases the severity and tendency of physical injuries to the battered women and the children involved (Peled, Eisikovits, Enosh, Winstok, 2000). Sometimes it means death.

So the main reason why women remain in abusive relationship with the batterer is primarily due to her "serious loss of income from leaving the relationship, locating employment and childcare, and lack of intimate relationship" (Dutton, Gordon, 1996, p.9).

Children at any age who are traumatized by violent acts inside the family very likely develop psychological, behavioral and cognitive problems later on in life. Studies in this area support facts that violent events can cause symptoms of PTSD. According to McNew and Abell (p.116), symptoms of PTSD are of multiple characteristics and may include the following: " flashbacks, numbing, restriction of affect, hyper vigilance, sleep disorder, problems with intimacy and sexuality, depression, dissociative responses, anger and rage, guilt, shame, fear, somatic complains, anxiety, helplessness, dependency, low-self esteem, survivor guilt" and "enuresis".

Research on adolescence concluded that adolescence's aggressive behavior is associated to the hostile environment they live in. (ibid. p. 348). From infancy to adolescence, family violence interfered with the children's growth and development. For them violence is their role model and violence is a mean of survival.

Objectives of the Study
1. To assess men's perpetration of different types of violence against their intimate female partners.
2. To understand their childhood gender inequality & violent experiences.
3. To assess the correlations between men's childhood gender inequality & violent experiences and perpetration of intimate partner violence.
4. To guide and influence policies for active governmental intervention towards correcting gender imbalances and promoting proper gender socialization among boys and girls.

Hypotheses
1. There exists a significant association between men's childhood gender inequality & violent experiences and perpetration of intimate partner violence.

Scope and Methodology

(i)Research Design

Descriptive research design is used in this study as the main purpose of this study is to describe the men's perpetration of different types of violence against their intimate female partners and its associations with their childhood gender inequality & violent experiences.

(ii)Universe, Sample & Sampling Frame

The sampling frame for the present study comprises of men in the age group of 18 to 50 years from Gujarat state. A multistage random sampling method is used to select the talukas, villages and households from which 200 samples are selected. In his working paper titled "Reporting and incidence of violence against women in India, Aashish Gupta (2014) accounted that Gujarat has a comparatively higher incidence of both physical and sexual violence of women by their husbands than many other states in India.

Multiple study sites were chosen in order to represent a range of gender equality and development indices within Gujarat. The chosen sites include Ahmedabad with low gender equality and high development indices, Banaskantha with both low gender equality and development indices, Gandhinagar with both high gender equality and development indices and The Dangs with high gender equality and low development indices.

(iii)Tools of Data Collection

Detailed Interview schedule covering areas of demographical variables are used to collect the demographical variables of the respondents. Following standardized tools are used to assess their attitude towards gender equality and perpetration of violence on intimate partners.

a. Intimate Partner Violence Scale: List of questions are asked to the respondents which are prepared with the help of Margolin's "Domestic Conflict Scale" or "Conflict Inventory" (Margolin, G., B. Burman, R.S. John, and M. O'Brien, *The Domestic Conflict Instrument*, Los Angeles: University of Southern California, 1990) and Straus's "Conflict Tactics Scales" (Straus, M.A., "Measuring Intra family Conflict and Violence: The Conflict Tactics Scales," *Journal of Marriage and the Family* 41(1979): 75–88).

b. Gender Equitable Men (GEM) scale developed by the Horizons Program and Instituto Promundo in Brazil with young men aged 15-24 years (Barker *et al*, 2011) and later adopted by the IMAGES for adult is used to assess the men's attitude towards gender equality.

c. A men's Childhood experience of gender equality scale and Men's Childhood experience of Violence scales are developed to assess their violence and gender inequality experiences during childhood.

Discussion

Findings of this study indicate that there are strong links between childhood experiences of maltreatment and the perpetration or experience of violence against women in adulthood, and that the cycle of violence is facilitated and fuelled by gender inequality. Importantly, the findings show the pathways through which experiences of childhood trauma contribute to violence against women and further child maltreatment.

Men perpetrate violence against intimate partners throughout the sites even though the prevalence of different types of violence against their intimate partners varies significantly within different sites.

Findings of this study clearly established high prevalence of emotional and sexual abuses followed by physical abuses experienced by men during their childhood. Following table shows the percentage of respondents reported different types of violence experiences.

Table: 1   Childhood Violence Experiences of respondents

Type of Abuse	Low	Medium	High
Physical abuse	25.0	59.5	15.5
Emotional abuse	29.0	48.0	23.0
Sexual abuse	28.0	53.0	19.0

More percentage of respondents report high level of emotional abuse (23.0) followed by sexual abuse (19.0) and physical abuse (15.5). The results from a large multi country study show that, to varying degrees, childhood trauma is highly prevalent among women and men in the general population, across the Asia–Pacific region.

Table: 2   Childhood Gender In equality experiences of respondents

Indicators of Gender Inequality	Low	Medium	High
Gender Role	26.0	54.0	20.0
Social Freedom	18.0	50.0	32.0
Social Taboos	26.0	45.5	28.5
Health & Nutrition	25.5	50.5	24.0
Educational & Developmental Opportunities	30.0	52.2	17.8
Value	22.0	48.5	29.5

Findings of this study endorse gender inequality experiences of men during their childhood. It is clear majority of the respondents experience inequality with all the indicators while the highest percentage of respondents report high level of gender inequality childhood experiences with respect to social freedom (32.0), value (29.5), social taboos (28.5), health and nutrition (24.0) and so on.

To find out the childhood gender inequality experiences of men under study, a scale is developed and items included in this scale are given in Table.3. The statements are given under six indicators namely Gender role, Social Freedom, Social Taboos, Health & Nutrition, Educational & Developmental Opportunities and Value. Levels of gender inequality experiences of respondents are calculated with the aggregate total the respondents got on this five point likert scale having options from strongly agree to strongly disagree.

Table: 3 Items included in Childhood Inequality Experiences

Gender Role
My sisters were expected to do cooking while I was not supposed to do the same.
I saw my father helping mother in cooking.*
I saw my father helping mother in taking care of children.*
I saw my father ordering and mother getting things done for him.
Social Freedom
I could come back home late at nights after hanging out with friends while my sisters were not allowed to do the same.
My parents considered their sons and daughters equally.*
I and my sisters enjoyed all types of freedom in our family.*
My sister had to answer to so many questions to get permission to go out something not applicable to me.
Social Taboos
I could talk loudly in my family when, sisters were not allowed to do the same.
I saw my sisters were having many restrictions imposed on them when they were having their menstrual periods.
I saw my sisters not allowed to choose stream of study of her choice.
I saw my sister not allowed to choose career of her own choice.
Health and Nutrition
Men in my family had food first and then women.
Sons in my family were breastfed for a longer period than daughters.
Dishes were made in my family according to the preference of male members.
In my family all sit together and used to have food.*
Educational and Developmental Opportunities
My parents were always concerned about my sister's marriage while they were concerned about my studies and career.
My parents were equally concerned about their daughters' and sons' future.*
My parents were ready to give the best possible education to their son' and daughters'.*
Only the son's business ideas were promoted in my family.
Value
I had more said in my family than my sister.
I was given more pocket money than my sister.
My father respected my mother's opinion in all matters.*
My mother enjoyed financial freedom.*

Evidences from this study prove statistically significant correlations between intimate partner violence perpetrated by men and their childhood violence (significant at 0.01 level) and gender inequality experiences (significant at 0.05 level).

It is therefore undoubtedly clear that young boys who experience violence at home, neighborhood or school tend to inflict violence on their intimate partner too. Youngsters who used to get discriminated importance due to their gender in their families also are prone to act violence on their partners. These findings strongly

point towards importance of creating violence free and gender friendly family environments to our small children so that coming generations will respect their partners. Complete prevention of all types of abuses of children can, to some extent, ensure a mentally healthy generation.

At the same time eradication of age old discriminatory practices and beliefs prevailing in society in favour of boys will help them to grow up without any such self- proclaimed importance. Efforts should be taken to incorporate lessons of respect, equality, dignity of labour including household work from early childhood so that they can shed away the wrong beliefs they used to acquire from the society.

Acknowledgements

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Crime against Women during Armed Conflict's

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Abstract : Crime (or) war crimes is a serious violation of International Humanitarian law committed against civilians or enemy combatants during an international or domestic armed conflict, for which the perpetrators may be held criminally liable on an individual basis. Crimes committed including but not limited such as torture, rape, destroying civilian population, child soldier etc. Sexual Violence is considered to be an instrument of genocide, crime against humanity and crimes of war. In the contemporary scenario armed conflict Gender based violence has become a major source of crime. Women become the primary victims of sexual violence during armed conflicts. While this remains extremely difficult to qualify because of its invisible nature, available estimate indicates that the act of sexual violence are perpetrated on large scale in various regions of world today. Studies have demonstrated that all types of actors in armed conflict, be they sate armed forces, non-state armed group and or multinational forces, have committed sexual violence against women which is an alarming issue. The key point in this paper is changes how war has changed to conflict and to armed conflict and the hardship put forth on women during or after the conflicts.

Keywords : armed conflict, women during war, challenges and implementation

Overview

Armed Conflict A Change In Terminology In The Latest 21ˢᵗ Century But The Impact And The Pain Are Double As The History Dates Back From The Early Era. A Woman Who Has To Be Protected Is Pulled Down In War Zones Either As A Combatant Or As A Victim. This Paper Speaks About Women As A Gender Affected During The Conflict And The Legal Peg Hole's.

What is International Humanitarian Law?

International Humanitarian Law Is Based On The Concept Of Jus Ad Bello. It Is Defined To Be The Law Of War (Or) During War. The Laws Involved Are Meant To Be Active In A Situation Of An Armed Conflict Or During War. However Just Like International Law, International

Humanitarian Law Requires The Political Will Of States For A Situation To Be Considered As Armed Conflicts, So That the Law Can Be In Force. International Humanitarian

Law Does Not Regulate whether a state may actually use force; this is governed by a distinct part of International law which is set out in united nation character.

Define Women in Conflict Situation

 Vulnerability on women during conflict settings are more and their roles and needs during conflict has to be determined and initiated. The term 'WOMEN' is purposefully used because rather than focusing on other gender women are fragile to violence's during conflicts rather than men and others. The term 'Gender' is used if there are both men – women interactions, their references to social and cultural issues

Women and Her Cry During Armed Conflict

While conflict initiates suffering on every individual, women basically are affected by short and long term effects. Sexual violence and Sexual Assault are frequently used as a tool of war. Cruelty during conflict leads to isolation, alienation, prolonged emotional trauma, and unwanted pregnancies that often result in abandoned children. As women the role played but not limited during the armed conflicts. Women are designed as caregivers; they must support their families and keep their house together. In absence of male partner during war, women become a sole bread winner. When women become multi-tasked, the conflict shatter their life and destroy their comfort living. In some cases, conflict improves the relationship between gender and their role. Changes even improve women's rights but at the larger side the impact on women during conflict are more than it is discussed by the Writers and the researchers.

Crimes against Women during Armed Conflict

Both Sexual Genders are prone to violence during armed conflicts. Men are equally abused as women but its women who are been targeted more due to their Gender complexity. Crimes against women remain an unresolved human rights problem. When there is a conflict, alarming rate of rape and other forms of sexual violence are being recorded. Rape and other forms of sexual violence is not a new phenomena practiced in conflicts. Women were raped, they were used as sexual machines and as a tool of war. The crime against women were used in as three main categories (1) as for ethnic cleansing (2) to show power and to dominate male gender (3) as a weapon of war etc, While sexual violence against women is deeply rooted in conservative social standards, it basically represents an exploitative type of war crimes which is brutal and barbarous.

In the contemporary forms of conflict, women faces new threats and violence's during conflict. The trend of conflict has changed were women brutality is been increasing in numbers rather than decreasing ratio. All of the resolutions by the United Nations Security Council still pose threat to women during conflict that is prevailed. Brutality against women in all forms of violence like sexual slavery, forced impregnation, forced transmission of deadly diseases like HIV/AIDS, strip search, rape, women trafficking , kidnapping , domestic worker , bush wives and many more. Furthermore many crimes are still unreported due to negligence from family, society etc., Forced pregnancy, forced sterilization, forced Genital Mutilation (FGM), crime against humanity and war crimes.

From pre-history era of war till today's scenario, only the terminology of 'WAR' has been upgraded as 'CONFLICT' and the nature of war has been changed from international to non-international armed conflict (or) it has even become harder to choose what the nature of the conflict is. As the rise in number of conflict, the crime against women remain the same yet new collection of violence's are in practice today.

The Relationship between Sexual Violence against Women during Armed Conflict and International Humanitarian Law

Sexual Violence as a Crime Against Humanity

The beginning of the modern era of crimes against humanity was marked from the Nuremberg Charter The notion for crimes against humanity was to see that the types of acts amounting to war crimes could also be punished when the victim's nationality and the perpetrator are the same. Moreover, rape and other forms of sexual violence were not listed as 'crimes against humanity' in article 6(c) of the London Charter, nor in article 5(c) of the Tokyo Charter. Only Control Council Law 10 expressly referred to rape in its provisions. It is seen that, the two charters contained the term 'other inhumane acts', purvey in protection to women from sexual violence during armed conflict. Under Article 3 European Human Rights Convention, In Cyprus v. Turkey, the human rights found that the widespread rape has constituted torture and inhuman treatment. Furthermore, In Former Yugoslavia, crime against humanity which referred as an inhuman act of serious

nature and also believed that the act was taken in the form as 'Ethnic Cleansing' and other sexual assaults – The Secretary (General's Commentary)

Classification of crimes was distinguished by the ICTY and ICTR tribunal, rape and sexual assault and forced nudity as crime against humanity. But to a point how can a trail chamber classify the crimes without giving a definition or even considering the other forms of sexual violence? The Rome Statute of the International Criminal Court contains a much broader definition of crimes against humanity than those in the Statutes of the Tribunals. Both tribunals have found that sexual violence can constitute torture and slavery as crimes against humanity.

Sexual Violence as a War Crime

The Hague Conventions

However rape was has been considered as a war crime under customary International Law, the

1899 Regulation 31 and 1907 Regulation 32 Hague Conventions did not explicitly list rape and sexual violence as war crimes. In Hague convention, Article 46 is subsumed about the protection of women from sexual violence during armed conflict. According to Copelon, honour and dignity as rape crime against humanity is a core issue. Her argument is, if rape is treated as crime against honour, then question of virginity is always a pre-condition.

Violence against women was never recognized but it was later during the provisions of the Hague Convention are of significance. In Hague convention 1907, under Article 46, if a person is not protected by the Hague, they are protected by the customary International Law general and prohibited sexual violence. Therefore, this Convention is of significance because it protects women in its provisions and it also extends the protection to customary international law.

The Geneva Conventions and Additional Protocols

The distinguish between non-International and International armed conflict was given by the Geneva conventions and their Additional Protocols. It's because of the regulation it was categories into two. The International humanitarian law applies different rules depending on the nature of the armed conflict. Therefore, the nature of law application will be different from the protection in internal armed conflict. In an international armed conflict, the 'grave breaches' of the Geneva Conventions become applicable. In addition to other provisions of international humanitarian law applying to such armed conflicts only article 3 common to the Geneva Conventions and Additional Protocol II apply to non-international armed conflict.

It is noted that, customary International law has developed to mark the gap between two regimes, the former ICTY, President argued that 'there has been a convergence of the two bodies on international law with the result that internal strife is now governed to a large extent by the rules and principles which had traditionally only applied to international conflicts. The International and Internal armed conflict both gives the same pain to the women who have been sexual assaulted. It is very necessary to evaluate the protection that is access to the women from sexual violence by the Geneva Conventions and Additional Protocols during International and Non-International armed conflict

Development of Law Under the International Jurisprudence

Following the world war II, the ad-hoc tribunals were formed to trial the perpetrators , the International court of Former Yugoslavia (ICTY), the International Court Tribunal on Rwanda (ICTR), and the International Criminal Court(ICC) .Trial on war crimes, crime against humanity, rape, Genocide, Unlawful killing all these categories are been punished by law. The first trail on Dusko Tadic gave a definition of rape and the court

also found the violations of Article 3 of the Geneva conventions. After the battle of Solferino 1859, which led to the formation of Geneva Convention and later with amendments of Additional Protocols? This becomes the base for the Jurisdiction tribunals to prosecute the predators. Later came the Rome statue which is a part of ICC. With all these ad hoc and the recent sister tribunals of the United Nation Security council in Cambodia, Sierra Leone, Iraq and the Bangladeshi Tribunal are the also prosecuting the persons who have committed war crimes.

Special Laws that Protect Women under International Humanitarian Law

The common Article 3 and its threshold in protecting the women from sexual violence during armed conflict in the Geneva Convention, no way has the terminology of rape and other forms of sexual violence. It is just mentioned about the outrages of personal dignity in specific to humiliating and degrading treatment. The Article 3 does not hold anything special, it remains silent. However, the recognize of the fact that it will never possible to think ahead of future tortures who is ready to satisfy their barbarous drive and the more clear list becomes it restrictive. The nature of wording that is Put forth here is pliable and detailed. In considering the indistinguishable words in other provisions of the Geneva Conventions and the Additional Protocol I, it is Squabble that the act of sexual violence obviously violated article 3 common to the Geneva Conventions

The co-relation between the Common Article 3 and Article 27 and Article 147 of Geneva Convention speaks about the sexual violence as a grave breach during conflict. Article 4(2)(e) states that 'outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault' are prohibited at any time and at any place. Article 13(2) provides that [t]he civilian population as such, as well as individual civilians shall not be the object of the attack. Acts or threats of violence the primary of which is to spread terror among the civilian population are prohibited. Hence, the protection provided under these articles corresponds to the protection offered by article 27 of the Geneva Convention IV, and therefore constitutes grave breaches.

The International Criminal Tribunals and the International Criminal Court

The statutes of the International Criminal Tribunals for the Former Yugoslavia and Rwanda have provisions of a similar nature as the Geneva Conventions and the Additional Protocols on the protection of women from sexual violence during armed conflict. Article 8(2)(b)(xxii) of the Rome Statute provides that individuals can be prosecuted for committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2(f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions. Furthermore, article 8(2)(e)(vi), which concerns internal armed conflict, uses terms that are identical to the terms used in article 8(2)(b)(xxii) as serious violations of article 3 common to the Geneva Conventions. Hence, sexual violence against women during armed conflict constitutes a grave breach of the Geneva Conventions.

Sexual Violence as Genocide

In the conflict of former Yugoslavia and Rwanda careful thought was given for the First time in associating between Sexual Violence and Genocide, with remarkable brace sexual violence could constitute genocide if the other elements of the crime are present. In further to destroy the community of former Yugoslavia and Rwanda, sexual violence against women was used. Humiliations and emotionally torchered so as to make them flee from their mother land. Terror and chaos were used as weapon, forcible impregnation by different ethnic group. According to MacKinnon, rape is enforced instrument that exile you to leave home and the society. Rape that can never seen, watched but it destroy the community shatters society and it's an act of genocide.

The reason for the privation of treaties criminalizing sexual violence as such is because sexual violence in this instance is not considered as an attack directed at a woman alone, but against the ethnicity group to which the woman belongs. Therefore, the woman is render for protection as a member of a group. According to Article

2 of Genocide Convention contains list as Crime as Genocide as: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;(d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. In Akayesu , the ICTR trial Chamber held that sexual violence may constitute genocide on both a physical and mental level. The Trial Chamber also found that '[s]exual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and as a whole (Spirit, Life and will to Live). There is no doubt that rape and other forms of sexual violence can constitute the crime of genocide if the required elements of genocide are satisfied.

Considerably, the Women's Protocol does not define these crimes. By morality of the provisions of article 11(2), which provides that state parties will act 'in accordance with the obligations incumbent upon them under the international humanitarian law', it is assumed that the definition of such crimes is that which is accorded by international humanitarian law. Understanding of states under the Women's Protocol War crimes, genocide and crimes against humanity constitute peremptory norms (jus cogens) of international law from which no state can depart. Since sexual violence during armed conflict constitutes crimes against humanity, war crimes and genocide, the status of Jus Cogens is prevailed in these crimes. Crimes that have acquired such status give rise to obligations towards all.

