

Research Article

Status and Perception of Women Based on Gender Exclusion Due to Religio-Historical Factors

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ABSTRACT

Exclusion has been practiced towards individuals and groups since time immemorial. They are deprived of rights, dignity, amenities and possibilities, which are otherwise accessible to other people, in an organized, well-planned manner. People are isolated on the basis of gender; class; race, racial roots and skin colour; religious leanings; cultural preferences; economic status; political inclination/s; healthcare, academic standing; living style; appearance; and dressing style. Social exclusion is a forcefully aggressive process. It is advocated comparatively; an individual's/ a group's situation/s is/ are compared with those of another/ others based on socio-religio-historical contexts. It is not one-dimensional but multi-dimensional. Gender based seclusion can be witnessed everywhere even in the present day. Women, who constitute fifty percent of the population, are denied social rights and resources; suppressed; cheated of social involvement and cultural inclusion. The reason behind this is that girls and boys are brought up differently. They are given distinct roles and taught contrasting values. In due course, this 'gendering,' at a very early age, leads to their exclusion at every stage of life, which results in oppression. The society fails, at large, in incorporating their due concerns in the social domain. Thus, seclusion, which is the result of apathy, provides, basis for inequality, making one member of the society feel superior to the other. This marginalization is a deep-rooted problem which is the consequence of the social system which is prevalent in the country. During the times of *Vedas* and *Upanishads*, women enjoyed respect and freedom. The advent of *Smritis* redefined the status of

women. With the passage of time, her role changed. She was made more submissive and had to acquiesce to men. The present paper deals with the changed perception and status of women, primarily based on the *Manusmriti*. (289 words)

Keywords: Exclusion, Freedom, Perception, Status, Women

INTRODUCTION

Social exclusion is a discriminatory practice. When people are completely or partly denied social, economic, cultural and political inclusion, based on gender; class; race, racial roots and skin colour; religious leanings; cultural preferences; economic status; political inclination/s; healthcare, academic standing; living style; appearance; and dressing style, they are said to be socially secluded. Their identities are questioned and they are denied their basic rights that are required to acquire and sustain an invariably acceptable lifestyle according to their capabilities. This bigoted behaviour is also encountered by people with disability, those belonging to minority groups, people from LGBTQ community as also those who tend to question authoritative practices, norms and values widespread in the society, which shape social interactions and relations.

The indisputable impact of social exclusion is different for the destitute. They are denied use of resources which are, otherwise, readily available to those belonging to the affluent strata of the society. Exclusion keeps people out of rewards of growth. It dismisses them by not allowing them to take advantage of opportunities, choices and does not give them voice/s to assert their rights. It, thus, makes the chasm wider than bridge it. Social exclusion can also mean ‘selective inclusion’ for some wherein the ‘socially excluded groups’ would get contrasting treatment over others. “Sometimes exclusion is deliberate and explicit—for example, when people are denied access to a particular facility. Sometimes it can be explicit and unintentional, and is simply a result of people adhering to ingrained norms and values, and established forms of social interaction.”¹

Exclusion is not merely an economic phenomenon. It is an active process with ever changing situations. Émile Durkheim (1897) termed ‘social exclusion as anomie which he viewed as a breakdown of social bonds between an individual and the community that result in social alienation and the fragmentation of social identity.’ W.

¹http://www.pacsindia.org/about_pacs/what-is-social-exclusion

Garry Runciman (1966) points out that modern viewpoints do not correlate with the factual data pertaining to economic, social and political inequalities. There is a huge inconsistency between social imbalance and people's understanding of it and their voice about the injustice of it all. Runciman analysed that people feel cheated at the unfair treatment meted out to them when they compare themselves to those who are given a different treatment. The sense of exclusion, thus, becomes more pronounced.