It is therefore stated that when an act of violence against women prevails during conflict state, it affects the whole International community and its obliged to act. However, these crimes have taken their place in the customary International Law. So, haven in the absence of a treaty agreement states are still bound by the provisions of the treaty prohibiting such crimes. Only the non-contracting states are obliged to the treaty and they are considered to have become customary International Law. Therefore leaders and senior executors of the state do not have the right to provide blanket amnesty to transgressors of Jus Cogens International. Instead state have the responsibility to see that all the legal action pertaining to their crimes are done in good faith.

Article 11(1) of the Women's Protocol provides that state parties undertake 'to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations, which affect the population, particularly women'. Furthermore, the Women's Protocol

provides that state parties undertake to 'protect women, irrespective of the population to which they belong, in the event of armed conflict'. The state parties will do so 'in accordance with the obligations incumbent upon them under the international humanitarian law'. Under international humanitarian law, war crimes, genocide and crimes against humanity give rise to universal jurisdiction or obligations of states to prosecute or extradite, and the right to compensation.

United Nation Security Council Resolution 1325 And 1820. If Any Recent Resolution ?

Resolution 1325(2000)

It was in 2010 , the UNSC on women , peace and Security (WPS) with one mind adopted on the most important mandate on the specific impact of women on war and the later contribution to conflict settlement and the post – conflict peace building. It is one of the important tool of stabilization of Congo mission (MONUSCO's) and also it became the platform to help individuals , NGO's , International Organization's in the process of peace settlement or building peace during conflict situations

Resolution 1820(2008)

This resolution was considered as historical resolution on WPS because after eight long years , the security council recommended all parties of the armed conflicts to immediately stop sexual violence against civilians and also call for immediate action for the protection of civilians, inter-alia, women and girls from all forms of

sexual violence. This resolution is considered to be one of the most relevant documents in the development of a strategic framework for the promotion of women's contribution to peace and security and addressing all forms of gender-based violence.

Resolution 2242 (2015)

Before the 15th anniversary of the resolution 1325 on one mind adopted once again a new Resolution 2242 to improve implementation of its landmark women, peace and security agenda. This resolution only urged the UNSC bodies to better integrate gender perspectives into their work

Challenges to Implementation and Enforcement

Over the past years the UNSC trying to implement the resolutions during the conflict situation but due to lack of hurdles in enforcement and implementations because of the cultural role linked with women It also has a obvious adverse effects in the implementation and enforcement of international protocols and conventions on gender and women's rights. A weak legal framework also stands as a challenge in the implementation of international conventions and protocols on gender and women's rights. Observations made indicate that there are no binding international conventions of the protection of women in armed conflict reference can be made to the statement in bold in the above statement .The provisions specifically dealing with gender and women rights are found in humanitarian law and other conventions addressing issues affecting both men and women.. The fundamental rights of all human being exist in the Universal Declaration of human Rights, the International Covenant on Economic, Social and Cultural Rights. These provide human rights of all sexes without discrimination. Other related human rights instruments include the Convention the Convention on the prevention and Punishment of the Crime of Genocide, the international Convention on the Elimination of all forms of Racial Discrimination and the convention of the rights of the child among others. In such a situation women are protected by customary humanitarian law .A critical analysis of these laws show that the ordinary humanitarian law fail to sufficiently address the problems that women face in conflict situations. The other difficulty emanates from the fact that the conventions are written from a male perspective ignoring specific issues on women. Using a masculine perspective, most of the humanitarian laws focus more on women's sexual and reproductive roles. They aim at advantaging children especially when provisions are stated for pregnant and nursing women. In such a situation the gendered nature impact of conflict is ignored in most cases. Even the United Nations Security Council Resolution 1325 of 2000, Resolution 1820 of 2009 and Resolution 1888 of 2009 concentrate mainly on condemning sexual violence on women in conflict situations ignoring other issues relating to the gendered nature of conflict situations. To a larger extent sexual violence in conflict situations has received significant attention and a number of measures have been put in place at international level to address that yet there are other areas of women's experiences in conflict situation which remain insufficiently addressed. To address issues of sexual violence in conflict situation International Tribunal for the former Yugoslavia and the Criminal Tribunal of Rwanda were put in place and these managed to successfully persecute perpetrators of grave breaches of the Geneva Conventions (1949) and they passed several rulings on sexual violence. The lack of implementation strategies is another challenge faced in the enforcement and implementation of international conventions and protocols on gender and women's rights in conflict situation. In a majority of cases the international instruments are unconsciously implemented without an implementation plan and no clear definition of institutional responsibilities. In some cases where the machineries exist they are found to be in their early stages of development. To add to that when national issues relating to gender and women's right are being addressed very little reference, or none at all, is made of international or regional instruments. The existence of limited gender disaggregated data in crisis situation also lead to complexities in monitoring and evaluation of gender and women's rights conventions and protocols especially in situations when nations signed the agreements but failed to domesticate the convention in the nation's legislature. The other problem relates to the small numbers of women in public decision making. Some of these specific issues relate to the consequences that women and girls suffer due to feticide, HIV and AIDS and how it relates to gender based violence in conflict situations, political violence targeted on women in conflict situation among other abuses both private and public. The absence of research on such

issues hinder the implementation of effective programmes, strategies and approaches as they are recommended by the international instruments on gender and women's rights. In the absence of research data it is very difficult to put in place appropriate monitoring and evaluation frameworks and activities. The other difficulty manifests when there is limited scope and coverage of services and interventions. This happens when the numbers of the people affected are very limited in scope and reach. This difficulty is closely linked to insufficient investments made in addressing existing problems. Even if some services exist they may be concentrated in urban areas or larger cities. These services at times lack the coordination and the referral capacities required. Many of the services like safe houses, legal aid and other support structures are provided by nongovernmental organisations which are lacking in financial and other The other factor is the low demand of the services by the victims. This comes into play especially from the systematic discrimination that women face from the institutions and communities that surround them. Some of the factors include the fear of stigma from community members, family and friends, the attitude of service providers especially health personnel and police, limited legal knowledge, inability to access services due to poverty, restricted decision making in the household and many other factors . The fragmentation of efforts also stands as a difficulty in implementing the conventions. This creates gaps in the way interventions are applied. A combination of factors can lead to the fragmentation of effort. It can be a result of poor funding resulting from poor political will to cultural and religious norms that are prohibitive. In the efforts to address the situation of women and girls in conflict situations are fragmented it also stand as difficulty in addressing women's problems emanating from the crisis situation. Nevertheless, such an approach is insufficient, unless values of gender equality and are instilled in all members of society, in order to change the underlying social norms.

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Art 6(c) of the Nuremberg Charter defines crimes against humanity as 'murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated

Art 5(c) of the Tokyo Charter defines crimes against humanity as 'murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political or racial grounds in execution of or in connection with any crime within the jurisdiction

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Effects of WLB Policies on the Work of Female Employees

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Abstract: On the basis of a survey performed at Japanese pharmaceutical companies, this paper analyze the processes and the influence that work-life balance policies exert on the promotion of women employees and corporate performance through women's activities. In particular, Structural Equation Modeling is used to clear complex causality between the promotion of women employees and personnel policies. The results of our analysis indicate that even if the complex relations between the variables are taken into account, productive improvements due to work-life balance policies are not observed. Although work-life balance policies do not have a direct effect on the promotion or the wages of women, they have an indirect effect on women's promotion and wage increase through the length of their tenure.

Keywords: structural equation modeling, work-life balance policy, career advancement of women, corporate performance

Introduction

This study examines how much the measures for work-life balance policies affect the promotion of female employees including the process and if those work-life balance initiatives and female promotions eventually effectively drive up corporate performance.

Japan is often said to be a less advanced country in providing equal opportunities to female workers among developed countries. The GEM (Gender Empowerment) index formulated by the United Nations Development Program (UNDP) indicates how much women are empowered in society. Our country just ranks in 44th place among 79 countries.

The government and private companies have been making efforts to develop women-friendly working conditions, such as the formulation of the Equal Employment Opportunity Law, the promotion of positive action, the prevention of sexual harassment and the implementation of work-life balance measures. As Figure 1 illustrates, we have to admit that signs of improvement have been emerging slightly over the past years. The percentage of women taking the managerial posts such as subsection chief, section chief and division chief have been gradually increasing and the percentages have more than doubled with all these positions when compared to the findings of 1988 with those of 2003.

However, this does not mean that the correlations between support measures and the growing percentage of female managerial personnel are widely recognized in society. As a matter of fact, there is not an adequate level of explanation about primary reasons for the noticeably low percentage of Japanese female managerial personnel relative to those in other countries. There is not a substantial accumulation of demonstrative analytical data to evaluate some hypotheses on this point. In view of this situation, this paper examines the effect of intra-corporate policies on the working conditions of female employees.

This study is comprised as follows: The second section reviews preceding studies to explain how this paper will contribute to future research on the conditions of female workers. The third section mentions that the clues in

which personnel policies will have effects on the percentage of female managerial personnel and ultimately on the business performance of companies. The fourth section examines analytical data and presents the results. The fifth section concludes the paper.

Preceding Studies

One of the research subjects on female employment in labor economics is wage differentials between male and female workers. With a focus on data by industrial sector, Tomita (1988) analyzed the relationship between gender gaps in the gradients of wage profiles and gender discriminations in employment management. As a result of this examination, he pointed out that there are smaller gender gaps in the gradients of wage profiles with industries in which gender discrimination is less likely with regard to recruitment and personnel relocation in the same company. Higuchi (1991) also analyzed how gender discrimination in employment management affects wage profiles by estimating with wage functions. He mentioned that there are smaller gaps in the gradients of wage-employment year's profiles between men and women in industries where equal treatment is more likely to be conducted regardless of gender differences in job education and training and the utilization of the female workforce. In addition, focusing on detailed data from many companies, Mitani (1995) analyzed how gender discrimination in employment management affects gender disparities in wage profiles and employment years between male and female workers. His results have shown that with regard to gender gaps in wage profiles, the effect of working years on salary standards is smaller with companies that conduct more gender-equal employment management; the gender gaps were quite small in the case of workers with the same employment years. He also discovered that there were smaller gaps between male and female workers in employment years with companies conducting more gender-equal employment management.

Japanese recent studies have been paying much attention to the positive utilization of the female workforce and work-life balance policies It has frequently been pointed out that many Japanese female workers interrupt their career for marriage and child care in their late twenties (Ōsawa, 1994). Their early departure means the undesirable suspension of career. More specifically, they break away from employment before a large amount of time and costs spent for their job training are recovered. This is considered to be one of the major factors that prevent aggressive use of the female workforce by companies. Therefore, to promote female employment, it is essential to create an environment where childbirth and child care do not obstruct women's continuation to work. That is, recent researchers have begun to recognize the necessity of balancing work with private life.

One of the measures that could be important in making a difference on this issue is the child care leave system. There have already been a considerable number of studies on the effect of this initiative. Shigeno and Okusa (1998) have demonstrated that the child-rearing leave system works to facilitate continuous female employment, if not affecting marriage. Morita and Kaneko (1998) have also pointed out that the system is effective for boosting continuous female employment.

In addition to the child-care leave system, much attention has been recently paid to the diverse and flexible personnel management of facilitating the balance of work and home. One of those innovative approaches is the work-life balance policies. Sakazume (2002) has postulated that work-life balance measures are effective for boosting worker morale, improving working conditions and reducing the percentage of women breaking away from employment.

Recent studies have been paying particularly keen attention to the effect of work-life balance measures on corporate performance. Many companies tended to consider that the utilization of female workers and work-life balance measures would put a heavier financial burden on their business and that the measures were unworthy of active implementation. However, comparative studies among countries have been promoted in recent years and they have demonstrated that there are no negative correlations between female employment and economic performance. For example, Greenwald (1996) argues that corporate managers often introduce work-life balance measures for the sake of better working conditions and that those special measures will definitely yield larger

profits for companies. Smith and Blum (2000) also postulate that work-life balance measures have a positive impact on organizations as a mechanism for competitive advantage. In addition, Shepard, Clifton and Kruse (1996) have pointed out that companies with a flexible employment structure like the flextime system can raise their productivity by 10% compared to those without such systems, which suggests that more flexible employment systems lead to productivity improvement.

This has caused some people to argue that the active use of female employees and work-life balance policies initiatives will have a positive impact on corporate performance in our country, as well as in other countries (Higuchi, Asami, Hirakawa, Ōzeki and Mori, 2006). Amid these trends, Surveys on the correlations between the two factors from the corporate perspective came to be conducted such as in the case of Takeishi (2006) and Wakisaka (2006).

As noted above, there is a large amount of study data on female employment, but there are still many tasks requiring study. The biggest challenge is how to specify the causality between personnel management and corporate performance. For example, it is conceivable that a company could gain remarkable achievements by introducing work-life balance measures. At the same time, however, there is a conceivable scenario in which a company could afford to take work-life balance measures because some other factors have caused it to achieve good performances. It is necessary to closely examine the causality between work-life balance measures and corporate performance to correctly understand the situation. Furthermore, there are several steps to be taken until intra-corporate measures can have a substantial effect on easing gender gaps in wages and promotions, but there is only a small amount of analytical data on this point.

The data used for the preceding studies leave room for improvement. Many of the preceding studies are based on survey data on individuals or companies. The survey data on individuals involve the possibility that individual employees may not have accurate information about personnel policies. It is necessary to collect information on personnel systems from companies for the sake of information accuracy. In the meantime, it is more appropriate to collect information about the attributes of workers directly from individual employees; it is particularly desirable to obtain information about wages and promotions and psychological aspects, including working motivations. Therefore, an analysis through the matching of these two patterns is more valid. With a focus on this critical point, this study is based on the matched data for both companies and individual workers.

Structural Equation Modeling

This paper uses the Structural Equation Modeling (SEM) method for data analysis. Figure 2 illustrates the path illustrations of covariance structure analyses of the relationship between work-life balance policies and female employment.

This method is called Covariance Structure Analysis or Structural Equation Modeling and is a form of statistical methodology for examining the causality within social and natural phenomena. The method handles latent variables that cannot be directly measured unlike observed variables that are measured as ordinary explained variables and stems from Confirmatory Factor Analysis, which was espoused by Joreskog and Lawley (1968) and Joreskog (1969). Subsequently, the significance of analyzing covariance structures was recognized and this recognition developed into the examination of the causality among constituent factors by integrating path analysis and confirmatory factor analysis. Then, Joreskog (1978) devised the Linear Structure Relations (LISREL) model. This method was originally used in educational and psychological realms and has also been utilized in business administration and economics. There are complicated relationships among other variables in addition to the path illustrations. There are conceivable correlations between career development by female job rotation and particular vocational training measures for women and the percentages of female employment and sales per employee, just comparative to work-life balance policies. There can be correlations between female promotion and morale and sales per employee. The validity of these correlations should be statistically examined. Applied studies on covariance structure analysis include the effect of predictive emotional reactions

on actions (Richard *et al.* 1996), the effect of evaluation criteria for public policies on individual behaviors (Maurer *et al.* 1996), one's psychological tendency to show sympathy or delight for others' misfortune (Brigham *et al.* 1997), decisive factors on consumers' garbage disposal (Taylor and Todd, 1997), changes in awareness among university students with part-time jobs as private tutors (Fresco, 1997) and physical exercises for health maintenance (Fuchs, 1996).

The necessity of using this method is caused by the complicated causality between work-life balance policies and other variables. Many of the preceding studies focus on the individual effects of work-life balance policies on the motivation and morale of female workers, their productivity, promotions and employment years. However, the causality between those factors is not always set in one specific direction. A number of multiple directions can be considered for the cause and effect and inverse direction could work out.

For example, in a working environment in which the effective implementation of family-friendly measures actually facilitates female employment, the percentage of female workers is likely to rise. Conversely, in a situation where there is a large pool of female business resources or many female employees continue to work without interrupting their career partway through their employment, it is necessary to launch family-friendly measures in an effort to fully utilize the female workforce and create better working conditions for women.

In addition, it is conceivable that there are multiple relationships between family-friendly initiatives and business productivity and corporate performance. Companies can secure a pool of more capable female workers by employing family-friendly measures, and female workers' in high level positions can contribute to increasing corporate performance. However, if an enterprise in a tight management condition finds embark on family-friendly actions a heavy burden; an enterprise would not launch such policies. Alternatively, some companies achieving good performance can afford to introduce family-friendly policies. There is conceivable interconnectedness between sales per employee and family-friendly measures or the percentage of female employment and family-friendly measures. Given this possibility, the relationships among variables can be considerably complicated as is illustrated in Figure 2. The figure is based on observed variables, not on latent variables. The arrow marks checked in both directions between variables indicate that the variables show correlation and covariation with one another and that relationships are too unclear to identify the causality. The analysis of their model was conducted by a X-square test, the most common statistical method. The hypothesis that the path coefficient is 0 is based on Wald statistics. Moreover, the path coefficient from erroneous variables is set as 1 for the sake of securing distinguishability. For the assessment of the whole covariance structure analysis model, indexes, such as GFI (Goodness of Fit Index), AIC (Akaike's Information Criteria) and RMSEA (Root Mean Square Error of Approximation), are often used. In this study, the validity of the model is secured by X^2 test.

Data and Analytical Results

This section examines the relationship between personnel management concerning women and other variables on the basis of the arguments in the previous section especially to see if family-friendly policies can lead to better corporate performance as Takeishi (2006) and Wakisaka (2006) pointed out.

This paper has referred to the matched data based on the *Fact-Finding Survey on Employment Management* focusing on companies listed in the *Report on the Employment Promotion Measures for the Pharmaceutical Industry* and the *Survey on The Employees' Awareness* conducted for employees working in the companies.

These surveys were conducted in 1995. The survey on employment management focused on 230 member companies of the Pharmaceutical Manufacturers' Association of Tokyo and 270 member companies of the Osaka Pharmaceutical Manufacturers Association. Survey forms were distributed to the enterprises by post and the completed forms were collected by the same method. Valid answers were collected from 310 companies and the percentage of collection was 62%. The forms of the survey on employees' awareness were internally

distributed to 5,000 full-time employees of 120 companies primarily running pharmaceutical operations among the 310 organizations that gave valid answers to the survey on employment management, and the completed forms were collected in the same way. There were answers from 3,462 workers of 102 companies and the percentage of collection was 69.2%.

In conducting analyses, we calculated the percentage of extraction for each company from the number and sample number of female employees and re-extracted allowing redundant data so as to restore the population. However, we excluded the case in which only a few samples of employees for one company were extracted. By the same line of reasoning, we excluded small and medium-sized enterprises with particularly small numbers of employees. We also excluded the case where the percentage of population restoration even exceeds 100% due to a noticeable number of employees despite an adequate level of samples.

Table 3 shows basic statistics focusing on the characteristics of analytical variables. Note that, however, corporate attributes represent statistical data based on original samples but that employees' attributes show statistics after the population restoration has been conducted.

The average number of employees was 1046.266, which suggests that the data include fairly large companies. The foreign-owned company percentage of 15.2% is also characterizing the data. The pharmaceutical preparation and manufacture industry constitutes as high as 61.3%. Companies with labor unions made up 45.8%, which means almost half of the companies have a labor union. The percentage of female employment was 31%; the employees of the survey included part-timers. Sales per employee (including male workers) were 42,521,210 yen; considerably high.

Next, this section takes a look at personnel measures for female workers. The category of family-friendliness means to what extent companies have the nursing care leave system," the child care leave system, workplace children's day care facilities and the home caregiver dispatching system, and each item is given one standard numerical point. The table shows the total of these items with its maximum being 4. The average was 1.077, not a high value. This suggests that companies implement on average just one measure of the four systems. With regard to career development through female job rotation, only 7.7% of the companies have that type of system. For particular job training methods for women, only 11.9% of the companies have such a system. This means that few companies implement substantial measures for the active utilization of female employees.

In addition, with respect to the attributes of individual female workers, the values are based on the survey of employee awareness with a focus on full-time employees. Employee average number of years for education was 14.228; the percentage of married women was 29.4% and the average service duration was 5.771 years. For the indexes of managerial positions, ordinary workers were set as 1, project manager and subsection chief-proper posts as 2 and section chief-proper post as 3. As a result of examinations, we discovered that of the samples, no women are in a position higher than the section chief-proper post. The average figure was 1.101, which suggests that most of the samples were ordinary workers. The average of their annual income was 4,075,450 yen. The questionnaire was based on eight categories: less than 3 million yen; 3 million to 4 million yen; 4 million to 5 million yen; 5 million to 6 million yen; 6 million to 7 million yen; 7 million to 8 million yen; 8 million to 10 million yen; and more than 10 million yen. For convenience of calculating average values for each category, the authors set 2 million yen for "less than 3 million yen" and 15 million yen for "more than 10 million yen" and focused on the medians with the other categories. With respect to the category of "job motivation," we set "not motivated at all" as 1, "not motivated so much" as 2, "moderately motivated" as 3 and "highly motivated" as 4. The average was 2.264, which is indicative of low motivation as a whole.

Furthermore, the data used for this study allow for job type identification, which facilitates the observation of the percentages of female promotion to managerial positions by gender and job type as shown in Table 4. The average percentage of female promotion to managerial positions—1.21%—is remarkably low compared with the male percentage of 24.84%. There are considerable differences by job type, however. The relatively high

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percentages of female promotion to managerial positions were marked in the R&D and indirect sectors. The male average percentage with the R&D department was 28.6% and their percentage with the indirect sector was 43.86%. Comparison of the female percentage with the indirect sector with that of men in managerial positions suggests that female promotion in the indirect area is still inactive. In the meantime, the female promotion percentage with MR operations is exceedingly low. MR means sales operations and the characteristics of this category make it particularly difficult for female workers to take on the operations.

Now, we will consider factors for female promotion exclusively from the perspective of personnel management just like in the case of many preceding studies, before examining the model in the previous section to examine explanatory variables that affect promotion. We place a particular focus of attention on the R&D and indirect sectors in which adequate samples can be secured and the percentages of female promotion to managerial positions are higher. In conducting analyses, we use the job categories of female employees, establishing "ordinary workers" as a standard criterion, and apply the Ordered Probit model. The three items of job category are explained variables.

Table 5 shows the examination results of the R&D sector. As was expected, age was a factor of positive effect for female promotion. Marriage scored an approximately minus 10% level of significance in the critical region and turned out to be a negative factor. With regard to personnel measures, the award system for long service and the annual salary system work well for female promotion. In the case of foreign-owned companies, female employees were likely to be elevated to higher posts. In addition, the percentages of female workers in a managerial position were low with the head offices both in Tokyo and Osaka. Labor unions were a negative factor, but they were not statistically significant.

Furthermore, Table 6 presents crucial factors for female promotion in the indirect sector. The number of educational years proved to be a significant factor. Unexpectedly, however, the background of graduation from the pharmaceutical department was a negative factor for working in the indirect sector of pharmaceutical companies. This suggests that specialized knowledge about pharmacy is not so important for promotion in the indirect sector. Age was positively significant just like in the case of the R&D sector, but marriage had a positive effect in contrast to the R&D sector. Regarding personnel management, feedback on employee performance evaluation turned out to be a negative factor. The management by objective was a positive factor and feedback on performance evaluation was a negative factor; but both items were statistically insignificant. With respect to family-friendly measures, the nursing care leave system was a negative factor, whereas the child-care leave system and the short-hour service and fixed work day system proved to be positively significant with a minus 10% level in the critical region. Particular training systems for female workers were a positive factor for promotion.

As noted above, as far as the R&D and indirect sectors are concerned, there are no consistent causalities observed between personnel measures and female promotion patterns. In addition, with regard to family-friendly policies, which are a primary focal point of this study, no significant factors were detected with the R&D sector; in the case of the indirect sector, the nursing care leave system was a negative factor, while the child-care leave system proved to be a positive factor. Moreover, marriage showed contrary effects with the two sectors and consistent explanatory variables were observed only with the item of age.

It is impossible to clarify here whether these results are due to the absence of effective personnel systems for female promotion beyond the walls of job types or due to the general assumption that there are no interactive correlations specified between female promotion and personnel management models, as mentioned above. Therefore, it is necessary to use Structural Equation Modeling mentioned in the previous section.

Table 7 displays the examination results of structural equation model. A particularly notable point is the effect of personnel measures for female employees on other variables. With respect to the effect of family-friendly initiatives on the percentage of female workers, the path coefficient showed a minus value. This indicates that

female employees are likely to stay for a long period of time in companies that employ substantial family-friendly systems. In sum, there seems to be positive correlations between corporate family-friendly initiatives and the percentage of female workers. However, if companies find that it requires them enormous costs to implement family-friendly measures, they are likely to employ fewer women to avoid the financial burden. This tendency is shown in the examination results.

In addition, it became clear that companies with a high percentage of female employees are more likely to have effective family-friendly systems. That is, those companies introduce family-friendly measures to deal with a large number of female workers. Conceivably, analyses not based on interactive correlations find positive relationships between the two factors just because of the latter causality.

Furthermore, family-friendly measures have a considerably direct impact on reducing sales per employee. Employees who are utilizing the child-rearing and nursery care leave systems retain their positions as employees during the period. Though they virtually give no service to the company in the duration of their leaves, the total number of corporate employees does not change in statistics. However, in fact, the number of workers often increases by the employment of supplementary staff, but they may not have a particular effect on improving corporate performance. In contrast, it is observed that companies with high sales per employee are more likely to employ full-blown family-friendly policies. Those enterprises achieving good performance can afford to allocate business resources to conducting family-friendly initiatives. This suggests that the positive correlations between sales per employee and family-friendly measures may be based on good corporate performance.

Family-friendly policies do not have a direct effect on female promotion and a significantly negative coefficient was observed. However, those measures have an effect on rising female working years, which indirectly work better for female workers. This is because longer service years lead to promotion and promotion causes wage hikes. Some analyses on the positive effect of family-friendly policies on pay raises and promotions seem to reflect these indirect effects.

For the effects of other female-related special measures, "career development through female job rotation" turned out to have a negative effect on "rising through the ranks to higher posts," if not statistically significant. In addition, the effect of "particular job training systems for female employees" on "motivation" was positive but not significant, and it was not either effective for elevating female workers to higher positions.

Conclusion

This study examined the matched data based on the Fact-Finding Survey on Employment Management and the Survey on The Employees' Awareness focusing on companies listed in the Report on the Employment Promotion Measures for the Pharmaceutical Industry to analyze the effect of intra-corporate policies on female employment. These data enabled the authors to collect information about corporate measures from companies and information about the distinctive attributes and behaviors of individual workers from employees. There were two remarkable points observed: the correlations between family-friendly policies and productivity and the effect of those initiatives on female promotions and wage hikes.

We first examined the relationships among variables affecting female promotion in R&D and indirect sectors before getting into complicated specific model analyses. However, we could not discover any consistent causality about the effect of personnel measures, including family-friendly policies, on female promotion patterns.

Next, we examined the interconnectedness between female promotion and personnel management and the complicated relationships among variables. However, we found that there were no noticeable indicators hinting that family-friendly measures are effective for boosting productivity. In addition, with respect to the effect of family-friendly measures on female promotion and wage hikes, we demonstrated that those measures do not

have a direct impact on female promotion and payment levels but that they are effective for increasing female employment years. Longer employment years are likely to facilitate personnel promotion and wage hikes.

It is necessary to note that these examination results are centered just on the pharmaceutical industry and that they are based on data obtained in the early phase in which demands for competitive performance evaluation systems and family-friendly policies only began to rise. As future tasks, it is essential to analyze updated data and assess policy effects with a focus on a wider range of areas in a recent situation where family-friendly measures have become more common.

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Figure 1: Changes in the Percentage of Female Personnel
in Managerial Positions (Total of Private Enterprise)
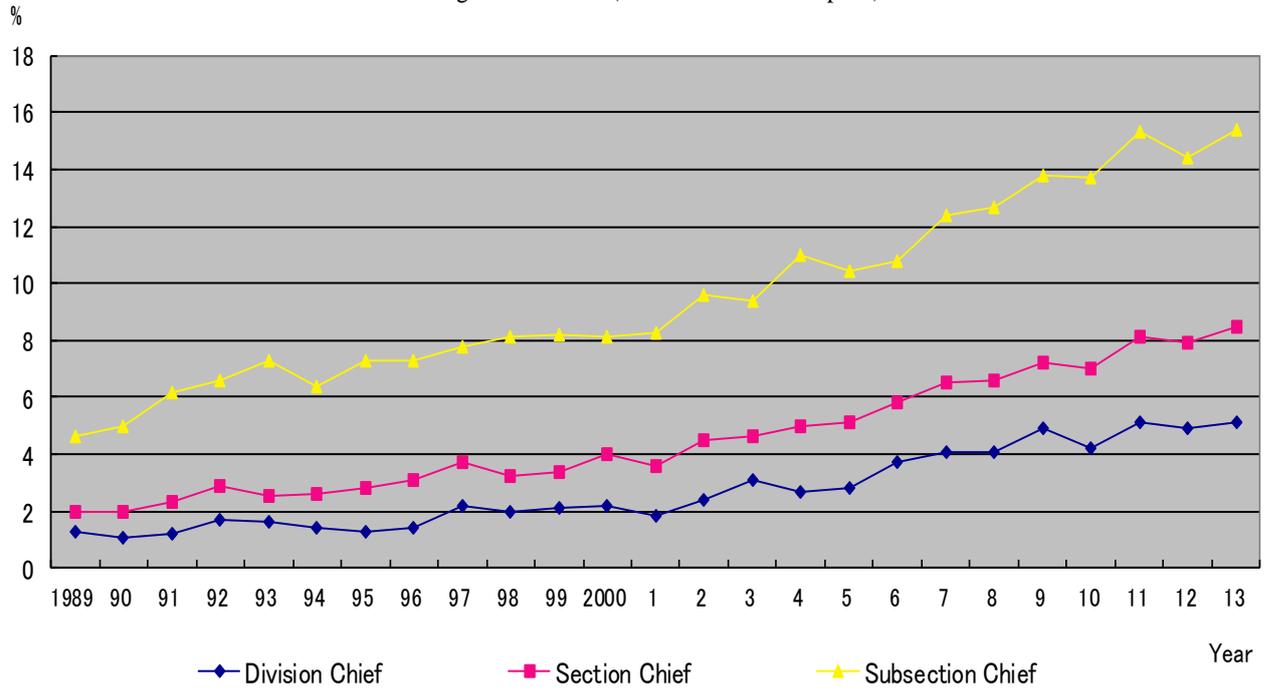
Figure 2: Structural Equation Modeling of Family-Friendly Policies
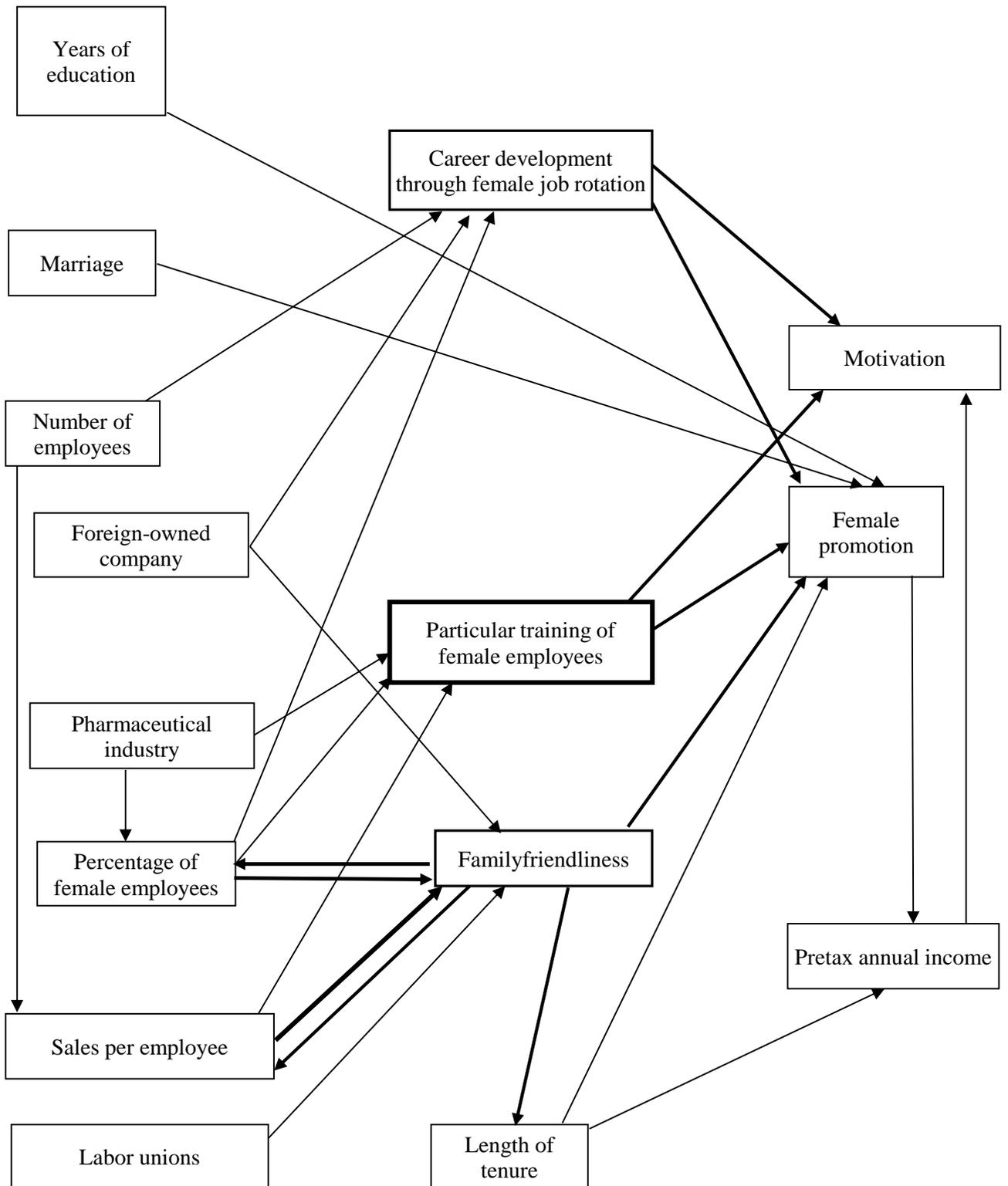
Table 3: Summary of Statistics (Mean)

	Variables	Means (the rate of 1 in the case of dummy variables)	Standard deviation (except dummy variables)
Corporate attributes	The number of employees	1046.266	2178.651
	Foreign-owned companies	0.152	
	Pharmaceutical companies	0.612	
	Labor unions	0.458	
	The percentage of female employees	0.31	0.154
	Sales per employee (males included) unit:	4252.121	8089.223
	The extent of family-friendliness	1.077	0.687
	Female career development through job	0.077	
	Particular training of female employees	0.119	
The attributes of female employees	Number of years of education	14.228	0.014
	Marriage	0.294	
	Service years	5.771	0.146
	Pretax annual income	407.545	149.424
	Managerial position	1.101	0.358
	Motivation level (four categories)	2.264	0.014

Table 4: The Percentage of Managerial Personnel by Gender and Job Type(%)

	The percentage of male managerial personnel	The percentage of female managerial personnel
R & D	28.60	2.49
MR	27.92	0.85
Production and distribution	11.86	0.30
The indirect sector	43.86	2.11
Total(%)	24.84	1.21

Table5: Decisive Factors for Female Promotion in the R&D Sector

	Marginal Effect	Standard Error	
Age	0.312	0.085	***
Married=1, others=0	-0.879	0.445	*
Award system for long service (yes=1, no=0)	2.278	0.524	***
Annual salary system (yes=1, no=0)	1.084	0.520	*
Reemployment system (yes=1, no=0)	1.017	0.723	
Fixed workplace system (yes=1, no=0)	0.887	0.567	
Head office in Tokyo	-2.467	0.640	***
Head office in Osaka	-1.184	0.360	**
Foreign-owned companies	3.778	0.923	***
Labor unions (yes=1, no=0)	-0.355	0.245	
Sample size	159		
Wald X^2 (10)	56.020		
$P>X^2(10)$	0.000		
Pseudo R^2	0.696		

Note: 1) Analytical method is the Ordered Probit Model. 2)***, **, and * indicate significance at the 1%, 5% and 10% levels respectively.

Table6: Decisive Factors for Female Promotion in the Indirect Sector

	Marginal Effect	Standard Error	
Number of years of education	0.302	0.140	*
Graduation from the pharmaceutical department	-0.883	0.385	**
Age	1.001	0.050	*
Married=1, others=0	0.181	0.052	***
Management by objective (yes=1, no=0)	0.609	0.320	
Promotion test system (yes=1, no=0)	-0.469	0.310	
Feedback on performance evaluation (yes=1, no=0)	-1.088	0.355	***
Nursery care leave system (yes=1, no=0)	-0.735	0.205	***
Child-care leave system (yes=1, no=0)	1.277	0.600	*
Short-time service and fixed workday system (yes=1, no=0)	0.583	0.254	*
Fixed workplace system (yes=1, no=0)	-0.343	0.246	
Particular training of female employees (yes=1, no=0)	1.399	0.215	***
Career development through job rotation (yes=1, no=0)	0.504	0.380	
Sample size	358		
Wald X^2 (13)	70.42		
$P>X^2(13)$	0.000		
Pseudo R^2	0.439		

Note: 1) Analytical method is the Ordered Probit Model. 2)***, **, and * indicate significance at the 1%, 5% and 10% levels respectively.

Table7: Structural Equation Modeling

Exogenous Variables		Endogenous Variables	Coef	P-Value
Number of years of education	--->	Managerial position	0.061	***
Married dummy	--->	Managerial position	-0.101	0.054
The number of employees	--->	Sales per employee	0.915	***
The number of employees	--->	Particular training of female	0.000	***
Foreign-owned dummy	--->	Female career development through job rotation	-0.089	0.108
Foreign-owned dummy	--->	Family-friendly measures	-0.549	***
Foreign-owned dummy	--->	Managerial position	0.012	0.061
Pharmaceutical manufacturer	--->	Percentage of female employees	-0.189	0.014
Pharmaceutical manufacturer	--->	Managerial position	-0.189	***
Percentage of female employees	--->	employees	0.706	***
Percentage of female employees	--->	Family-friendly measures	2.527	***
Percentage of female employees	--->	Managerial position	0.452	***
Sales per employee	--->	Particular training of female	0.000	***
Sales per employee	--->	Family-friendly measures	0.000	***
Dummy with labor unions	--->	Family-friendly measures	0.875	***
Female career development through job rotation	--->	Managerial position	-0.046	0.315
Particular training of female employees	--->	Motivation	0.159	0.277
Particular training of female employees	--->	Managerial position	-0.034	0.740
Family-friendly measures	--->	Percentage of female employees	-0.046	***
Family-friendly measures	--->	Sales per employee	-2282.351	***
Family-friendly measures	--->	Employment years	1.693	0.015
Family-friendly measures	--->	Managerial position	-0.032	***
Service years	--->	Managerial position	0.025	***
Service years	--->	yen)	9.812	***
higher	--->	Motivation	0.020	0.140
higher	--->	yen)	128.640	***
yen)	--->	Motivation	0.001	***

Pre-enclosure European Women Religious through Basque Serora's Lens: A Comparative Approach

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Abstract: This paper is an initial comparative approach among the Basque serora's institution and other european women religious' institutions. The main issue is suggested by the hypothesis -held in my doctoral thesis- that sets the beginnings of the serora's institution in pre-Benedictine eremitical and monastic women religious' experiences. Though traditional authors viewed these ancient experiences as strict and enclosed, new approaches to the topic are revealing that originary forms of european christian women religious' lifestyles (eremitical, monastic, diaconal, etc.) were mainly unenclosed, which would guide to consider post-enclosure semi-monastic experiences in a continuation line, as new forms of already traditional religious choices for women. The serora would represent a long-lasting case or evolution of the pre-enclosure type of women religious, still present in basque culture's area until the end of 18th century, and related to a huge variety of activities, including social, religious and economic assistance, healthcare, commerce and administration, comforming an influential social group in basque society of Medieval and Modern Ages. It is concluded that an extensive comparative study could reveal the role that this type of women religious had in Late Antiquity-Early Medieval european societies as sustainers of social wellfare and cohesion, and as protective and creative background for women in general.