René Lenoir (1974) is "credited to have coined the term 'social exclusion' in a social policy context, identifying *les exclus* as unprotected special needs and deviant population."² Peter Townsend co-founded the Child Poverty Action Group in 1965 with Brian Abel-Smith.³ He found that 'when resources are unequally distributed people feel excluded from the ordinary living activities of society' (1979). For him, 'unequal access to income, basic goods, public services and citizenship rights are the starting points for understanding poverty and social exclusion.' In Michael Mann's (1986: 2) analysis of social exclusion, it is to understand the place that human groups occupy in "social power networks." Hilary Silver (1994) investigates the connection between social exclusion and strategies to advance social inclusion. She also questions the contrast between invariable penury and 'dynamic exclusion,' which is a 'historical process while at the same time a static condition which can be referred to as a condition of being socially excluded' or "excluded ness."

Social exclusion results from the break of relationships between the society and the people. This is aptly explained by Graham Room (1992, 1995). He points out that the concept is referring to:

People who are suffering such a degree of multi-dimensional disadvantage, of such duration, and reinforced by such material and cultural degradation of the neighbourhoods in which they live that their relational links with the wider society are ruptured to a degree irreversible. This is the core of the concept... inadequate social participation, lack of social protection, lack of social integration and lack of power.

According to Axel Honneth (1991), exclusion denies a person "social recognition." Based on Michel Foucault's *History of Madness*, Honneth (1995) argues that a socially excluded individual is prevented from having 'social recognition' and 'social value.' On a political level, a person is socially recognized when she/ he is a citizen; on the economic front, the person has to have enough money to be financially

²https://www.researchgate.net/publication/332426012_Social_Exclusion

³https://en.wikipedia.org/wiki/Child_Poverty_Action_Group

independent; and, culturally, cognizance has to be taken for her/ his language, race, colour, ethnicity and gender. Norbert Elias points out:

...the exclusion and the stigmatization of those excluded turned out to be powerful weapons that were used by the old-established residents to keep their identity, to reaffirm their superiority, to maintain the outsiders firmly in their place. (1998: 86)

This approach to a 'relational perspective on exclusion demands a group, rather than an individual, analysis, that recognizes human interdependence as its foundation.'

In his work on social exclusion and potential impoverishment, Amartya Sen embraces a connected stance. He argues that social exclusion emphasises concentration on the 'disadvantages arising from being excluded from shared opportunities enjoyed by others.' Referring to classical Greek. Sen writes: "In this Aristotelian perspective, an impoverished life is one without freedom to undertake important activities that a person has reason to choose" (2204: 4). Analogous to the eighteenth century writings of Adam Smith, according to whom "the (in)ability to appear in public without shame" is a dominant deprivation in itself, Sen feels "the real importance of the idea of social exclusion lies in emphasizing the role of relational features in the deprivation capability..." (2000: 8)

In the same context, Arjan de Haan writes:

The concept of [social exclusion] takes us beyond mere descriptions of deprivation, and focuses attention on social relations and the processes and institutions that underlie and are part and parcel of deprivation. (2001:26)

These are various *processes* that drive exclusion and they work at different levels. To this effect, Jordi Estivill writes:

Social exclusion must... be understood as an accumulation of confluent processes with successive ruptures arising from the heart of the economy, politics and society, which gradually distances and places persons, groups, communities and territories in a position of inferiority in relation to centres of power, resources and prevailing values. (2003:19)

There are no absolutes in exclusion. It is a relative concept. An individual can be excluded only in comparison with other members of a society. It depends on the extent to which an individual is able to associate and identify with others (Bossert *et al.*, 2007).

Closer to home there is the case of Rohingya Muslims. This is a clear-cut case of exclusion by monopoly (third paradigm of Hilary Silver's theory).⁴ They had been residing in Myanmar for generations. In 2017 the government decided not to give them "citizenship." Millions were displaced and became refugees in India and Bangladesh. Even in their adopted countries they are excluded with little to no rights.

In many societies, exclusion is also gender based. Girls and boys are brought up differently. They are taught dissimilar values and contrasting roles are assigned to them. John Stuart Mill had voiced strong opinions about discrimination on the basis of gender.

... the principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other. (1870: 1)

Simone de Beauvoir had written: "One is not born, but rather becomes, woman" (1949: 283). This 'gendering' results in exclusion of women from almost all spheres of life and prevents them from attaining important positions in the society. Gender exclusion results from pressure/s of family and society. It also arises from economic deprivation and lack of participation in politics (viz. not given the right to vote). In India, gender exclusion has been practised for centuries as a result of deeply-rooted patriarchal structure/s. It would be safe to point out that exclusion has its own sober field of interconnecting regimens along caste, class and gender axis to place the subsequent arguments.

Social Exclusion in Indian Context

In India, discrimination results from disparity between social relations and institutions. Hence, individuals/ groups are excluded, isolated and deprived due to every facet. The allocation of civil, cultural and economic rights is heterogeneous, inequitable and

⁴Hilary Silver's three paradigms of exclusion are solidarity, specialization and monopoly. In the solidarity paradigm the breakdown of the social bond between the individual and society is considered as exclusion. Here exclusion is cultural and moral, rather than economical. It is the cultural boundaries that construct a world which defines the poor, the unemployed and ethnic minorities as "deviant outsiders." In the specialization paradigm, exclusion means discrimination. In this paradigm of social exclusion the movement of people across economic divisions of labour and spheres of social life are prevented which keep people legally separate. In the third paradigm, monopoly, exclusion is a consequence of the formation of group monopolies. Powerful groups, harping on distinctive cultural identities and institutions, restrict some groups from accessing the resources through a process of "social closure," making them outsiders in their own country.

hierarchical. It is not merely that they are not given dignity, equality, social status and freedom but they are not accorded basic human rights. This is especially true for women. This disparity acts as a hindrance in their personal development/ growth.

Subramanyam and Shekhar (2010) point out that exclusion is a ‘process by which individuals or households experience deprivation either of resources or social links to wider community or society.’ David Byrne (2009) mentions ‘all aspects of social exclusion including the historical development of ideas, the linguistic content of term, and the processes of restructuring from an industrial to post-industrial society within which social exclusion is embedded and policies, which are asserted to be the interest of inclusion.’

Amartya Sen talks about different meanings and dimensions of exclusion. People are excluded or included and this variation is described in adverse terms. He expresses both the situations as “unfavourable exclusion” or “unfavourable inclusion.” The “unfavourable inclusion” also gives disparate treatment, which would have similar detrimental effects as “unfavourable exclusion.” There is active and passive exclusion. According to him:

... it is important to distinguish between ‘active exclusion’—fostering of exclusion through the deliberate policy interventions by the government, or by any other wilful agents (to exclude some people from some opportunity), and ‘passive exclusion,’ which works through the social process in which there are no deliberate attempts to exclude, but nevertheless, may cause exclusion from a set of circumstances. (1-3; 14)

Sen also differentiates between the “constructive relevance” of exclusion and “instrumental importance.” He states that exclusion results from not being able to relate to others. If an individual cannot participate in matters relating to community, life of that person would be further crippled, ‘in addition to further deprivation it may generate’ (19). He points out that exclusion also results from bias of race and gender. He states that the ‘perspective of social exclusion is broad and inclusive, but need not lack coherence or cogency, if used with discrimination and scrutiny’ (2004: 2).

Y Chinna Rao mentions certain facets of exclusion in Indian context. Firstly, he focuses on “normative and participative membership or engagement.” Secondly, he discusses the “Dominant Orientations of the Social Problems.” Thirdly, he points to ‘theoretical referents’ which are ‘Indian democratic system, religion, Identity and consciousness’ with reference to social exclusion. Fourthly, he ‘emphasises on the purpose of the concept for policy—to re(frame) social problems and promote welfare state reform.’ Fifthly, he draws ‘attention to desired outcome and included or excluded

individuals of the society.’ Finally, he concludes with ‘use of empirical operations to eliminate the persistent social exclusion with long-term inclusion’ (2010: 4).

Most women in India, barring a few, lead a miserable life. They face violence and abuse constructed by the relationship of power rooted in caste, class and gender discrimination.

Need of Study

Social exclusion/ inclusion of women depend on their status in society. In this study, an attempt will be made to evaluate women’s status in the present based on the structural framework of gender relations in ancient India.