Keywords: Serora, Christianity, Enclosure, Basque

Introduction

The hypothesis exposed in this paper had its first formulation in the research done for a chapter of my Doctoral Thesis about the Basque institution of the serora, concretely the one dedicated to the origins of the institution (Larrañaga Arregi 2015, pp. 41-165). Some of aspects and processes exposed here are synthesis that need a larger exposure and more references, so that in some cases my thesis (accesible in internet) will be referenced with the pages in which the related aspects are larger explained, and further references can be found.

I'll begin explaining the general characters of the ancient pre-enclosure forms of Christian women religious, to then come to the Basque cultural area, and show its particular social and religious evolution, by which it can be seen that a particular archaic women religious' institution of the area, that of the serora, might be the closest descendant of those ancient women religious.

Ancient pre-enclosure forms of Christian women religious

History of european Christian women religious shows that before three main facts influenced the scene, the scope of lifestyles for women religious was much wider; these three facts were: the generalisation of the Benedictine Rule, Gregorian Reforms and Papal Enclosure, which happened aprox. between 9th and 13th c. After these three facts comformed the new scenario, the "official and accepted form" for a women religious came to be that of the enclosed nun (*ibid.*, pp. 53-91).

But ancient forms of Christian women religious included Deaconesses, as well as the more controversial Priestesses, and even, as some researchers support, Bishopesses. These women would become rejected by

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church authorities as the aforementioned facts came to scene, being the highest status' for women religious in a cultural context that emerged from a deeply patriarchal greco-roman background, and provided high quotes of religious and social power, and a not less important economic autonomy. In the case of Deaconesses (the most "accepted" ones), they would finally become rejected and forbidden in Western Europe by aprox. 10th-11th c., and yet later in Eastern Europe (Hannon, 1967, LaPorte, 1982, Rossi, 1991, Torjesen, 1996, Macy, 2000). Nonetheless, and although related to some nuns ("monjas que son letradas"), one of the latest attested mentions of "diaconissas" comes from Western Europe, from 14th c. Segovia (Spain) (Martin, Linage Conde, 1987, 234).
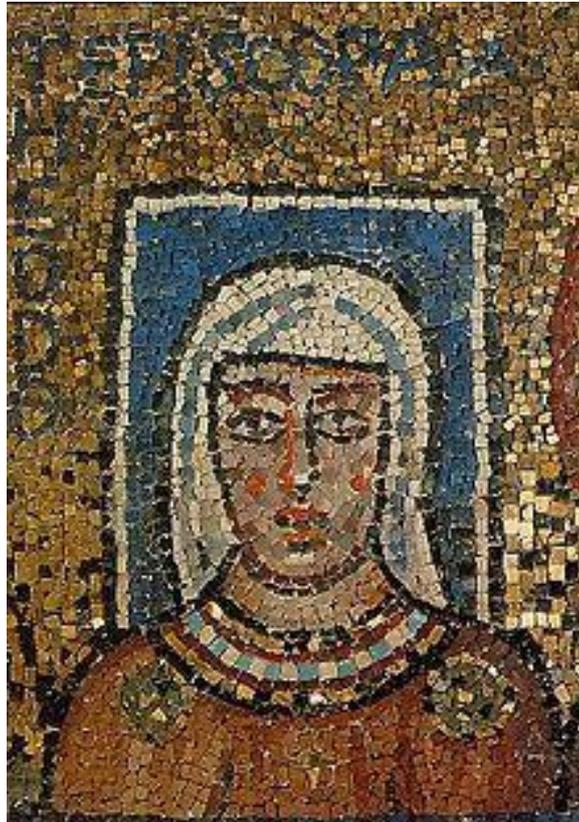
Figure 1. Theodo(ra) Episcopa, Bishopess Theodora (9th c., mosaic in the Church of Saint Praxedis the Martyress, Rome). The last (ra) from her name was in later times erased, but the figure is clearly feminine, and Episcopa is the feminine form for Episcopus. Source: Wikipedia.

Deaconesses and Priestesses usually got these lithurgical status after belonging to widows' and virgins' "orders". These "orders" developed towards the cloistered monastic lifestyle in a parallel process to that of the elimination of the lithurgical Christian religious forms for women. Widows and virgins had a very active religious and social life, and so did their followers, known by a large series of ambiguous terms such as *puellae ancillae*, *sanctae virginiae*, *matres*, *sacratae feminae*, *deovotas*, *discipulas*, *mulieres sanctae* or *sorores*, that wouldn't become reduced to the posteriorly common *monachas*, *moniales* or *sanctimoniales* until the "regularisation" of them was made under the guidance towards enclosure. As ascetic principles became widespread from Eastern Christianity to the Western, widows' and virgins' lifestyles were assumed to eremitical, coenobitic and monastic ones. Although the ideal of the separation of the world (and material goods, and flesh, etc.), as happens with their male counterparts, is consubstantial to this perception of life and of the relationships with God, the transition from the "model" to the "rule" covers a very wide time-frame (Bajo, 1981-85, Elm, 1991, Navarro Sáez, 1991, Pedregal, 2005).

In opposition to what traditional monastic historiography held, new approaches on these collective forms of religious life have come to the conclusion that they were mainly unenclosed until the Gregorian Reforms came in force and Papal Enclosure was decreed, by the 12th-13th c. Supported by the main data of Caesarius of Arles' *Regula virginum* (written in the year 512 DC) and the influence that this first western rule for women had in the making of posterior rules, traditional historiography (written mainly by male and religious authors) used to hold a view in which ancient primary forms of these collective lifestyles would be strict and enclosed, to become relaxed and even mundane over time, being in need of reforms by the time Benedictine influence was widespread and Gregorian Reforms came. But new and more detailed approaches on the theme have revealed a very different landscape. Before the Benedictine rule was widespread as the "one and only", the main custom was the making of *regula mixta* or "mixed rules", that is, the making of a particular rule for each community by selecting paragraphs from other known rules. The new approaches have come to make clear that, although Caesarius' rule was used as a basic text in the making of other rules, enclosure was generally not demanded in the selections of paragraphs made in these others, being in some case even explicitly rejected by considering it non-convenient (Tibbets Schulenburg, 1989, Greer, 2012).

In fact, these considerations are only valid for those widows and virgins living in feminine or double communities, but most of them didn't even have written rules, and the scope of lifestyles was really much wider. Women following ascetic principles as individuals in populated areas or as hermits were common, until they had a great decline between the 9th and 11th c., due to the increasing Benedictine influence and the Gregorian Reforms. Once this processes set the control among them, their number started to grow up again in the 11th and 12th c. (King, 1983, Heuclin, 1988, pp. 99-102, 131-133, Labarge, 1988).

And apart from solitary ascetic life, feminine or double monasteries were not the only chance for women living in religious community. There were other types of monasteries and religious communities in which women lived, the most common of which seems to have been the *familiar monastery*, in which more or less extense families and related people gathered in a monastery to follow an ascetic type of life. They seemingly began to spread in the 6th c., and although they would disappear in the majority of Western Europe with the expansion of the Benedictine models of monasticism by the 8th or 9th c., they would continue expanding and reach their highest peak in northern Spain in the 9th and 10th c., surviving until the 12th c. in the whole area (Orlandis, 1971, pp. 125-202, Linage Conde, 1990, Fernández Conde, 2008, pp. 222-273). And Basque culture's area is precisely the one with the latest survivals, in which churches continued being called "monasteries" until the 14th c.; there is even proof that 16th c. people considered that the patrons of churches and monasteries of their time had been called "abbots" of monasteries before, even being married and with children (Curiel Yarza, 2009, Larrañaga Arregi, 2015, pp. 115-125). Needless to say, there was no enclosure for women in this type of monasteries.

Finally, there is yet another phenomena that deserves to be mentioned here. All these types of monasteries could develop diverse ways to relate to the surrounding population, in terms of religious, social and economic links. Under the name of *familiaritas*, partial contracts could be made between monasteries and individuals, married couples with or without other familiars, or even small communities and towns, by which in exchange of a gift, the person or persons would come to benefit from some of the advantages of the members of the monastery. The variety was very wide: from the single assistance in determined moments of life, to a nearly complete membership (Orlandis, 1971, pp. 217-378, Giordano, 1995, pp. 169-182). The combination of relations determined by these customs created situations in which whole towns and villages became guided by monastic life's dynamics, a situation that seems to have happened in some northern parts of the Iberian Peninsula, extended in Basque culture's area's case to the other side of the Pyrenees.

This type of organization, indeed, may have its relative parallell in the *Céli Dé* or *Culdee* communities created between 8th and 13th c. in Ireland, Scotland, Wales and England, and the attested presence of celtic Christian communities in the 6th and 7th c. Gallaecia (a wider area than nowadays' Galicia, Spain) enforces this posibility. Furthermore, this is the space and time-frame in which the so-called Pactual Monasticism was created and expanded to the East reaching the Basque territories by the 9th-10th c., an original contractual type of monasticism that could have extended, too, to the most common monasteries of the area, that is, the

familiar monasteries. But this relations and influences, though they could have happened, have not yet enough basis to be positively asserted (Larrañaga Arregi, 2015, pp. 71-75).

Ancient women religious and the Christianization of the Basque cultural area

As happened in other monasteries, in lifestyles practiced from familiar monasteries to "monastic towns", the terminology by which women religious were known was very undetermined, being difficult to know which name corresponds to one or the other type of life. And this is precisely what happens with the use of the term *serora* in Basque from its first written records to the 18th c.: the term was simply used to talk about women religious, may their lifestyles be individual or collective, enclosed or unenclosed. Its important to stress, too, that the root of the term goes back to latin *soror*, and does not derive from posterior romanic evolutions. And it happens the same with their male counterparts, since Basque has no name for the presbyters, the secular religious men, except those becoming from monastic contexts and derived from latin. *Apez*, *apaiz* and later derivations as *abade* all come from latin *abbas*, just as does the english *abbot*. The term *abade*, indeed, is used both for presbyters and abbots. The other -and main- languages in which documents about women religious of the Basque area are written, Spanish and French, use to reflect the differences, naming differently the enclosed and the unenclosed, as well as individual and collective lifestyles, and assuming them usually to other women religious or semi-religious from their cultural spheres (*ibid.*, pp. 97-114) .
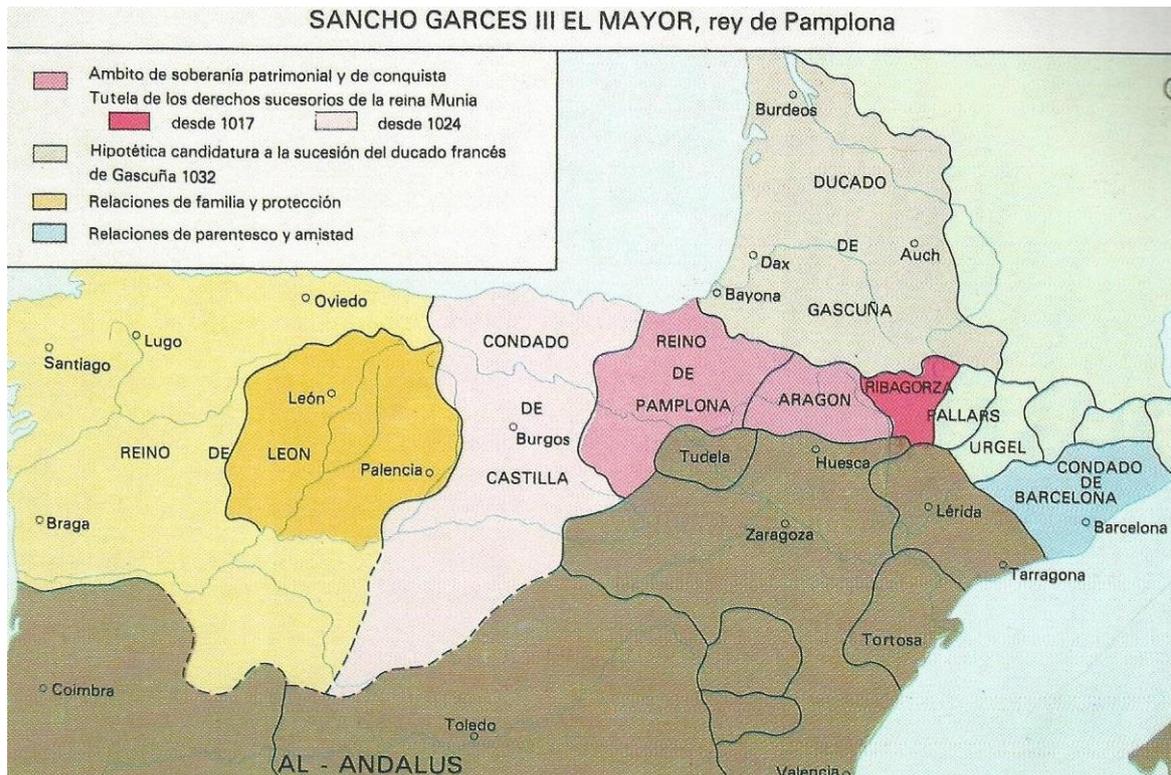
Figure 2. The Kingdom of Iruña (Pamplona) and its related territories in the reign of Sancho the Great (1004-1035), when the -non-mixed- Benedictine rule reached the area with the Cistercian Order. Source: Pastor Díaz de Garayo, 2004, p. 224 (from: Gran Atlas de Navarra, II, 1986).

The particular historical evolution of Basque religious culture gives an explanation for this. Put aside the polemical discoveries from the roman city Iruña-Veleia, even when main cities had Christian communities by the 4th c., the Christianisation of the area was very slowly made, so that syncretism with paganism was long held (last pagan burials date from the 12th c.). The process had a big lack of institutional control until the plain Middle Ages and yet later, and as the mentioned religious terms and other historical data show, ascetic or monastic patterns were the main ones (e.g., González Echegaray, 1982, Sayas Abengoechea, 1985,

Larrañaga Elorza, 1989 and 1999). With regard to womens' participation in this "irregular" Christianization, a virgin named Ceresia or Cerasia is known to have evangelized in the vasconic area in the late 4ᵗʰ c., and it is known that women hermits helped saint Emilian in his elder days, in the 6ᵗʰ c. We have the mention, too, by the 16ᵗʰ c. historian Friar Martin de Coscojales of two stone-graves of seroras, identified as such by himself and named *Deludelux* and *Delutrocoida*, located in respective rural churches very close to each other, one of which was in Argiñeta (Elorrio, Bizkaia), a place where a complex of stone-graves subsists, which's earliest chronology has been set in the 7ᵗʰ c. (Larrañaga Arregi, 2015, pp. 91-94).

This slow Christianisation process advanced in a very unstable political landscape, as the so-called Vascons remained relatively free from the surrounding emerging and expanding kingdoms between 5ᵗʰ and 7ᵗʰ c., with different political formulations and usual periodical intrusions and wars against Visigoths, Franks, Suebi and others, followed by the coming of the Arab conquerors in the 8ᵗʰ c. The first strong political structures would emerge with the Kingdom of Iruña (Pamplona) in the 9th c., as small settlements comformed the main populating landscape. These villages had mostly monasteries as centers (though not always), monasteries that at a first moment seem to have been ruled by councils (*concilium*), but would soon come under the rule of kings and landlord elites, already by the 10ᵗʰ-11ᵗʰ c. (see e.g. Azkarate Garai-Olaun, 2004, García Camino, 2004, Pastor Díaz de Garayo, 2004). The Benedictine influence got to the area in the reign of Sancho the Great in the 11ᵗʰ c., when the Cluny reform was already in force, and it encountered a situation in which, with some exceptions in the centers of bishoprics, the main religious context was that of a familiar monastery merged with the surrounding village or town and headed by a secular owner, considered as an "abbot". Indeed, bishoprics had a very similar structure, since the abbot-bishop system was by then very common, not only in the Basque cultural area, but in the whole Iberian Peninsula. The Cluny reform gave birth to hierarchical submissions between Benedictine monasteries and related temples; elites from kingdoms that supported this transformations followed a donation policy by which the order increased its power-structures, and Gregorian Reforms banned familiar and double monasteries and converted the owners of monasteries and churches in "patrons". This was happening in the Iberian Peninsula in the 12ᵗʰ and 13ᵗʰ c., and guided to the extinction of familiar monasteries. But none of this happened in most of the Basque cultural area, in which the donation policy was very scarce, and most monasteries and churches continued being property of elites until 15ᵗʰ-16ᵗʰ c., in which the urban areas that had emerged mainly between 12ᵗʰ-13ᵗʰ c. had enough power to overcome the landlord elites, and bishoprics began to exercise a more direct and severe control among local religious institutions (e.g. García de Cortázar 1981, 2000 and 2012, Jimeno Aranguren, 1999, Pastor Díaz de Garayo, 2004, Curiel Yarza 2009, pp. 239-263, Larrañaga Arregi, 2015, pp. 114-125).

All this had its consequences in women religious' situation, because Papal Enclosure promoted since the 13ᵗʰ c. almost didn't have any influence in the area, and enclosure policy would have to wait until 16ᵗʰ c.'s Council of Trent's decissions began to be applied in the 17ᵗʰ c., and wouldn't become generalized until the very late 18ᵗʰ c. (Arana, 1992, Piquer, 1996, Larrañaga Arregi, 2015, pp. 183-188). In the meanwhile, the power of landlord elites among the monasteries and churches, and the emulation of their same religious structures by the empowered urban areas' bourgeois elite, created a religiously oldfashioned scene, in which women religious' ancient forms survived in the figure of the serora. These was enforced by the fact, supported by other various historical data, that women had more power in Basque culture than in surrounding ones.

The serora's characters and the possibilities of a comparative approach

Historiography about seroras has held from its beginnings that the institution had derived from ancient Deaconesses. The 18ᵗʰ c. historian and philologist priest Manuel de Larramendi already talked about these origins, and mentioned some common aspects, such as the existence of appointment rites and determined eclesiastical benefits (as presbyters and other church employees), and tasks as the cleaning of the temple and its ornaments (altars included), heading and ruling the mourning of the women (and even say the last prayer and "Rest in peace"), and opening and closing the churches (Larramendi, 1985, 135-138). Wenworth Webster, an english clergyman and scholar who settled in the Basque Country in the late 19ᵗʰ c., reaffirmed these origins by mentioning the following tasks from Deaconesses, which, *mutatis mutandis*, he found were paralell to those of the seroras: (1) keep the door for women and stablish their corresponding place in the

matroneum; (2) teach the catechism to women and assist them in the bautism; (3) take care of the ill and the poor; (4) assist women in the marriage ceremony; and (5) wash and shroud the bodies of the dead for burial (Webster 1911, 141-142).

Some appointment documents of seroras in rural churches talk about the giving not only of the keys of the temple, but also of the missal and the chalice (Arana, 2004, 847, Garmendia Larrañaga, 2007 -1991-, 20). These elements symbollically refer to those aspects remarked in the 13th c. by the italian canonist Henry of Sergusio, when he talked about why women couldn't be ordained Priests: "For women may not receive the tonsure... nor may their hair be cut... nor can any woman exercise the power of the keys... nor serve the altar..., though a woman may recite the Gospel during matins" (Raming, 1976, 83-87; translation from the latin by John Wijngaards in www.womenpriests.org). "The power of the keys", as can be read in the same author, was a medieval concept that included functions as to "teach, preach public sermons" or "hear confessions", and the missal and the chalice are evident lithurgical elements.