Background

Women play an important role in any society. According to Altekar:

One of the best ways to understand the spirit of a civilization and to appreciate its excellences and realise its limitations is to study the history of the position and status of women in it. (1938: 1).

Ancient Indian texts have shed light on the presence and status of women. Historians, however, while reconstituting the past, have generated certain spaces for women that exist only within ‘definite parameters’ (Chakravarti and Roy 1988). Through the years, women’s studies in India have tried to throw light on their status. They have focussed on a certain set of questions. ‘These queries and their parameters seek to explore women’s roles and positions in different socio-cultural, as well as economic and political spheres of the country’ (Sharma 2014). The societal structure tended to shape gender roles in ancient India. Nevertheless, this influence varied over time and space due to change in socio-cultural praxis and practices (Chakravarti and Roy).

Early Vedic Period (1500 BC—1000 BC)

In this period women enjoyed a dignified and respectable status. In Dravidian culture, women were respected and entitled to participate in affairs of home and family (Marr 1975). They were also involved in socio-cultural activities.

Women were free to take part in war, archery, horse-riding, gymnastics, education, and public activities, decision-making and in selection of male partners during the time of *Rig Veda* (Altekar). Devi and Subrahmanyam (2014) explain that ‘the value of women and the respect shown towards them was not only limited to the idea of the mistress of the house, rather, women demonstrated huge potential for contributing

to human civilization during Vedic period.’ Also, despite the desire to have sons, daughters were happily accepted, treated well and girls’ education was given importance during Vedic times (Thakran and Thakran, 1975). Women not only enjoyed autonomy in family affairs but were equal partners as well. They were honoured as the “very source of *Purusārthas*, not only *Dhárma*, *Artha* and *Káma* but even *Moksa*” (Nandal and Rajnish, 2014: 22).

Women were also economically independent. They were in professions of health, well-being and education (Altekar). They were also engaged in spinning, weaving and helping their husbands in the fields. They had the complete right to participate in religious ceremonies and rituals; perform sacrifices with their husbands; had freedom to read sacred literature, and take part in religious debates.

Epic or Later Vedic Period (1000 BC—600 BC)

In this period, women were respected and enjoyed a dignified position both within and outside home. Both *Rāmāyana*⁵ and *Mahābhārata*⁶ portray women as a source of *dharma*, pleasure and prosperity. According to Thakur, “the bride is designated as the queen of the house whose position is supreme above all the members of the groom’s family” (2017: 382). Women, in both epics, are strong-willed, full of courage, have great values and hold key positions in the scheme of things as well as in the lives of people, especially men, around them.

Mother played a pivotal role during this time. Ganguli has talked about the role of Mothers in the *Mahābhārata*. He points out that the ‘*Mahābhārata* upheld the religious importance of mother for the betterment of the family [and that] the character as well as the contribution of Mothers, that is, *GaEgā*, *Gāndhārī*, *Uttarā* and *Kuntī*, towards their families’ benediction is considered worth mentioning’ (1883-1896 Vol. 12).

Age of *Dharmaśāstras*, *Mānusrīti* (200 BC—647 AD)

With Mánu’s codification of laws to govern the society in *Mānusrīti* or *Manav Dharmaśāstra*,⁷ the right to education for women was discontinued. As a result, they could not read religious texts. During the age of *Dharmaśāstras* (rules pertaining to

⁵<https://www.ancient.eu/TheRamayana/Rāmāyana> was written in 5th century BCE by Valmiki.

⁶<https://www.ancient.eu/Mahabharata/Mahābhārata> is thought to have been written in 4th century BCE by Vyasa.

⁷The metrical text is in Sanskrit, is variously dated to be from the 2nd century BCE to 3rd century BCE, and it presents itself as a discourse given by Manu (*Swayambhuva*) and *Bhrigu* on *dharma* topics such as duties, rights, laws, conduct, virtues and others. <https://en.wikipedia.org/wiki/Manusmriti>

right conduct in the society), rights of women were curtailed, which gave rise to many problems. They were relegated to the background. Pre-puberty/ child marriage was allowed and husband was given status of god (Altekar), further limiting the rights of women. Patriarchal structure increased the oppression of women. They were not allowed to offer prayers and sacrifices and were prohibited from participating in any religious activities.