In regard to public preaching, Henry of Sergusio only allowed women to "recite the Gospel during matins", but in the 14th c. Segovia (Spain), their task was others. Some nuns who knew reading could become Deaconesses, could say their prayers out loud (which was allowed only to the clergy), and though they could not read the Gospels and minister the altar, they could read the homily in the matins (Martin, Linage Conde, 1987, 234). And thus, as the homily is a commentary that follows the reading of the scriptures (and interprets them in their application to everyday life), we see they took somehow part in the task of "teaching and preaching public sermons".

The advance of the process of prohibiting the participation in lithurgical functions and access to sacred spaces to women was, in effect, irregular. But, if we focus on the actions taken against women who had access to the altars, sacred vessels (as chalices), and stoles and other sacred ornaments, the paralelisms between the actions that were taken between 6th and 9th c. in Germany, Italy, France and the Iberian Peninsula, and those taken from the 15th-16th on in the Basque territories, the idea that this last territories remained in an archaic religious situation for a long time is enforced. For example, in the parochy of Saint Michael in Oñati (Gipuzkoa), the tasks of the sacristan and of the serora had to be specified in 1425, because the serora used to "serve" ("sirva") inside the altar's space ("ant'el cuerpo santo de Dios y reliquias dentro de las gradas mayores"), what corresponded to the sacristan (Ayerbe Iribar, 1985, 536-537). But yet in 1517, the visitor of the bishop had to menace the sacristan with suspension, because he didn't fulfill his task of "governing or ruling" the altars ("rregir los altares"), specially in high mass time. And he menaced the seroras in the same mandate with excommunication, since it was them who did what the sacristan had to do (even in high mass time) (Larrañaga Arregi, 2015, 203). And examples of this type are not few (see e.g. *ibid.*, 202-206, 218-224).

But we must remember there were, too, the seroras whose lifestyles relates us to the beginnings of the ascetic, eremitic and monastic patterns, with ancient church's widows and virgins. It must be stressed that widows and virgins have been attested to have participated in lithurgical functions too, which is not strange, since the limits between them and Deaconesses seem to have been very difuse. These women came to be named so, in effect, after an ordination rite, too, and they and their Medieval followers had several characteristics that are common to these other seroras. As mentioned above, being an "eclesiastical" widow or virgin seems to have been, sometimes, the "first step" to be ordered Deaconess, and some of them used to make donations to churches, becoming in return temporary rents, that, significantly, were called with the same term used for the male clergy's rents: *stipendium*. Moreover, linked to churches or not, widows and virgins could live, as many seroras would later do, with their families, or in their own particular houses doing solitary life, or in communities. They lived in rural spaces, as well as in cities, and these extense posibilities were present, too, for their Medieval followers, as well as for the Basque seroras (Bajo, 1981-85, Elm, 1991, Navarro Sáez, 1991, Pedregal, 2005, Larrañaga Arregi, 2015, pp. 61-63). And this happened too with the various helpers that a main serora from a church could have, helpers that usually were named *serora* too, or *coadjutora* (coadjutor, assistant), and in the case of the northern Basque territories (nowadays' France), *brayine*, *braine* or *braguine* (see e.g. Henao, 1980, pp. 135-138, Frank, 2001).

Another key aspect that must be mentioned is the economic autonomy of these women, who once entering the religious life, could stand outside masculine economic control; which was not, of course, the situation for enclosed nuns. For clergymen who wanted widows and virgins to have an enclosed life, as Saint Leander of Seville (6th c.), the need to earn a living by themselves was, indeed, held to be a reason to forget their service to God (see e.g., Bajo, 1981-1985, Saint Leander, 1971). But they were more powerful being economically authonomous, and related to this, it could be remembered that in Gaul, a third of the farmland was acquired by the Church between the 5th and the 8th c., greatly due to powerful widows' and virgins' donations (Goody, 2001).

Just as we know that some widows acted as lenders (Bajo, 1981-1985), so did some seroras, being able to become very important in the surrounding economic activities. Their debtors covered a very wide frame of social strata, from the poorest peoples to the wealthiest ones, reaching to merchants, aristocracy, churches and even whole towns. In adittion, they were particularly important for womens' economic activities, since they usually lended what we nowadays call "micro-credits" to those women who weren't wealthy, and acted, as well, as economic background for wealthy widows (Larrañaga Arregi, 2015, pp. 566-613).

Other aspects of the seroras' activities are more related to the aforementioned contexts of familiar monasteries and "monastic towns", which as we have seen, seem to have been the most usual social structures from which the Basque society of Modern Ages emerged. The above mentioned women's tonsure rejected by Henry of Sergusio in the 13th c. was an ancient specific ascetic and monastic haircut that was prohibited and extinguished along Europe, but it not only survived in the Basque areas; it even became the identifying haircut for maidens or non-married women under the name of *beacumial*. The custom was attested by several foreign travellers (from Germany, Venice, Spain and France) as exotic and exclusive of the Basque area between 15th and 17th c. (Garate, 1989, Díaz de Tuesta, 2006). This shows that the custom had been by then erradicated along Europe, and that the Basque cultural area had had a peculiar evolution that preserved it.

Figure 3. A girl with Beacumial tonsure or hairstyle, by the traveller and german printer Cristobal Weiditz, from 1529. Source: Garate, 1989, p. 73.

But not only the presence of the *beacumial* speaks in favour of the generalisation of monastic patterns. seroras were also responsible for the performance of specific burial rites and attendance of familiar stone-graves (considered to be "part of the house"), which in a big part of the Basque area were located inside the church and structured following power preferences. Burials inside churches were several times prohibited by medieval church laws and reserved to religious and aristocratic elites, but, as in other several parts of Europe, this had no effect in Basque areas, and the custom even became traditional (Ariès, 1992, pp. 46-50, Larrañaga Arregi, 2015, pp. 473-516). And the scheme of the Medieval and Modern Basque communities can be easily compared to the one that would be created in precedent times in the familiar monasteries and the populations related to them by *familiaritas* type links: a wealthy and powerful family would have the property of the monastery, the surrounding population would become submitted in different grades of power and wealth through *familiaritas* relations, and all of it would come to have a public expression in the stone-graves' preference structures (and rites linked to them). Burial rites, locations of stone-graves inside churches and the preferences in church offerings conformed, indeed, along with matrimonial rites, the main spheres where the power structures of the populations were socially expressed. And the seroras used to play key roles and even rule by themselves these spheres, so that their social power was very notable (*ibid.*, pp. 473-516, 758-789).

Figure 4. Funeral procession going to Church. Wall paintings in the apse of the Church of Nuestra Señora de la Asunción of Alaiza (Iruraiz-Gauna, Álava-Araba), 11th-13th c. Men carry the deceased, a woman, allegedly a serora, guides the procession (followed by another one, not seen on the photograph), and another alleged serora rings the bell. Source: AUÑAMENDI EUSKAL ENTZIKLOPEDIA, Muerte. http://www.euskomedia.org/aunamendi/82465#39.

The mentioned aspects may suffice to show that the hypothesis of the continuity and particular evolution of the ancient forms of Christian women religious in the Basque area has enough basis to be held. But the here exposed hypothesis not only speaks in favour of this continuity and evolution, but opens the door to the fact that non-enclosed feminine semi-religious institutions in Medieval and Modern Europe wouldn't be new phenomena, but already traditional lifestyles for women in a new context in which only the figure of the enclosed nun would become promoted as an ideal for women religious. And some of the names that the Basque seroras received in Spanish, indeed, apart from the same *serora* or *sorora*, were those given to these semi-religious women, such as *freila (*or *freyra*, *freyla*, etc.), *beata*, or *emparedada*.

And this was very logical, since these semi-religious women had plenty of characteristics in common with the seroras, as well as with the ancient types of Christian women religious. But we won't get to explore these relations, because it's not the principal aim of this paper, and it would take too long. Nevertheles, we do feel in the need to try to answer to a question: how did the transition from non-enclosed to enclosed lifestyles happen, shifting the old religious forms to the "semi-religious" sphere?

A clear perspective for the understanding of the process is the one that can be set by following the evolution of the *deodicatae*, *deovotae* and *deodada* in the Catalonia of the 9ᵗʰ-12ᵗʰ c., since it is a space where documents from these centuries have survived; centuries in which womens' transition to enclosed life did reach the area. Apart from the *deodada*s and *deodado*s who gave their goods to a family, receiving food and clothing in return, these names were given to women who lived collectively in monasteries, as well as to those who lived by themselves taking care of churches, in their *cella*'s. These last two types appear in the 9ᵗʰ-10ᵗʰ c. documents administering their goods freely, and living a non-enclosed life. But by the 11ᵗʰ and 12ᵗʰ c., as Benedictine rules' application widespread, and as their names came to appear associated to the *sanctimonialis* and *monialis* terms, the cases of *deodicatae* and *deovotae* (or *deosacratae*, etc.) who actively administered their goods diminished, and in the monasteries, the abbesses took charge of the administration of the goods of their members (as ordered in the Benedictine rule). By the 14ᵗʰ c., the *deovotae* term that began to be

associated in the 11th and 12th c. to the *sanctimonialis* and *monialis* terms had changed from being a sustantive to become an adjective, *devota*, applied to a pious person.

Yet, the *deodada* term was still present in the 13th c. as applied to women taking care of rural churches, very significantly, with appointment documents which's general characters appear to be very similar to many that would be delivered mainly in the Modern Ages for the Basque seroras: they had to submit to the priest, who, for their commitment to live in the church and take care of it, in return, had to feed them and provide their clothing; and they had to have a chast and honest life, as well as to collect and administer the alms of the faithful in order to maintain the temple and the cult. But these women would become greatly diminished by the 14th and 15th c., and were moved to more populated areas, using an argument that would be used in the extinction efforts against the seroras between the 16th and 18th c.: the supposed defencelessness of women living in isolated places without masculine protection.

The above mentioned shifting of names from sustantive to adjective not only happened with the Catalonian *deovotae*, *deodada*s, etc., since it is the same process that happened with the Spanish *beata* and French *béate* and *benôite* in the 17th c., very significantly, in the time-frame in which these semi-religious institutions had been persecuted and pushed into the background, in a context where enclosed nuns had become the promoted ideal for women religious (Cabre i Pairet, 1989, Serra i Clota, 1989, Larrañaga Arregi, 2015, pp. 95-97, 135-136, 145-148).

Conclusions

Along the precedent exposure, we've seen how ancient Christian women religious had a gradual loss of power in the European context since its first Christianisation, a process that led to the ideal of the enclosed nun, that became promoted with the generalisation of the Benedictine rule, the Gregorian Reforms and Papal Enclosure, aprox. between 9th and 13th c. And we've seen, too, how the peculiar evolution of Basque religious institutions allowed them to remain in an archaic state until the next big efforts to reform religious institutions was brought forth by the Tridentine Reform, that wouldn't reach the Basque territories until the 17th c. The serora's institution remained, so, as the last and most faithful descendant of ancient women religious' institutions, until they could be rejected and prohibited by both secular and religious institutions in the late 18th c.

An extensive comparative study between the seroras' and ancient women religious' institutions could, therefore, be very useful to understand the characters of the latter, since the documents about the seroras of the 15th-18th c. reveal several aspects that cannot be reached through the scarce documentation regarding ancient forms of women religious. I expect this can be seen by the several aspects in common, proofs and arguments that have been presented in this paper, and I believe that further efforts in this sense would be very fruitful.

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Women's Agency Freedoms and Education Levels in the Post-marital Household: Evidence from Rural India

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Abstract: The importance of women's agency towards the nation and its children's wellbeing has been well established in literature. While studies have looked at the relationship between freedoms of women and education levels of her and her family members, the literature is limited and lacks substantial rigorous evidence. Using a nationally representative dataset we investigate agency freedoms outside the household- whether allowed to work, membership in a social group, and mobility- of women in rural India. Apart from the socioeconomic characteristics at the individual and household level, we also incorporate for social customs, bargaining power, and women's agency prior to her marriage. Using standard regression techniques we find that women who have more educated parents enjoy greater agency freedom across our three outcome variables. The education levels of her in-laws and her husband have little association with her freedoms, however women living with their in-laws are found to be less likely to enjoy agency freedoms. These results might have implications for when and in what aspects of a woman's life, policies that encourage gender equality should be targeted. Incorporating such nuances might help in better design and implementation of existing policies aiming to empower women in rural India.

Keywords: Women, Agency freedom, Education, probit model

Introduction

The importance of women's independence and freedoms that might contribute to the wellbeing of her children, her community, and herself, has been well documented in literature. (Quisumbing and Maluccio, 2000; Haddad et al., 1997; Engle et al., 1999; Kishor 2000).

Literature on the measurement of wellbeing has shifted from measures of quality of life such as resourcism and utilitarianism that focus largely on resource distribution or utility derived, towards more subjective measurement (Sen, 1979). One of the key criticisms in the shift away from earlier measurements of quality of life was the explanation of 'adaptive preferences'. (Sen, 1984; Khader, S. J., 2011). Marginalized groups might not value certain interests that are seen as fundamental or crucial to wellbeing as they have been socialized into no longer seeing any value in them (Nussbaum M. C., 2001; Sen, 1990)

> "The most blatant forms of inequalities and exploitations survive in the world through making allies out of the deprived and the exploited. As people learn to survive to adjust to the existing horrors by sheer necessity of uneventful survival, the horrors look less terrible in the metric of utilities" (Sen 1984)

This is an important concept to account for as recent literature on wellbeing, presented in the capabilities approach, suggests we must concern ourselves with whether an individual is able to and has the freedom to pursue the interests they value. People should have the freedom to be or do the things that they see value in being or doing. These *beings* and *doings* constitute the functionings a person might pursue. Capabilities then constitute both functionings, and opportunity freedoms- the freedom to choose between various functionings in order to achieve a capability. (Crocker, D. A., & Robeyns, I., 2009).

> "... the wellbeing of a person may plausibly be seen in terms of a person's functionings and
> capabilities: what he or she is able to do or be (e.g. the ability to be well nourished, to avoid
> escapable morbidity and mortality, to read and write and communicate, to take part in the life of
> the community, to appear in public without shame ..". (Sen, 1990, p. 126)

With reference to freedoms of women outside the household many have studied agency freedom, a concept that we wish to use for our study. A component of Sen's capability approach, agency freedom refers to *"...a person's role as a member of society, with the ability to participate in economic, social, and political actions"*, whether or not it contributes to one's personal wellbeing (A. Sen, 1985).

A closely related component of agency is empowerment- overcoming feelings of voicelessness or disempowerment by increasing control over their own lives, such as through institutional participation or participation in such activities that might be directed towards the benefit of society (Subaiya and Vanneman, 2016; Nussbaum, 1990; Alkire, 2005).

Similar to the positive impact that a woman's independence might have on the wellbeing of her family, we find that the specific freedoms that fall under the purview of the concepts of agency and empowerment of women also have similar effects on development outcomes.

Studies suggest that households where women are empowered tend to have fewer children and lower child mortality rates (Rosenzweig, M. and Schultz, 1982; Kanbur and Haddad, 1994), and better education for their children (Thomas, 1990; Llyod and Blanc, 1996; Aslam, 2007), particularly for the girl child (Smith and Bryon, 2005). An increase in women's incomes, associated with them having financial independence, is shown to be associated with increased expenditure on health of their children (Phillips and Burton, 1998; Lundberg et al. 1997). Haddad (1995) shows an association between women's income and expenditure on food for the household. Similarly empowerment of the woman was found to positively affect her family's social status (Quisumbing and de la Bri`ere, 2000). A study from India showed that women elected to local government emphasized issues affecting women in their community such as fuel and water (Kabeer, 2005).

Relevant to an individual's wellbeing and often a part of policy discussion as a route to accessing gainful employment or participation in society, is education and schooling. Education is considered to be an indicator of development in itself (Stiglitz et al., 2009). Households with more educated women tend to show positive development outcomes such as better education and health of their children (Behrman et. al. 1999; Lam and Duryea 1999; Peter and Sahn 1999; Schultz 2002; Chudgar 2009, 2011). Education is thus identified as having an intrinsic value and is considered to be a capability that should be valued.

Education also has an instrumental value whereby it might enhance other capabilities of a person, such as their ability to become gainfully employed, or participate in political activities (Sen, 1999; Dreze and Sen, 1989; Nussbaum, 2003). The capabilities approach discusses, albeit not in detail, the role of education as a "capability enhancer" that may increase other freedoms of a person.

> "Social arrangements may be decisively important in securing and expanding freedom of the
> individual…They (freedoms) are also influenced… by substantive public support in the
> provision of those facilities (such as basic health care or essential education) that are crucial for
> the formation and use of human capabilities" (Sen, 1999)

Finally education is said to enhance one's ability to reason, where practical reason is identified as important for recognizing what one chooses to value and thus pursues, thereby enhancing those capabilities (Unterhalter, 2001; Sen, 1992; Nussbaum, 2000). Jeebhoy (1995) presents evidence that access to education provides women the ability to reflect on and question their circumstances by introducing them to new ideas.

Many studies have associated better education, especially of mothers, with her agency freedom and bargaining power. The better educated tend to have lower unemployment, more social connection, and higher engagement

in civic and political life (Stiglitz et al., 2009). Better-educated women have greater bargaining power and influence over household decisions and resources (Rahman and Rao, 2004; Acharya et al. 2010; Mahmud, Shah and Becker, 2012).

At the same time there are certain studies that refute the claim that education might lead to greater agency for women. In South Asia Jeffrey and Jeffrey (1998) explicitly claim there is no causal link between education and women's autonomy. Kuenning and Amin (2001) in reference to Bangladesh argue that education as is cannot change or challenge circumstances of limited freedom. Kabeer (2005) furthers this claim on grounds that content taught in schools is often gendered, which might perpetuate inequalities.

In trying to better understand the link between education and agency our study looks at specific agency freedoms at different education levels of married women in India. We work under the assumption that the variables we have selected in our study factor into the interests of women, and might be valued in the absence of deprivation or from the eyes of a neutral observer. (Sen, 1985; Nussbaum, 2011) We do not seek to measure empowerment as we use cross-sectional data, and cannot capture its dynamic conceptualization.

We consider whether women are allowed to be mobile, work, and participate in social groups outside the household, to represent agency freedoms (Sen, 1985). We further consider education levels of the woman and of different family members- her husband, her in-laws, and her parents- as assets of different family members are shown to limit and enhance the agency of women in different ways (Agarwal, 1997; Jensen and Thornton, 2003; Beegle, Frankenberg, and Thomas, 2001). We stress on the role of her post-marital household as Indian women spend majority of their adult life in their post-marital households, making it important to understand how this environment contributes to increasing or decreasing her freedoms.

Our first major distinction from studies on the association between education and freedoms is that we attempt to control for variables that represent freedom and/ or bargaining power that a woman might have within the household. Studies suggest that having freedom in activities outside the household might be associated with having greater freedom within the household as well. As a result many studies consider activities representing empowerment- such as political participation, employment outside the home, ownership of assets- as proxies for bargaining power within the household (Anderson and Eswaran, 2009; Hashemi et al., 1996; Rahman and Rao, 2004).

Secondly, we attempt to control for agency of the woman prior to marriage by virtue of which we are able to control for adaptive preferences. Studies suggest that women's freedoms change prior to, and post marriage on the basis of many factors. For example Cain (1988) shows increasing agency in certain cultures when a married woman has children (especially if the child is a boy), and once she becomes an in-law (Dyson and Moore, 1983). This further complements existing literature suggesting that one requires some level of agency to acquire education, which might in turn lead to greater freedom in the future (Sen 1999; Unterhalter, 2003)

Thirdly, we control for social customs that is seen to impact agency of women- *burkah/ purdah* system- specifically with respect to freedom outside the household (Dyson and Moore, 1983).

We assess whether education of different family members has a role to play in agency freedom of a married woman and find that women who have more educated parents, and who are more educated themselves enjoy greater agency freedom across our three outcome variables after controlling for socio-economic characteristics. The education levels of her in-laws and her husband have little association with her freedoms, however women living with their in-laws are found to be less likely to enjoy agency freedoms.

The structure of our paper is as follows. Section 2 details the data and variables used in our study. Section 3 discusses the method and analysis used. Section 4 presents the descriptive statistics tables and results from the regression analysis, and we conclude in Section 5.

Data and Variables

Our study uses data derived from the Indian Human Development Survey (IHDS) jointly conducted by National Council of Applied Economic Research, New Delhi, India and the University of Maryland, published in 2011-12. The nationally representative survey was conducted across 33 states of rural and urban India, and administered on over two lakh individuals.

We primarily consider only one component of the survey- the Women's Questionnaire- which interviewed approximately 39,800 women between the ages of 15-49 years (as of 2005), capturing women's perspectives about their decision-making power, agency freedom, and social customs such as acceptability of domestic violence, within their household and community, amongst other questions.

Outcome Variables

The three categories of agency freedoms considered in our study are economic participation, social group participation, and mobility within a village/ neighbourhood.

Economic participation is measured using the binary variable, which captures if a woman is allowed to or not allowed to take up a job if they were to find a suitable one.

Social group participation considers whether a woman is allowed to participate in any one of four social group organisations that were mentioned in the questionnaire- *Mahila Samakhya*, Credit/ Savings Group, Self-Help Group, or a Political Group. We consider that a woman is a member of social groups if she has responded that she participates in any one of the four groups, which represents whether a woman has the opportunity or freedom to choose to participate in these groups, representing her agency freedom.

Variables representing mobility in IHDS ask whether the women must take permission to be mobile within their village. The two activities are visiting the *kirana* shop, and visiting the homes of a friend/ relative within the village.

Explanatory Variables

Education Levels

Primary variables of interest are the education levels of the household members. We consider education levels, categorized as number of years of schooling- 1) Below 5th (Primary Education), 2) 6th-10th (Upper primary and Secondary Education), and 3) 11th and above (including Bachelors, Post Graduate studies). This categorization was done on the basis of variation provided across groups and to maintain observations in each category allowing for comparison. Preliminary analysis prior to this categorization does not show any change in the analysis.

Studies have discussed how women who are more educated than their husbands tend to have greater bargaining power in the household (Beegle, Frankenberg, and Thomas, 2001). Thus, we further consider the difference between education levels of the woman and her husband represented as a categorical variable for when the education levels are equal, when the woman is more educated than her husband, and when her husband is more educated than her.

Household Characteristics

Post- marital household type and marital status are considered to account for whether the presence of a woman's parents or her in-laws living within the same household impacts her agency.

We further control for monthly per capita expenditure of the household (normalized using natural log), and the house type (*pucca/ kutcha*), caste and religion, and geographical distribution of households across the states. Caste and religion are important controls as Schedules Castes and Tribes tend to have more agency freedoms to pursue economic pursuits because their economic status is usually comparatively lower than other caste groups, while Muslim women tend to enjoy least freedom in most domains. As a result education levels also systematically differ across these groups.

Women's Characteristics

We include variables representing agency of the women 1) prior to marriage- captured in her education level, and 2) post- marriage as represented in her capabilities within the household. We look at whether the woman has money in hand to spend on household expenses. This is in keeping with studies that suggest that a woman's bargaining power and agency are interconnected.

We control for the age of the woman (treated as a continuous variable), and whether she must wear burkhah, *ghunghat, or purdah* as per the customs of her household.

We take the difference of age between the woman and her husband, which is treated as a continuous variable moving from women being older than their husbands, to their husband being older.

Methods and Analysis

Given the binary nature of our dependent variables- whether allowed to work, member of social group or allowed to visit relative, friend, or *kirana* shop within a village - a probit regression model would be suitable to estimate the probability that an observation with particular characteristics will fall into a specific category of the dependent variable.

To measure the association of the dependent variables with the explanatory variables, we assume the following function:

$Y_i = \beta0 + \beta1$(Educational characteristics) + $\beta2$.(Controls) + $\beta3$.(State dummies) + ε

Y indicates the dependent variables allowed to work, allowed to visit a relative, friend, or kirana shop, and whether a member of any social group for every woman *i* in the sample. $\beta1$ is the vector of all education related variables such as education level of the women, her husband, her parents and in-laws and the difference in education between her and her husband. $\beta2$ is the vector of all other control variables which include socioeconomic characteristics, place of residence, few capabilities within the household among others, $\beta3$ is a vector of all state dummies and ε is the error term for every woman/household *i*. Standard errors are clustered at the neighbourhood/village level in all the specifications.

Given the complexity in the relationship of our variables of interest, such a simple specification would be unable to determine causality. Though this is a limitation in the functional form we have opted for, our aim is to find associations of educational characteristics with various agency freedoms and hence causality is outside the scope of our analytical framework.

Results

Descriptive Statistics

Tables 2, and 3 present descriptive statistics for the overall sample in our model, as well as categorized by the level of agency freedoms enjoyed by the women in the three different outcome variables.

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Comparing with the overall sample we see that women who are allowed to work seem to come from relatively better-educated households, with higher monthly per capita incomes, and live in pucca houses. More women who are allowed to work, compared to those who are not allowed to, are better-educated themselves, older, and share a lower age difference with their husbands. Studies have suggested that there is an association of these factors with greater independence of women. On the other hand, contrary to what is suggested in literature, we find that more women who are married, live with their in-laws and adhere to the practice of purdah/ gunghat are also allowed to work.

Similarly, more women who do not require permission to be mobile within their village or neighbourhood are also older, married, live with their in-laws, and live in a *pucca* houses. However, education level of household members does not differ from the overall sample. The education of only the woman and her husband are marginally higher in such households.

More women who are allowed to participate in social groups, compared to those not allowed to, have between six to ten years of schooling, and tend to be more educated than their husband. More mothers of those women who are allowed to be members in social groups also have between six to ten years of education, whereas there is no difference seen in education levels of mother in laws. Father's and father in law's of the woman who are allowed to be members of social groups are less educated. Once again more women who participate in social groups are older, and belong to households with a higher per capita income.

Table 1   Proportions of women in the sample enjoying agency freedoms

Agency Freedoms	
Allowed to work	
Yes	65.89
No	34.11
Be member of social group	
Yes	21.15
No	78.85
Be mobile within village	
Yes	74.70
No	25.30

Table 2   Education Levels of the Woman and her family members across Outcome Variables

	Complete Sample	Allowed to Work	Allowed to be member of social group	Allowed to be mobile within the village
Education Levels				
Woman's Education Levels				
Below 5th	64.10	60.21	59.91	62.75
6th-10th	27.95	30.07	32.25	28.91
Above 10th	7.95	9.72	7.84	8.34
Husband's Education Levels				
Below 5th	44.48	39.72	46.60	43.54
6th-10th	39.63	42.03	39.16	40.20

Above 10th	15.89	18.25	14.24	16.26
Mother's Education Levels				
Below 5th	93.39	92.19	92.74	93.49
6th-10th	6.08	7.10	6.94	5.98
Above 10th	0.52	0.71	0.33	0.53
Father's Education Levels				
Below 5th	78.10	73.05	81.11	77.76
6th-10th	17.82	21.21	15.93	18.12
Above 10th	4.08	5.74	2.96	4.12
Mother in law's Education Levels				
Below 5th	96.09	95.48	95.69	96.02
6th-10th	3.61	4.11	4.06	3.72
Above 10th	0.30	0.41	0.26	0.26
Father in law's Education Levels				
Below 5th	82.80	79.41	85.87	82.09
6th-10th	14.23	16.53	12.47	14.75
Above 10th	2.97	4.07	1.66	3.17
Education difference between woman and her husband				
Equal education	30.60	29.00	30.60	30.99
Woman's education greater	16.67	17.60	20.81	17.33
Husband's education greater	52.73	53.40	48.59	51.67

Table 3   Characteristics of the Woman and her household across Outcome Variables

	Complete Sample	**Allowed to Work**	**Allowed to be member of social group**	**Allowed to be mobile within the village**
Woman's Characteristics				
Age (mean)	29.31	33.59	37.77	35.11
Age difference between woman and husband (mean)	5.02	4.56	5.97	4.96
Marital Status				
Married	93.69	96.29	92.81	96.54
Divorced/ Separated/ Widowed	6.31	3.71	7.19	3.46
Has cash in hand				
Yes	89.80	89.32	92.88	89.15
No	10.20	10.68	7.12	10.85

Follows purdah/ burkah/ gunghat				
Yes	62.68	73.16	40.53	62.48
No	37.32	26.84	59.47	37.52
Household Characteristics				
Caste/ Religion				
Brahmin 1	4.09	5.17	2.23	4.04
Forward caste 2	14.32	14.75	15.74	15.73
OBC 3	34.94	34.14	38.02	35.35
Dalit 4	22.48	23.35	25.49	22.77
Adivasi 5	11.04	9.12	10.69	9.85
Muslim 6	10.89	11.08	6.05	9.75
Christian, Sikh, Jain 7	2.24	2.40	1.78	2.50
Post-marital Household Type				
Parents live in household				
Yes	5.04	4.91	6.06	5.11
In law lives in household				
Yes	39.78	45.71	32.87	43.42
Per capita monthly expenditure (mean)	20634.31	20711.13	23938.94	22051.58
Household type				
Katcha	37.03	36.20	38.36	35.40
Pucca	62.97	63.80	61.64	64.60

We additionally compute mean education levels across the three outcome variables. On comparison we see that women who are allowed to work have husbands who are marginally less educated than of those women who are not allowed to work.

Women who are allowed to be members of social groups tend to belong to less educated households although her father's education might be marginally higher than father's of those not allowed to be a part of social groups. Women who are allowed to be mobile within their village/ neighbourhood are more educated, *and have more educated husbands,* fathers, and father in laws.

Education levels are highest for all family members belonging to the Brahmin and Forward Caste groups, as well as for people who belong to the Christian, Sikh, or Jain religions. People belonging to Scheduled Castes and Tribes have the lowest education levels across family members, followed by Muslim women. Further as expected, less educated people tend to live in Katcha houses. This table can be presented upon request.

Regression Results

Being allowed to work

In the overall sample with rural and urban households we see that a woman's mother's education level is positively associated with her being allowed to work (significant at the 1%) for the category of 6-10 years of schooling, as compared to having 5 years of schooling or less, implying that women with more educated mothers are more likely to be allowed to work. The woman's mother-in law's education shows a weaker positive association (significant at 10%) when educated above 10th grade, and her father-in law's education shows a negative association in the category of 6-10th grade (at 10%).

In rural households a similar trend is seen. Her mother's education level becomes significant at both categories of education, as does her father's education if he has completed more than 10 years of schooling.

Interestingly, a woman's husband's education seems to have no association with her being allowed to work, however in the overall sample there is a strong negative association of a woman being allowed to work if her husband is more educated than her (as opposed to them having equal education levels). Women who are allowed to work are more likely to be better educated (significant at 1%) for women educated above 10th grade.

Further, women are more likely to work if they are younger, and share a lower age difference with their husbands, have lower monthly per capita incomes and live in *pacca* houses. In the overall sample women are less likely to be allowed to work if they live in urban households (at 1%). Further, Scheduled Caste women are most likely, and Muslim women are least likely to be allowed to work in both specifications.

In keeping with literature, we find that women living with their in-laws are less likely to be allowed to work, and those who have cash in hand to spend are more likely to be allowed to work. Both these correlations are significant in both specifications (at 1%).

Becoming a member of social groups

Interestingly no family member's education level shows any significant association with this agency freedom, except a negative association if her father in law is educated above 10th grade (with below 5ᵗʰ grade as reference). However, our results show a positive association of her likelihood to participate if she has completed between 6-10 years of schooling., if she is more educated than her husband (at 1%), and if her husband is more educated than her (at a lower level of significance).

A woman is also more likely to participate if she lives with her parents, and less likely to be allowed if she lives with her in-laws. Further, older women, with larger differences in age with her husband, and belonging to rural households are more likely to participate. Rural households with higher per capita incomes show a positive association (at 1%). Except for Muslim women all other women are more likely to participate in social groups, and women who adhere to the practice of wearing gunghat/ purdah/ burkhah are less likely to participate.

Mobility

In keeping with the results in the other specifications, a woman's likelihood to be allowed to be mobile is higher if her father and/or mother have higher education levels, if her father in-law has lower education levels, and if her husband is more educated than her. In the rural household specification the significance of association with her mother's education disappears however the others persist. A woman's education level is not significantly associated with her freedom to be mobile within her village/ neighbourhood.

Older women, those living with their in-laws and those living in Pucca houses, are more likely to be allowed to be mobile.

In Table 2 we compute mean education levels across the three outcome variables. On comparison we see that women who are allowed to work have husbands who are marginally less educated than of those women who are not allowed to work.

Women who are allowed to be members of social groups tend to belong to less educated households although her father's education might be marginally higher than father's of those not allowed to be a part of social groups. Women who are allowed to be mobile within their village/ neighbourhood are more educated, *and have more educated husbands,* fathers, and father in laws.

Education levels are highest for all family members belonging to the Brahmin and Forward Caste groups, as well as for people who belong to the Christian, Sikh, or Jain religions. People belonging to Scheduled Castes and Tribes have the lowest education levels across family members, followed by Muslim women. Further as expected, less educated people tend to live in Katcha houses.

Table 4   Regression Results

	Allowed to Work	Allowed to be member of a Social Group	Not Allowed to be Mobile (Only Rural India)
Woman's Education			
Reference Below 5th			
6-10th	0.0793**	0.178***	0.0234
	(0.0385)	(0.0348)	(0.0333)
Above 10th	0.391***	0.0961	0.0123
	(0.0660)	(0.0609)	(0.0578)
Mother's Education			
Reference Below 5th			
6-10th	0.153***	-0.0219	-0.0539
	(0.0546)	(0.0490)	(0.0460)
Above 10th	0.272*	-0.176	0.0225
	(0.167)	(0.186)	(0.155)
Mother-in-law's Education			
Reference Below 5th			
6-10th	0.0589	-0.00996	0.0340
	(0.0656)	(0.0664)	(0.0627)
Above 10th	0.437*	-0.164	-0.295
	(0.232)	(0.225)	(0.193)
Father's Education Level			
Reference Below 5th			
6-10th	0.0293	0.0441	-0.0437
	(0.0340)	(0.0332)	(0.0296)
Above 10th	0.131*	0.119	-0.125**
	(0.0676)	(0.0729)	(0.0573)
Father-in-law's Education			
Reference Below 5th			
6-10th	-0.0942**	0.00198	0.0530
	(0.0389)	(0.0371)	(0.0354)
Above 10th	-0.106	-0.165*	0.146*
	(0.0733)	(0.0877)	(0.0770)

	Allowed to Work	Allowed to be member of a Social Group	Not Allowed to be Mobile (Only Rural India)
Husband's Education			
Reference Below 5th			
6-10th	-0.0357	0.0417	-0.0299
	(0.0363)	(0.0324)	(0.0307)
Above 10th	-0.0438	-0.00312	-0.0181
	(0.0535)	(0.0497)	(0.0446)
Controls	YES	YES	YES
State Fixed Effects	YES	YES	YES
Constant	4.488***	-5.006***	2.398***
	(0.721)	(0.662)	(0.673)
Psuedo R Square	0.1852	0.2194	0.1074
N	15287	22741	22641

Conclusion

Using a nationally representative dataset conducted in 2011, we find that education levels of either or both of a woman's parents are positively and significantly associated with her agency freedom, controlling for her education level. The difference in education levels between her and her husband also seem to be associated with the agency freedoms considered, however in different ways.

While the education of her in-laws and her husband has little association on her freedom, women who live with their in-laws, and who are relatively younger than their husbands seem to enjoy less freedom.

All other controls used in our study, such as socio-economic characteristics of the household, capabilities of the woman that might enhance her freedom, her agency freedom prior marriage, and social customs shown to be negatively associated with greater freedom, were found to be associated with the agency freedoms we have considered, in predictable ways, as suggested by literature.

This finding- that education levels of the members of a woman's post-marital family might not be associated with her freedom to work, be mobile, or become a member of social and political groups, regardless of whether they live with her- might imply that a woman's agency freedom is possibly determined prior to her marriage into a family, or rather in her natal home. As literature suggests, the attainment of educational endowments for a woman requires her to have enjoyed some level of capability (Sen 1999; Unterhalter, 2003), which might further imply that a woman's agency prior to marriage is what determines her agency freedom even in her post-marital household.

Our results may have potential policy implications. They help us better understand the segregation- on account of education levels and types of marital residence- that exists among those that lack basic rights. Incorporating such a distinction within the policy framework might help in better implementation of the existing policies. Based on our findings, policies that aim to incentivize the participation of women in activities outside the households should perhaps be targeted towards women and her parents in her natal home itself, prior to

marriage. Further investigation is required to understand whether teaching young girls and boys about agency freedoms and participation of women outside the household would have a bearing on their freedoms post marriage. While we have been making small strides towards ensuring basic rights for women, we need to move away from the one-size-fits-all approach and adopt a more nuanced policy-making process for better success.

Acknowledgements

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Law and Gender Justice: The Disjuncture between Formal Equality and Real Equality

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Abstract: Radical and socialist feminists have for long been apprehensive about whether merely offering liberal models of citizenship, rights and equality would be sufficient. They warn that 'formal' politics might leave structural inequalities unaddressed. Initial years of feminist theorizing in India was marked by the demand for specific legislations to protect the rights of women. However, over the years, feminist engagement with law became a frustrating experience and women themselves refused to engage with the law especially in cases of domestic abuse. In their experience, laws which could empower women often became a disempowering process inviting scorn and derision. Despite de jure equality, laws often confer discriminatory treatment to women as a result of their patriarchal interpretation by legal agents and the presence of unequal social structures which frustrate women's attempts to access legal help. Thus, laws and the ideology underpinning them and their actual workings seem disconnected. This can best be described as a disjuncture between formal and real equality. In this context, this paper with some concrete examples of women-friendly laws in India seeks to analyze and understand the implications of the above for feminist politics.

Keywords: disjuncture, structural inequalities, patriarchal interpretation by legal agents, unequal social structures

Introduction

The concept of equality has assumed a rather controversial role in feminist thought which is caught in the dilemma of whether we should fight for gender-neutral laws where objectivity is the norm or should we demand gender-specific provisions that take into account the subjective experiences of women. Equal rights feminists would argue that men and women should be treated equally, for instance, if a company does not grant health benefits to anyone, the same rule should apply to pregnant women as well. However, positivist action theorists believe that equality can be achieved only by treating people differently and providing special concessions depending on the specific needs of the people. This paper argues that our access to justice is mediated through our multiple locations and is not a simple, straightforward and linear process as the legal system would like us to believe. Based on a review of theoretical literature and reports from civil society actors in the realm of law, this paper offers a critique of why progressive laws for women fail to deliver justice.

Historically, calls for equality have been used as a means of appeal to liberal justice – as a means, that is, of requiring liberalism to deliver to women, too, what it seems to promise to all *individuals* or *citizens*. **Wollstonecraft's Dilemma** (Wollstonecraft, 1995) voices concerns about the desire for equal citizenship rights for men and women while at the same time recognizing women's different needs and circumstances. Indeed, radical and socialist feminists, too, have been apprehensive about whether liberal models of citizenship, rights and equality are sufficient to effectively address women's issues on the ground that *formal equality* might gloss over structural inequalities and social disparities. For instance, egalitarianism advocates a comprehensive redistribution of material goods but leaves social and cultural disadvantages unaddressed. It tends to marginalize non-economic inequalities such as those that are sexual or racial and excludes the *domestic sphere*. Michael Walzer in his book **Spheres of Justice** (1983) explains that it is crucial to recognize that equality is not an abstract principle but a social phenomenon which is worked out in our actual lives as a result of a process of

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conflict and compromise. According to Walzer, inequalities arise from the arbitrary exclusion of people from the distribution of social goods such as power, wealth, education and respect. Walzer's theory of complex equality indeed, suggests a struggle for a form of equality sans the material focus of egalitarian theories and most of his reasons for rejecting mainstream theories of equality echo feminist concerns (Armstrong 2002).