DISCUSSION

According to Wadley, “the basic rules for women’s behaviour, as expressed in the Laws of Mánu, ca. AD 200, stress the need to control women because of their evil character” (1977: 119). ‘Mánu’s codification also asserted that women were not at all independent, either in childhood or adulthood, nor when she is aged’ (Wadley). They were presented as vicious, evil-minded, spiteful and hostile. Hence the age of *Mánusmṛiti* was identified with subjection of women.

This can be illustrated with a few *ślokas* from *Mánusmṛiti*.

2.213. It is the very nature of women to corrupt men. It is for this reason that the wise are never unguarded against women.⁸

2.214. In this world women are capable of leading astray the ignorant, as well as the learned...⁹

3.10. One should marry a female with a faultless body, bearing an agreeable name, having her gait like that of the swan or the elephant, having fine hair on the body and the head, and fine teeth, and with tender limbs.¹⁰

3.239.... the pig... as also the dog, the unclean (menstruating) woman... should not look at the Brāhmanas while eating.¹¹

4.57. Let him [Brāhmana]... not converse with a menstruating woman.¹²

⁸ स्वभावएषनारीणांनराणामिहदूषणम्।
अतोऽर्थात्रप्रमाद्यन्तिप्रमदासुविपश्चितः॥२१३॥

⁹ अविद्वांसमलंलोकेविद्वांसमपिवापुनः।
प्रमदाहयुत्पथनेतुकामक्रोधवशानुगम्॥२१४॥

¹⁰ अव्यङ्गाङ्गीसौम्यनाम्नीहंसवारणगामिनीम्।
तनुलोमकेशदशानामृद्वङ्गीमुद्वहेत्स्त्रियम्॥१०॥

¹¹ चाण्डालश्चवराहश्चकुक्कुटःश्वातथैवच।
रजस्वलाचषण्डश्चनैक्षेरन्नश्रुतोद्विजान्॥२३९॥

¹² नैकःसुप्यात्सून्यगेहेनश्रेयांसंप्रबोधयेत्।
नोदक्ययाऽभिभाषेतयज्ञंगच्छेन्नचावृतः॥५७॥

5.89. [A Brāhmana should stay away] Also from women, who have joined a heretic, who behave too freely, who have injured a child in their womb or their husband, and those who drink wine.¹³

Discourse V is titled “Sources of Evil,” and Section XIV expounds ‘duties of women.’¹⁴

5.145. Whether she be a child, or a young woman, or an aged woman, she should not do any act by herself, even in the house.¹⁵

5.146. In childhood she should remain under the control of her father, in youth under that of her husband, and on her husband’s death under that of her sons; the woman should *never have any recourse to independence*.¹⁶

5.147. She should never seek separation from her father, husband or sons: by separating, the woman would render both families disreputable.¹⁷

5.149. Him to whom her father may give her,—or her brother with the father’s permission,—she shall attend upon as long as she lives, and shall not disregard him when he is dead.¹⁸

5.152. Be he ill-mannered or of licentious habits or destitute of good qualities,—the husband should always be *attended upon like a god* by the true wife.¹⁹

5.154. The good wife... should never do anything that may be disagreeable to her husband, alive or dead.²⁰

¹³ पाषण्डमाश्रितानांचचरन्तीनांचकामतः।
गर्भभर्तृदृहांचैवसुरापीनांचयोषिताम्॥८९॥

¹⁴ <https://www.wisdomlib.org/hinduism/book/manusmriti-with-the-commentary-of-medhatithi/d/doc200529.html>

¹⁵ बालयावायुवत्यावावृद्धयावाऽपियोषिता।
नस्वातन्येणकर्तव्यंकिंचिद्कार्यंगृहेष्वपि॥१४५॥

¹⁶ बाल्येपितुर्वशेतिष्ठेत्पाणिग्राहस्ययौवने।
पुत्राणांभर्तृप्रेतेनभजेत्स्त्रीस्वतन्त्रताम्॥१४६॥