Formal equality inclines to snub the fact that the set of individuals that it tends to treat "equally" are profoundly unequal and a huge cavity exists between de jure and de facto equality. Diverse forms of inequality render certain sections of society unequal by virtue of the fact that they possess less resources or no resources at all or owing to their numerical inferiority are highly vulnerable to majority decisions and neglecting these social and cultural inequalities, further strengthens inequality in society. Since it does not take into account systemic inequalities that operate on the ground, equality promised on paper never translates into real equality. This helps to explain why laws promising gender equality have failed to entirely address violence against women. It is indeed interesting to note that although women-friendly laws exist almost everywhere and both national and international law have laid emphasis on the principle of non-discrimination based on sex, gender equality exists virtually nowhere. Therefore, in order to bridge the gap between formal and real equality or de jure and de facto equality, it is imperative that we take into account social disparities and make special provisions to ensure equality of outcome.

Equality in Indian Constitutional Law

The Constitution of India contains several provisions that guarantee equality to all citizens of the country. Article 14 provides that "[t]he State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."[i]*Equality before law* implies the absence of special privileges in favour of certain people and *equal protection of laws* suggests equal treatment of those who are equally situated. Article 15(1) prescribes that "[t]he State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."[ii] Article 15(3) states that "[n]othing in this article shall prevent the State from making any special provision for women and children."[iii] It expressly permits the State to introduce special provisions for women and children "even in violation of the fundamental obligation of non-discrimination among citizens, inter alia of sex" to rectify inequalities that surround women. In this view, sex is not identified in isolation, but accompanied by an understanding of caste and class-based social disadvantages and hierarchies. These special provisions are not exceptions but foundational to the idea of equality.

Still, despite the presence of these gender-just provisions, justice and equality remain a distant goal. According to Ratna Kapur and Brenda Cossman (1999), although the Constitution of India explicitly guarantees formal equality, women's lives continue to be characterized by several de facto inequalities.

Consequently, Indian feminists' engagement with law over the years, has become a frustrating experience and doubts have been raised about the actual workings of the law. There are four different ways in which laws may fail to deliver gender justice. First, laws themselves may be discriminatory, for instance, the law on rape until recently till 2012 defined rape as penile penetration or the law that denied women rights to ancestral property until 2005. Second, even when there is de jure equality, legal agents interpret laws in patriarchal ways. For instance, women find it difficult to lodge a complaint under Section 498A of the Indian Penal Code (henceforth, referred to as IPC) that recognises domestic violence because the emphasis is on 'conciliation' rather than a focus on securing constitutional rights for the aggrieved. Court judgements, too, reflect the deep prejudices and preconceived notions within the judiciary on family matters. Third, law does not take cognizance of systemic inequalities, for instance, how a woman's right to work is often violated due to her household and child care responsibilities or how a woman often does not stake a claim to her rightful property rights because of the fear of losing her natal family support. Last but not the least, law invisibilizes women's subjective experiences of oppression especially in instances of sexual harassment and in this sense, the law is essentially Male and can only partially comprehend the harms done to women.

Thus, laws and the ideology sustaining them and their actual workings seem disconnected. The following section reviews the workings of two important laws that seek to address the issue of domestic violence in India to understand how patriarchal interpretation and implementation of gender-just laws can seriously compromise justice delivery in case of women.

A Critical Review of Section 498A of the Indian Penal Code

Alarmed by the daily headlines of young married women dying of "stove bursts" in their marital homes in the 1980s, the government introduced Section 498A into the IPC in 1983. This Section introduced criminal offences in intimate relationships, which so far were considered beyond the reach of law. Also, even though the origin of Section 498A of the IPC lay in the anti-dowry struggle, *cruelty* as stated in this law, was not confined to the demand for dowry[iv] alone or physical injury but extended also to mental cruelty. *Cruelty* is defined as any wilful conduct (by the woman's husband or her family members) which is likely to drive a woman to commit suicide, or cause grave harm or injury to or danger to her life or health, mental or physical. Cruelty by a husband or his relatives was made a cognisable offence, punishable with imprisonment for a period of up to three years.

In 1986, Section 304B was introduced into the IPC, which provided that if the death of a married woman occurs in unnatural circumstances within seven years of the marriage, and it is shown that just before her death she was treated with cruelty in relation to a demand for dowry, it shall be presumed that her husband or his relatives caused the death. The two sections, thus, form an amalgamated scheme; one is invoked before the woman dies (Section 489A), and the other after she is dead (Section 304B).

Unfortunately, despite these positive benefits, the law failed to bring about any meaningful change because even the meagre benefits from this progressive legislation got neutralized by the prejudices and hostility encountered by women during court proceedings, insensitive and callous responses of the police and allegations of misuse that lack even the smallest shred of evidence (Agnes, 1995).

Allegations of Misuse

Section 498A has often been touted as a "gender-biased" law, not only by men's organizations, but also by the courts and the Ministry of Home Affairs (MHA). In fact, the MHA wrote to the Chief Secretaries and Directors General of Police of all states and union territories asking them to ensure that Section 498A is used only as a "last resort". In 1992, the then additional commissioner of police (crimes) R D Tyagi issued a directive to subordinate police stations in the city that cases of harassment should be registered only if women approach the police with bleeding injuries. In July 2014, the Supreme Court ruled against the immediate arrest of the husband and family members in cases filed under Section 498A (Johari, 2017).

Surprisingly, not a single accusation of alleged misuse is supported by concrete data on cases that have been falsely and maliciously registered under the section or the number of false cases that have resulted in convictions. Of 1,06,527 498 cases registered in 2012, 10,235 – around 10% – were "Cases declared false on account of mistake of fact or of law". Between 2005 and 2012, 63,171 women were killed in dowry-related incidents which translates to more than one death every hour. For that many dowry deaths, the number of cases found to be false is relatively small and concentrated in Bihar, Uttar Pradesh and Rajasthan (Bhalla, 2017). A study of court decisions in the state of Maharashtra carried out by the Women's Studies Unit of the Tata Institute of Social Sciences (TISS) showed that only 2.2 per cent of cases brought under Sec 498A during 1990-96 resulted in convictions (TISS, 1996). Another study conducted by Vimochana in Bangalore on court cases on dowry death and domestic violence based on the Karnataka State Crime Records data during the years 1998-99 showed that 22 cases under Section 304 B and Section 498 A were disposed of, out of which none resulted in convictions, 4 were acquitted and the remaining were disposed by other methods (Vimochana, 1999). Thus,

invariably attempts have been made to portray the family as the "victim" that is routinely harassed by the "vindictive" daughter-in-law.

While false cases may be registered under Section 498A, this can be true of every other law and is therefore, not a substantial reason to dilute or delete the provisions of this law. It is also crucial to note that since an erroneous view prevails that Section 498A is an exclusively dowry-related law, complaints are seldom registered unless accompanied by allegations of dowry. Therefore, invariably some lines are inserted relating to dowry which goes to discredit the entire, otherwise genuine, case (Ojha, 2014). Here, it is pertinent to question who is truly at fault – the complainant or the investigative and judicial machinery that fails to uphold the law as it is. That apart, most of the time, the complainant is coerced to withdraw the case so as to ensure her own security and protect the family's public image. Since most women agree to drop charges, public prosecutors fail to actively pursue cases of domestic violence (Kothari, 2005).

Moreover, for most women, marriage is a huge form of security and they often hide abuse for the sake of their children, turning to outside help only when the torture becomes excruciating. Often, women are reluctant to take their husbands to court fearing financial hardship and negative publicity incurred by the family.

Role of The Police

The police are the first point of contact within the criminal justice system and it is here, that the problem begins. Filing of first information reports (henceforth, referred to as FIR) is no less than a torment for survivors of domestic violence as the police try to avoid registering one and focus instead on 'counselling and reconciliation'. The aggrieved woman is often advised to adjust, reconcile and save the marriage. In fact, research and surveys by social scientists and women's rights groups and experiences of criminal lawyers have highlighted that in a majority of cases, instead of taking quick action, the abuser is often called to the police station to work out a reconciliation and cases are registered only on the recommendation of the Senior Inspector (Editorial EPW, 2009). Consequently, women who file cases under the law often have to sit through counselling sessions before a complaint can be registered and this enables the husband and his family to buy time to secure anticipatory bail.

According to service records of Dilaasa[v] (Jaisingh, 2014), out of 1,675 married women registered at the centre between 2001 and 2010, 47% of the women had sought police support against violence before approaching Dilaasa; of which, merely 2% had filed an FIR while the rest had registered a non-cognizable complaint.

Court Judgements

Official committee reports and court judgements on Section 498A have repeatedly lamented the break-up of the family unit and suggested that it is the woman herself who will suffer because reconciliation will be difficult. The Bureau of Police Research and Development commissioned study (2002) that examined the implementation of this Section in Delhi and Haryana and the Report of the Justice Malimath Committee on Reforms in the Criminal Justice System (2003) recommended that the offence of cruelty against women should be made bailable and compoundable so that spouses can give their marriage another chance. The concern therefore, was primarily with retaining the so-called sanctity of marriage than providing instant relief to the woman for the violation of her constitutional rights.

In Savitri Devi v. Ramesh Chand and Others (2002), the Delhi High Court ruled that the misuse of Section 498A is *"hitting at the foundation of marriage itself and has proved to be not so good for the health of the society at large"* (Editorial EPW, 2009).

As a result of the growing perception of misuse of the law, the Supreme Court in July 2014 ruled against the immediate arrest of the husband and his family in cases filed under Section 498A. In 2015, in a Public Interest

Litigation (PIL No 104 of 2015), the Bombay High Court postulated that women facing "severe physical" domestic violence should be brought before the court to secure a protection order whereas for all other types of violence, *"joint counselling"* may be conducted by the police and NGOs to amicably settle the dispute. Nevertheless, these guidelines stated that joint counselling would begin only with the prior consent of the woman and with full knowledge of all options available to her (Agnes, D'Mello, 2015).

Vague definition of the term "cruelty"

A significant problem with the law, is that, it has set the threshold of cruelty required to invoke the Section, so high that it defeats the purpose of the law. The Section, however, should be invoked when women are oppressed in their matrimonial homes o such an extent that they are denied a dignified existence. This includes denial of food, locking up and preventing communication with the outside world, blaming her for not producing a male child and repeated threats to drive her out of the matrimonial home (Jaisingh, 2015).

Also, since *mental torture* and *cruelty* mentioned in the law are difficult to prove, convictions take place only when Section 498A is clubbed with other punitive sections of the IPC. The vague definition of cruelty has been subject to varied interpretations by courts. The Supreme Court and High Courts have in several cases given a narrow definition to what constitutes cruelty.

The Delhi High Court in Savitri Devi vs Ramesh Chand and Ors. held that:

> "In constituting 'cruelty' contemplated by Sec 498A IPC the acts or conduct should be either such that may cause danger to life, limb or health or cause "grave" injury or of such a degree that may drive a woman to commit suicide. Not only that such acts or conduct should be "wilful", i e, intentional. So, to invoke the provisions of 498A IPC the tests are of stringent nature and intention is the most essential factor. The only test is that act or conduct of guilty party should have the sting or effect of causing grave injury to the woman or are likely to drive the woman to commit suicide is of much graver nature or endangering life, limb or physical or mental health."

However, on a more positive note, in certain cases, courts have also held that "cruelty" under Section 498A would also mean mental torture and harassment. The judgement of the High Court and the Supreme Court in Mohd. Hoshan v. State of Andhra Pradesh is a case in point. It was held that:

> "…continuous taunting and teasing led the deceased to such a situation where she had been disgusted and went to the extent of pouring kerosene on herself and burning."

Proving physical or mental cruelty which takes place within the confines of the home is immensely difficult. In cases of mental cruelty, evidence of the same is very difficult to produce and different criteria need to be evolved to measure injury and hurt in a domestic situation (Agnes, 1998).

A Critique of the Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act (henceforth, referred to as Domestic Violence Act) was enacted in 2005 after women's groups campaigned for nearly two decades, for a law that recognises forms of domestic violence beyond dowry harassment. It sought to grant legitimacy to the everyday violence faced by married women at the hands of other relatives and by unmarried women and children in their homes, an aspect of family violence that Section 498A of the IPC ignores, since it provides relief only to married women who face domestic violence.

The law put in place protection officers (henceforth, referred to as PO) to assist women to access the law and collect evidence. The office of the PO is mandated to be situated within the Ministry of Women and Child

Development. The theory behind the law is that it is the responsibility of the state to support women facing violence through assistance in legal proceedings.

According to the rules prescribed under the Act, state governments must appoint at least one PO in the jurisdiction of every judicial magistrate. Protection officers (preferably women) can be members of either government or non-governmental organisations, with at least three years of experience in the social sector. If a complainant first approaches the police, a court, a hospital, shelter home or non-governmental organisation, these stakeholders are required to put the woman in touch with a protection officer. It is the PO's job to inform the woman of her rights, prepare a detailed domestic incident report and ensure that the woman and her children are not victimized or pressurized during the filing of the domestic incident report, and are connected with medical, shelter home and other support services. On the orders of the court, the protection officer is also expected to conduct home visits, write economic status reports and help the woman regain custody of her children or belongings from the abusive home (Johari, 2017).

This Act enables a woman to seek protection, maintenance, custody of children, compensation and rights to a "shared household" even without a police case. This means that she cannot be thrown out of such a household except through procedure established by law. In cases where she is thrown out she can be brought back again after obtaining an order from the court. The court can also direct the perpetrator of violence to provide alternative accommodation in cases where she does not want to return to a violent home (LCWRI, 2005).

The Domestic Violence Act (2005) gives a broad definition to what constitutes domestic violence by relying on the UN Framework for Model Legislation on Domestic Violence which states:

> Art 11. All acts of gender-based physical, psychological and sexual abuse by a family member against women in the family, ranging from simple assaults to aggravated physical battery, kidnapping, threats, intimidation, coercion, stalking, humiliating verbal abuse, forcible or unlawful entry, arson, destruction of property, sexual violence, marital rape, dowry or bride-price related violence, female genital mutilation, violence related to exploitation through prostitution, violence against household workers and attempts to commit such acts shall be termed "domestic violence".

The Act provides for emergency and ex-parte[vi] injunctions and non-molestation orders. An interim[vii] order can be given by the court at the time the proceedings are initiated under the PWDVA and before a final order is passed. A residence order may be passed by the court in cases where the woman apprehends being thrown out of the house (shared household) or in cases where she has been thrown out and wants to return to her house (LCWRI 2013: Chapter 3).

However, despite being one of the most progressive laws enacted in favour of women's rights in recent times, this law, too, has not been able to bring about any fundamental change. Effective implementation of this Act remains a distant goal in the presence of major roadblocks which include the failure of state governments to evolve long-term support services for victims, lack of knowledge of stakeholders about their roles and responsibilities, delays in passing orders and lack of sensitivity of judges (Agnes, D'Mello, 2015).

Ignoring the broad definition of domestic violence under this Act, judges continue to apply the ancient standards of physical cruelty. Women's claims are viewed with suspicion and women who approach courts for enforcement of their rights are often portrayed as vindictive and manipulative, despite official data which indicates that domestic violence is on the rise.

POs who play a crucial role are often insensitive to women's ordeals, make them run from pillar to post, do not register complaints owing to the "save the family" attitude and are unclear about the procedures under the law and their responsibilities such as drawing up economic status reports, preparing domestic incident reports and gathering information on jobs and vocational courses that women may require. Most of the women face undue

delays in filing a complaint (on some occasions, as long as 60 days) due to the divided attention of POs. As a result, most of the domestic violence victims prefer to approach a private lawyer instead of a free, state-appointed protection officer (Majlis).

Moreover, the implementation of the provisions of the Domestic Violence Act has not been taken up uniformly across the country. In many states, POs have still not been appointed. Even though the law mandates appointment of full-time protection officers, POs work part-time in some states like Delhi. In many states, existing government officials are burdened with the additional responsibilities of a PO and in other states like Maharashtra, Gujarat, Delhi, West Bengal, Haryana and Tamil Nadu independent POs are appointed but loaded with secondary responsibilities (Johari, 2017).

Also, the lack of a mechanism to follow up on the victims' status puts their safety in grave danger and makes them the primary target of corruption and inefficiency within the organizations that are set up to help them (Lahiri, 2009).

The NGO Lawyers' Collective Women Rights Initiative conducted a monitoring and evaluation exercise on the PWDVA since the commencement of the law, and has brought out six reports on its implementation. In the sixth monitoring report, an analysis of the Supreme Court orders revealed that courts were denying relief by interpreting the words "domestic violence" in a restrictive way, contrary to the definition in the Act itself. One judgment, for example, said that refusal to maintain a wife was not economic violence. The expression "domestic relationship" was also restricted to current relationships, thus, excluding divorced women. The Report also found that married women continue to be the single largest users of the PWDVA, followed by widows, divorced women, daughters and sisters. Further, it highlighted lack of clarity of the dynamics of domestic violence. Women who returned to their natal home were less likely to get protection or Residence Orders on the ground that they were not under any imminent threat or danger of violence (Lawyers Collective Women's Rights Initiative, 2013).

Majlis Legal Centre, a leading feminist organization in India carried out a report on issues faced by survivors of domestic violence while interacting with the police in Mumbai, the financial capital of the country. 15 organizations, 4 Protection Officers and 30 survivors participated in this exercise. One participant from Aastha, which works with female sex workers said that the police send the complainants back because of the work they do or because the women are in live-in relationships, despite attending sensitization programmes. Another participant from an organization called Apnalaya said that even in cases of visible bruises, the police only register non-cognizable complaints when they should be filing First Information Reports (FIRs). In most cases, the police refused to register complaints stating that disputes should be sorted within one's home (Majlis, 2015). The findings of this report point to the bitter truth that marriage is considered so sacrosanct and inviolable that even the police and courts express anxiety about its break up.

In fact, a recurring theme in most of the court judgements on domestic violence is the anxiety to save the family. For instance, in a telling Delhi High Court judgement (Harvinder Kaur vs Harmander Singh Choudhry[viii]) in a case involving a plea for *restitution of conjugal rights*, the Court declared that introducing constitutional law in the home is like a "bull in a china shop". This brought to the fore the deep anxieties within the judiciary about the so-called encroachment of law and ideas of equality and rights into the private domain.

This dichotomy between public and private has serious implications for women. Family is seen as a space of harmony which shields us from the harshness of the anonymous public space. For people schooled and nurtured in patriarchal ideas of the sanctity of the family and marriage, it is difficult to see the family as a site of grave violations especially for women and children. Also, the idea of rights in the public space somehow takes precedence over similar democratic rights within the private space. Thus, while violations within the public space invite severe condemnation, similar violations within the private space do not invite strong reactions.

Violence in its multiple forms, is an inevitable constituent of most women's existence. In India, domestic violence forms the largest category of crimes against women followed by molestation, rape and kidnapping. Inspite of its pervasiveness its presence is continually disbelieved and ignored. Very often it goes unreported because *family honour* and *prestige* are at stake.

Nevertheless, on a brighter note, courts have also pronounced some progressive judgements which are, however, only exceptions and not the rule.

In Vandhana v. T. Srikanth and Krishnamachari[ix], the Madras High Court upheld the aggrieved woman's right to reside in her husband's home, although the husband argued that they had never lived together in a shared household after marriage. The judgment stated in unequivocal terms that the woman's right to protection under Section 17 of the Domestic Violence Act, co-exists with her right to live in the shared household, irrespective of whether or not she had marked her physical presence in the shared household. The Rajasthan High Court in Smt. Sarita v. Smt. Umrao, held that complaints filed against relatives of the husband or a male partner included all, irrespective of their gender, thus, bringing abusive female in-laws within its ambit. A Delhi High Court judgement in Aruna Parmod Shah v. Union of India[x], dismissed the victim's mother-in-law's contentions that the Domestic Violence Act was unconstitutional since it did not provide a remedy for men along with women, and that holding relationships in the nature of marriage at par with marital relationships in Section 2(f) of the Act derogated the rights of legally-wedded wives. The Court held that the gender-specific nature of the Act was a reasonable classification considering its object and purpose, and thus it was constitutionally valid. The Court further held that "like treatment to both does not, in any manner, derogate from the sanctity of marriage since an assumption can fairly be drawn that a *live-in relationship* is invariably initiated and perpetuated by the male."

Infrastructural Gaps

Even though there have been many reformative measures to safeguard the constitutional rights of women, the infrastructure to actualise these extensive reforms are sadly missing within the litigation arena (Agnes, 2016). The judicial system lacks a comprehensive and efficient legal aid system that can guide women through complicated legal procedures and the spaces for adjudication of family disputes have been taken over by commercial lawyers instead of being gender-just and women-friendly. This is true across all levels of courts. In fact, women have themselves refused to engage with the law in cases of sexual harassment on the street and domestic abuse. They view the police, courts and the lawyers that represent the criminal justice system with mistrust and suspicion.

The Family Courts Act was enacted in 1984 to reduce the dependency on private lawyers and need for formal and technical procedures. The first such courts were set up in Mumbai in 1989 (Agnes, D'Mello, 2005). Although the objective of these courts was to ensure speedy settlement of matrimonial disputes, these courts became more tiresome and mechanical. Extremely low remuneration paid to court staff and panel lawyers severely curtailed a woman's right to access justice. Consequently, women were often forced to engage lawyers that charged hefty sums of money which was obviously beyond the reach of many. Insistence on counselling sessions often caused delays in filing complaints. Judges would frequently comment on the survivor's moral character and would not take stringent action against the respondents. Magistrate courts prioritized criminal cases over cases of domestic violence which were often trivialized. Technical and procedural issues included lack of helpdesks and information kiosks that are only in English. According to the law, women are exempt from court fees. But, family courts insisted on payment of fees when women applied for maintenance of minor sons based on an absurd technical interpretation that "male" children do not fall under the definition of "women" litigants. Despite the mandate of passing interim orders within 60 days, the courts would not do so for months on end. Women's problems were further heightened by lack of toilet facilities for women, denial of free order copies and complicated verification processes intended at compelling women to withdraw claims to maintenance (Majlis et al, 2015). In fact, it was the disenchantment with this Act that led women's rights groups

across the country to campaign for a new law that would bring women under its protective mantle and this laid down the foundation for the enactment of the Domestic Violence Act (2005).

Therefore, while laws that secure women's rights are crucial, it is more important to help the woman walk the legal journey so that the justice system does not seem intimidating. Women require emergency safe shelter homes that cater to their specific needs and lawyers and social workers who can provide support by chalking out plans, laying to rest their fears, clearing their doubts and helping them access legal services.

Implications for Feminist Politics

Although the legal terrain has to a large extent aided the struggle against gender discrimination, the patriarchal interpretation of legal provisions has led to a feminist rethinking of law as a tool for gender justice. Law is a universalizing discourse that fixes meanings and identities whereas feminist politics subverts identities. Legal discourse often tends to assert dominant values because the *rights* which prompt us to demand legal intervention are not inherent. They are constituted by moral and ethical values. But, since law seeks uniformity, it tends to erase all ambiguity and multiplicity and socially constructed rights lose their lustre when institutionalized by law. In ***Recovering Subversion: Feminist Politics Beyond the Law*** (2004), Nivedita Menon argues that an acknowledgement of women's diverse experiences requires an understanding of *interplay of contexts* which is impossible to imagine within the rigid codification that law demands. While laws have been formulated to remove obstacles to women's participation as equals, they have failed to counter the substantive inequalities that augment their subordination and have stopped short of challenging and destabilizing the social basis of oppression of women. She further adds that it is vital that we place greater emphasis on a politics that goes beyond the limits of the *rights discourse*. This requires an understanding of the *politics of subversion*. For instance, when faced with a rape, one may participate in a campaign to bring the perpetrators to book under existing laws, but while this may offer temporary redress, it is equally necessary to challenge the very foundations of the casteist, communal, sexist and patriarchal society that we are a part of. Menon further elucidates how punishment for rapists and sexual harassers can be better achieved through norms evolved by workplaces and universities rather than a broad law that enforces standardization and homogeneity. Other examples include Dalits threatening to convert to Islam/Christianity if not permitted to enter temples, the Pink Chaddi Campaign[xi] and the Kiss of Love Campaign[xii] that challenge dominant values and frameworks of understanding. A radical political struggle should be accompanied by women's participation in the process of engaging with the law in a way that allows for incorporation of women's subjective, dynamic experiences of oppression. It is imperative that we venture beyond the model of formal equality and shift focus to actual implementation of legislations and reforms, in order to bridge the gap between de jure and de facto equality.

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[i] Indian Constitution, supra note 56, art 14.

[ii] Ibid, art 15(1).

[iii] Ibid, art 15(3).

[iv] As defined in the Dowry Prohibition Act (1961), "dowry" means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before [or any time after the marriage] [in connection with the marriage of the said parties].

As stated in Section 30 of the Indian Penal Code (IPC), the words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extin-guished or released, or where by any person acknowledges that he lies under legal liability, or has not a certain legal right.

ᵛ Dilaasa is a joint initiative of the Centre for Enquiry into Health and Allied Themes, Mumbai (CEHAT) and the Mumbai Municipal Corporation. The CEHAT team provided these findings based on their ongoing analysis of service records.

ᵛⁱ An ex parte order means an order that is passed in the absence of the other party to the dispute. Such orders are interim in nature and passed only if there is an immediate danger to the person making the application or when the other party refuses to appear in court despite prior intimation given by the court.

ᵛⁱⁱ This is to ensure that women are not detrimentally affected during the course of the legal proceedings. In order to get interim orders, a woman has to show that she has or she is facing violence, or fears violence.

ᵛⁱⁱⁱ AIR 1984 Delhi 66.

The case involved a petition for restitution of conjugal rights by the husband which was subsequently granted by the Additional District Judge. However, the wife opposed and appealed to the Delhi High Court. Restitution of conjugal rights is defined in Section 9 of the Hindu Marriage Act as follows: When either the husband or the wife has, without reasonable excuse withdrawn from the society of the other, the aggrieved party may apply by petition to the District Court for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly. J. A B Rohatgi of the Delhi High Court in the case in question held the wife responsible for breaking the matrimonial home. He further stated that the remedy of 'restitution of conjugal rights' was aimed at preserving the marriage and not disrupting it, and therefore, affirmed the decree of the trial judge.

ⁱˣ 2007(51) Civil CC (Madras), MANU/TN/7835/2007.

ˣ WP(Crl.) 425/2008, Crl. M.A. 4171/2008.

ˣⁱ The Pink Chaddi Campaign was launched in 2009 against the moral policing of Indian women by a political group called 'Sri Ram Sena' who believed that women were degrading traditional Indian values by being in a pub where alcohol and the company of men were easily accessible. The Campaign was a non-violent form of protest that urged people to mail pink underwear to the members of Sri Ram Sena as a Valentine's Day present and requested women and men to walk freely into pubs and raise a toast to Indian women and their rights.

ˣⁱⁱ The Kiss of Love campaign is a defiance of moral policing and a struggle to uphold the spirit of love in all its forms and for everyone where youths hug and kiss each other to celebrate love and freedom. It was held in Kochi, India to protest vandalism by the activists of the youth wing of a major political party at a hotel and in other places in the country such as Delhi and Mumbai to protest moral policing.

Muted Voices: Devolution of Women through History

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Abstract: Suppression and characterization is a common concern associated with the lives of women. They have been subdued and assigned secondary roles for a prolonged period, which has outlined the mind-set of people. Gender roles and traditional beliefs have constrained the thought process of the society, in turn creating a lacuna in the system that has transformed itself into an acknowledged norm. Women are commodified and exploited which is widely accepted and normalized, at the same time, they are labelled and out casted if they step out of their restrained social construct. This status of women has been consistent throughout the evolution of the society. Her freedom is either limited by the society or criticized by it. Although we have women in high political positions and as global leaders, their journey towards success can be defined through struggles. This paper analyses the influence of historical beliefs in modern day usage, considering women in divergent roles, the idea of a glass ceiling, advent of lesbian culture, roles played after marriage and so on. Various instances are considered to portray and critique the development from the purdah system to the urbanized progressive woman. The paper also establishes an understanding to the psychological restrains towards the development of women across the globe.

Keywords: normalization, commodification, stigmatization, self-restraint, exploitation

Introduction

"Behave like a woman"

A common phrase heard by most girls. Although we work so hard to empower women across the globe, we still fall back; the root causes are to blame. We teach our boys to be tough and girls to be soft, yet we blame the society for being so harsh to our girls. This is just the way everyone is socialized which leaves not much for the imagination of people. We program ourselves to act this way and behave in certain manner which limits us widely and encasing ourselves within a loop with no ends. Most of the time we have set standards to meet to, whichever gender you belong to. Speaking specifically to women, think about a nurse or a teacher, the first image in your head is a lady who cares and is kind. There is no denial that it is a good image that has been projected, but think about a fire-fighter, I don't believe a lady is what comes to most minds. There lies the problem. Failure to associate toughness to women can sound ridiculous but sure is a problem faced by our society today. Various gender roles in the society, is what is one of the main reasons to limit the society and its thought process.

This paper aims at understanding the changes that took a toll on women's lives and what has changed ever since the beginning. The historical significance of women and what has changed? The reasons why women still experience a low status in the society and what has caused us to stick to this thinking? What are the impacts?

Historical references

Looking back into the past, we must analyse how and why the changes that occur right now have developed into a stage that we experience today. This world has seen many strong female figures in the past, they certainly broke the stereotype of gender roles then, it must be considered that we can achieve that today too.

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Enheduanna[i] was the first known author, a Sumerian poet, considering that she is a woman and the poem was in praise of the female deity Innana[ii] it is sad that today women are denied education and low in literacy. There are references in the Jewish culture to a woman who spoke for the rights of woman, mixed genders and Jews, a strong heart at that time was indeed a deviant nature at that period of time. At the period of 500-400 BCE she spoke about gender discrimination in the society, and it is of much shame that we still haven't found a consensus to this problem even after so many years of change and development. There are many more female figures that have broken the gender stereotype in the past, consider Cleopatra[iii] or Boudicca[iv], they were strong warriors in their society and have been accepted and looked upon in today's society. However today women are considered weak and bounded to home.

Although great female role models have existed, mythical or fictional characters, religion wise have always showcased women as secondary or a curse to the society. Male dominance and complex has led to a situation where everyone including women considers that women are meant for secondary roles and for the aid of men. Take for example the famous fictional figure in the bible, Eve[v], she brought upon suffering to man due to her inability to listen also Pandora[vi] of the Greek culture, where they believe that she released evil onto man. These references have no backup as to prove it actually existed, yet these prevail and continue to degrade the lives of women across the globe. It is however unreasonably doubtful as to why such revelations were made against women;again as all people claim to know, there could be various reasons to this. Male dominance, sexual desire and need for control in men, enriched ego, and physical superiority of men could be various reasons that could be among million others for the downfall of women's status in the society.

Aftermath

The slow removal of women from the mainstream society had begun with the advent of religion and ownership of property. Women were considered as property and this could be seen with the initiation of marriage and household, where set boundaries for women were drawn and that was considered their whole life. The role of women in the society was limited to such an extent that is has shrunk to just being the carrier of man's seeds and looking after the off springs. Women in job roles were denied to a large extend. If allowed to work they were only provide d with small voluntary work which they were not even paid for. There are so many instances where men took over the nature of a woman's work and claimed it his own. Medicine was practiced in the early ages by women in households. This however was stopped and labelled as sorcery and witchcraft and was prevented from being practiced. Instead schools were created and a degree was provided to those interested in medicine practicing. However the irony to this system was that women were not allowed to read let alone to learn in these institutions. Women were psychologically limited by making them believe that they were demonic spirits and needed cleansing, they were asked to cover themselves and seclude from mainstream society.

Portrayal of women even in the modern society fell into a small pigeon hole[vii], they were Always delicate fragile and mysterious. Women were always expected to depend on somebody and were considered the damsel in distress. She was considered in able to defend herself or help herself. Even children's cartoons portrayed women in such manner so as to put this image inside minds of children. A woman was not considered to possess sexual desires and her virginity was sacred and purity was decided based on her virginity denial of sexual desires. Women began accepting herself a commodity in the society and failed to think otherwise.

Woman in the society normalized such behaviour and moulded herself into the mould that the society carved for them. The control of men over woman was consider normal and they were exploited to the maximum and still considered alright. Woman were expected to behave, walk, dress, look in certain ways as described by the society and if they dared to differ, they were out casted and denied all forms of support.

Today

What goes around comes around. This is something that most of us are familiar with. This can be said to apply even in case of women. After being subject to suppression and normalisation we have started to fight for the rights of women. The change or the movement that has played a key role in the uplifting of the status of women are the waves of feminism. The four waves have substantially influenced the status of women.

The first wave

It was considered to have taken place between the 19th and the 20th century. This period has given rise to feminism in the society. It was considered as the period of feminist activity and thought. The primary focus of this period was on women's suffrage and other political rights and legal issues concerning women. This gained importance after the age of enlightenment which was an intellectual and philosophical movement in Europe in the 18th century. The century of philosophy. It also raised questions as to the equality between genders and culture. The political origin of this era came from the French Revolution which raised questions of legal equality, freedoms and political rights. We also witnessed many wars across the globe during which there was a high requirement of man power that wasn't sufficient with men alone. Women had played a key role through various platforms by aiding their nations at times of difficulty. This led to the question amongst many people as to why women are not considered capable enough to vote and elect their representatives when they could help the nation at times of need. It showed that women were not as weak as they were considered to be. Women also started to express themselves and even fight for others.

As of today, we have many global leaders who are women and are at highly influential positions. But it is surprising to know that women didn't even have right to vote until late 19th century. International Alliance for Women was one of the major promoter for women's suffrage. The first instance of these rights being conferred on women was in 1881 when the Isle of men has done so. But this right was subject to women having property. From then until now many Nations have at various times conferred this right on women at various times. The most recent such instance was in December 2015 when the women of Saudi Arabia were allowed to vote. It has been a long struggle but we have been successful to a great extent and this success has a long way to go.

The Second wave

It began in early 1960s in the US and spread throughout the western world and beyond. It lasted until the 1980s. while the 1st wave focused mainly on suffrage and overturning legal obstacles towards gender equality, the 2nd wave broadened these into a wider range including sexuality, family, the workplace, reproductive rights, defacto inequalities and official legal inequalities. The writings of the French Author Simone De Beavoir had in 1940s examined through her research that women have been perceived as the other beings or the second sex in the patriarchal society. She had also stated that male centered ideology was accepted as a norm. women cannot be considered as any lesser than men just because they bear kids or because they menstruate. This was a period that brought change to a women's life with respect to her bodily sovereignty. In 1960, food and drug administration had approved combined oral contraception pill for women. This allowed women to have kids according to their stability and circumstances and without adversely affecting their career simply because they had conceived. The Feminine Mystique, 1963, by Belly Freidan focused on how women were better off using their capability outside the ambit of their house. She conducted a research through which she had identified that women were sadder when they were confined to the limits of their house. This also led to them giving up on any ambitions. The focus on reproductive rights and their measures was looked upon as more than just a demographic measure. It was recognised as an essential right that must be made available to everybody. This wave had been more successful at highlighting the needs of women than the prior time.

The third wave

It is generally said to have begun during the 1990s and to have lasted up until 2008. It was deemed to be an individual movement as its purpose included redefining what a feminist is. This was due to the fact that there was a chaos among people as the understanding of feminism was different among different people. It attempted to expand feminism to include women with diverse set of identities, recognising that women are of "many colours, ethnicities, nationalities, religions and cultural backgrounds". The 3ʳᵈ wave feminists broadened the scope of feminism by inclusion of queer role theory and abolishing gender role expectations and stereotypes. It also focused more on the individual needs of women rather than striving to achieve political changes. It also focused on the use of words as derogatory of women.

The fourth wave

It began in 2008 and continues to the present date. It can be associated with use of social media as a platform to uplift and activate gender equality and social justice. It has been used as a medium to aid women of all categories and to reach to as many people as possible. It has also helped in recognising that an individual is free to choose and decide their partners. The LGBTQ+ movement is evidence of the same. Where the sexuality of an individual is treated as that person's choice alone. The society cannot make this decision or influence the decision of people.

Recent Developments

Women have accepted their societal status. They are slowly giving up their fight for the empowerment. Even women who have stayed strong and are trying to bring about change are being supressed by numerous factors such as society culture etc., women are being constrained by psychological barriers that have been created over a period. These barriers are preventing them from moving forward. We must first ensure that these psychological barriers are removed so that women are able to thing independently and for themselves rather than to be within the limits set by other factors. Most of us have been subject to gender stereotype. Children are taught the ways as to how a boy should behave and how a girl should behave. Any change is not accepted which put down them down preventing them from being who they want to be with the fear of being outcasted by the society. This is taking away from people their individuality. It is time to stop stereotyping. What many forget is that women and men are biologically different. They undergo different process during their life time. Women are stigmatised from menstruating or giving birth to children. These must be talked about more openly to normalise them as nothing more than biological processes. It should be stopped from becoming a means of discrimination between men and women.

Stop objectifying women. Objectifying refers to thinking of individuals as objects in both general and sexual manner. Objectification[viii] is more with respect to women than men. It if forgotten that they too are individuals, moreover human beings and therefore must be conferred with the same status. Media has influenced the lives of people. They have also become a platform for objectification through various advertisements that are broadcasted a vast number of times in a single day. Though not voluntary this ad's which glamorise violence and objectify women effect the mid sets of people including that of children. This has led to acceptance of glamorisation and objectification as normal in the society which further influences the acts of people. The same is carried around for generations. That becomes the reason for the change of this mindset to take much longer than necessary.

The society has assigned gender roles[ix] which must not be deviated from. What people fail to understand is that what is considered as an accepted gender role in one society is not the same in another. This leads to misconceptions among people. What is deviant in one society may not be deviant in another. Understanding this aspect is essential to aid women empowerment. It creates a restriction on women as, in the present day, there are

many opportunities which come up for the sake of their empowerment but they are unable to utilise them with the fear of deviating from their gender role. Role reversal must be accepted as in individual's choice against comparing it to what is deemed right.

Establishing high levels of corporate leadership in order to promote gender equality Is mandatory[x]. It becomes a medium to show women what they may achieve if only they were to fight for it and not give up. Society must ensure the protection of victims of violence rather than criticizing them. Victims must be protected as they set an example to other victims. When other see the kind of treatment that victims are given or the blame that is attached to them for being the reason a crime was committed against them, it would hold back other victims from coming out to seek justice. Education and awareness about the option of 'resilience'. Women must be informed that they have the option to resist any atrocity against them. It is completely their choice to let them become victims or warriors.

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[i]2285-2250 BCE. She is the world's first author //known by name and was the daughter of Sargon of Akkad-Sargon the Great, 2334-2279 BCE

[ii]was the Sumerian goddess of love, beauty, sex, desire, fertility, war, combat, and political power, equivalent to the Akkadian and Babylonian goddess Ishtar. She was also the patron goddess of the Eanna temple at the city of Uruk, which was her main cult center. She was associated with the planet Venus and her most prominent symbols included the lion and the eight-pointed star.

[iii]Cleopatra, was the last active ruler of Ptolemaic Egypt, briefly survived as pharaoh by her son Caesarion.

[iv]She was a queen of the British Celtic Iceni tribe who led an uprising against the occupying forces of the Roman Empire in AD 60 or 61

[v]Sheis a figure in the Book of Genesis in the Hebrew Bible

[vi]Pandora is a figure from Greek mythology ,who was not only the first woman, but --as an instrument of the wrath of Zeus-- was held responsible for releasing the ills of humanity into the world.

[vii]It is the method by which items go into preset places, a reference used to relate to how pigeons enter their home in pigeon farms.

[viii]Objectification, refers to the act of treating individuals as mere instrument of sexual pressure

[ix]Gender roles refer to the role or behaviour learned by a person as appropriate to their gender, determined by the prevailing cultural norms

[x]A goal set by the United Nations with respect to women empowerment.