¹⁷ पित्राभर्त्रासुतैर्वाऽपिनेच्छेद्विरहमात्मनः।
एषांहिविरहेणस्त्रीगर्ह्यकुर्यादुभेकुले॥१४७॥

¹⁸ यस्मैदद्यात्पितात्वेनांभ्रातावाऽनुमतेपितुः।
तंशुश्रूषेतजीवन्तंसंस्थितंनलङ्घयेत्॥१४९॥

¹⁹ विशीलःकामवृत्तोवागुणैर्वापरिवर्जितः।
उपचार्यःस्त्रियासाध्यासततदेववत्पतिः॥१५२॥

²⁰ पाणिग्राहस्यसाध्वीस्त्रीजीवतोवामृतस्यवा।
पतिलोकमभीप्सन्तीनाचरेत्किंचिदप्रियम्॥१५४॥

5.159. That woman, however, who from longing for a child, disregards her husband, brings disgrace to herself in this world and falls off from her place in the other world.²¹

5.162. That woman, who, through failure in her duty to her husband, becomes an object of contempt in this world, comes to be born as a jackal and is tormented by foul diseases.²²

These *shlokas* are full of instructions for women and how they should behave in the presence of men; whether they be fathers/ brothers/ husbands and/ or sons. Women would go to heaven only if they are ‘dutiful’ and ‘obedient.’ They are not at liberty to do anything of their free will. At every stage of life, they have to be dependent on men.

8.371. If a woman, proud of relations and her qualities, passes over her husband, the king shall have her devoured by dogs in a place frequented by many.²³

9.2. During the day and the night women should not be left to themselves by their men. If they become addicted to sensual objects, they should be kept under one’s control.²⁴

9.3. The father guards her during virginity, the husband guards her in youth, the sons guard her in old age; the woman is never fit for *independence*.²⁵

9.5. Women should be specially guarded against even small attachments; for, if not guarded, they would bring grief to both families.²⁶

²¹ अपत्यलोभाद्यातुस्त्रीभर्तारमतिवर्तते।
सेहनिन्दामवाप्नोतिपरलोकाच्चहीयते ॥ १५९ ॥

²² व्यभिचारात्तुभर्तुःस्त्रीलोकेप्राप्नोतिनिन्द्यताम्।
शृगालयोनिप्राप्नोतिपापरोगैश्चपीड्यते ॥ १६२ ॥

²³ भर्तारंलङ्घयेद्यातुस्त्रीज्ञातिगुणदर्पिता।
तांश्चभिःखादयेद्राजासंस्थानेबहुसंस्थिते ॥ ३७१ ॥

²⁴ अस्वतन्त्राःस्त्रियःकार्याःपुरुषैःस्वैर्दिवानिशम्।
विषयेषुचसज्जन्यःसंस्थाप्याआत्मनोवशे ॥ २ ॥

²⁵ पितारक्षतिकौमारेभर्तारक्षतियौवने।
रक्षन्तिस्थविरेपुत्रानस्त्रीस्वातन्त्र्यमर्हति ॥ ३ ॥

²⁶ सूक्ष्मेभ्योऽपिप्रसङ्गेभ्यःस्त्रियोरक्ष्याविशेषतः।
द्वयोर्हिकुलयोःशोकमावहेयुररक्षिताः ॥ ५ ॥

9.6. Looking upon this as the highest duty... even weak husbands strive to guard their wives.²⁷

9.13. Drinking, associating with wicked people, separation from her husband, rambling, sleeping and residence at other's house are six corrupters of women.²⁸

9.14. They care not for beauty; they have no regard for age; be he handsome or ugly, they enjoy the man simply because he is a male.²⁹

9.15. Even though carefully guarded, they injure their husbands, on account of their passion for males, of fickle mindedness and of innate want of tenderness.³⁰

9.16. Knowing this disposition to be innate in them, from the very creation of the lord, the man should make the highest effort to guard them.³¹

9.17. Manu assigned to women sleep, sitting, ornament, lust, anger, dishonesty, malice and bad conduct.³²

9.18. For women there is no dealing with the sacred texts; such is the rule of law; the fact is that, destitute of organs and devoid of sacred texts, women are 'false.'³³

9.46. Either by sale or by reputation the wife is not released from her husband; such is the law that we know...³⁴

9.78. If the wife disregards her husband who is mad, or intoxicated, or afflicted by disease, she should be deprived of ornaments... and abandoned for three months.³⁵

²⁷ इमं हि सर्ववर्णानां पश्यन्तो धर्ममुत्तमम्।
यतन्ते रक्षितुं भार्याभर्तारो दुर्बला अपि ॥ ६ ॥

²⁸ पानं दुर्जनसंसर्गः पत्या च विरहोऽटनम्।
स्वप्नोऽन्यगेहवासश्च नारी सन्दूषणानि षट् ॥ १३ ॥

²⁹ नैतारूपं परीक्षन्ते नासां वयसि संस्थितिः।
सुरूपं वा विरूपं वा पुमानित्येव भुञ्जते ॥ १४ ॥

³⁰ पौंश्चल्याच्च लचिताच्च नैस्त्रेह्याच्च स्वभावतः।
रक्षिताय ततोऽपीह भर्तृष्वेता विकुर्वते ॥ १५ ॥

³¹ एवं स्वभावं ज्ञात्वाऽसां प्रजापतिर्निसर्गजम्।
परमं यत्नमातिष्ठेत्पुरुषोरक्षणं प्रति ॥ १६ ॥

³² शय्याऽऽसनमलङ्कारं क्रोधा मन्त्रं क्रोधमनार्जवम्।
द्रोहभावं कुचर्या च स्त्रीभ्यो मनुरकल्पयत् ॥ १७ ॥

³³ नास्ति स्त्रीणां क्रियामन्त्रैरिति धर्मव्यवस्थितिः।
निरिन्द्रिया ह्यमन्त्राश्च स्त्रीभ्योऽनृतमिति स्थितिः ॥ १८ ॥

³⁴ न निष्कृत्य विसर्गाभ्यां भर्तुर्भार्या विमुच्यते।
एवं धर्मविजानीमः प्राक् प्रजापतिर्निर्मितम् ॥ ४६ ॥

³⁵ अतिक्रामेत्प्रमत्तं याम् ततो गार्तमेव वा।
सा त्रीन्मासान्परित्याज्या विभूषणपरिच्छदा ॥ ७८ ॥

9.80. If the wife is a drunkard, or false in conduct, or rebellious, or diseased or mischievous, or wasteful,—she should be superseded.³⁶

9.81. The barren wife shall be superseded in the eighth year... in the eleventh she who bears only daughters; but immediately she who talks harshly.³⁷

9.83. On being superseded, if a wife, in anger, should go away from the house, she shall be either immediately confined, or cast off in the presence of the family.³⁸

9.84. If the wife, though forbidden, drinks wine... she shall be fined six ‘Kanas.’³⁹

9.92. When the girl chooses her own husband, she should not take away any ornaments given to her by her father, or mother or brother; if she did take them, she would be a thief.⁴⁰

9.230. On women, boys, men out of their minds, the poor and the sick, the king shall inflict punishment with creepers, barks, ropes and so forth.⁴¹

It is clearly evident from the aforementioned *shlokas* that gender bias appears to be working towards exclusion of women. They had no right to study, to be financially independent, to be free and to take their own decisions. Throughout their lives, they had to be dependent on men. Mánu accredited women with vices such as ‘lust, anger, dishonesty, malice and bad conduct.’ They had to be guarded at every step as they could lead even the ‘learned astray.’

Men had the right to oppress them, leave them, crush their individuality and generally suppress their every right to lead a free life.

Argument

The ambiguity is that despite the detrimental verses against women, Mánu is also

³⁶ मद्यपाऽसाधुवृत्ताचप्रतिकूलाचयाभवेत्।
व्याधितावाऽधिवेत्तव्याहिंसाऽर्थघ्नीचसर्वदा ॥ ८० ॥

³⁷ वन्ध्याष्टमेऽधिवेद्याब्देदशमेतुमृतप्रजा।
एकादशेस्त्रीजननीसद्यस्त्वप्रियवादिनी ॥ ८१ ॥

³⁸ अधिविन्नातुयानारीनिर्गच्छेद्वृषितागृहात्।
सासद्यःसंनिरोद्धव्यात्याज्यावाकुलसंनिधौ ॥ ८३ ॥

³⁹ प्रतिषिद्धाऽपिवेद्यातुमद्यमभ्युदयेष्वपि।
प्रेक्षासमाजंगच्छेद्वासादण्ड्याकृष्णलानिषट् ॥ ८४ ॥

⁴⁰ अलङ्कारनाददीतपित्र्यंकन्यास्वयंवरा।
मातृकंभ्रातृदत्तंवास्तेनास्याद्यदितंहरेत् ॥ ९२ ॥

⁴¹ स्त्रीबालोन्मत्तवृद्धानांदरिद्राणांचरोगिणाम्।
शिफाविदलरज्ज्वाद्यैर्विदध्यात्पतिर्दमम् ॥ २३० ॥

credited with oft quoted lines: “Where women are honoured, there the gods rejoice; where, on the other hand, they are not honoured, there all rites are fruitless.”⁴² He writes: “Where the female relations live in grief, the family soon wholly perishes; but that family where they are not unhappy ever prospers.”⁴³ He further elaborates: “Hence men, who seek (their own) welfare, should always honour women on holidays and festivals (gifts of) ornaments, clothes, and (dainty) food.”⁴⁴ Happiness and welfare of family depend on the husband keeping the wife happy. “In that family, where the husband is pleased with his wife and the wife with her husband, happiness will assuredly be lasting.”⁴⁵

He also points out that men and women should have equal right/s to the property of their father.

Gender partisanship was becoming part of the society during this period. Women were constantly deprived of all rights. The ‘preference for sons was at its apex during this period, which, too, curtailed freedom of women and girls’ (Shamasastri, 1956: 222).

Mánu writes: “When he has touched... a menstruating woman, an outcast... a corpse... he becomes pure by bathing.”⁴⁶ A man is free to marry after the death of his wife but the same principle does not apply to a woman. If a woman gets free with a man, she is punished but not so for a man. “If a man of equal status violates an unwilling maiden, he deserves death; but if he violates a willing one, he shall not suffer death.”⁴⁷ She neither seems to have any qualities or an identity of her own. “When a woman is united in one form with a man possessed of certain qualities, she becomes herself endowed with similar qualities,—like a river united with the ocean.”⁴⁸

⁴² यत्रनार्यस्तुपूज्यन्तेरमन्तेतत्रदेवताः।
यत्रैतास्तुनपूज्यन्तेसर्वास्तत्राफलाःक्रियाः॥५६॥

⁴³ शोचन्तिजामयोयत्रविनश्यत्याशुतकुलम्।
नशोचन्तितुयत्रैतावर्धतेतद्वहिसर्वदा॥५७॥

⁴⁴ तस्मादेताःसदापूज्याभूषणाच्छादनाशनैः।
भूतिकामैर्न रैर्नित्यसत्कारैरूपसवेष्टुच॥५९॥

⁴⁵ सन्तुष्टोभार्ययाभर्ताभर्त्राभार्यातथैवच।
यस्मिन्नेवकुलेनित्यं कल्याणं तत्रवैध्वम्॥६०॥

⁴⁶ दिवाकीर्तिमुदक्यांचपतितंसूतिकांतथा।
शर्वतत्स्पृष्टिर्नचैवस्पृष्ट्वास्नानेनशुध्यति॥८४॥

⁴⁷ योऽकामांदूषयेत्कन्यांससद्योवधमर्हति।
सकामांदूषयस्तुल्योनवधंप्राप्नुयान्नरः॥३६४॥

⁴⁸ यादृग्गुणेनभर्त्रस्त्रीसंयुज्येतयथाविधि।
तादृग्गुणासाभवतिसमुद्रेणैवनिम्नगा॥२२॥

Another important factor is that the woman, who keeps the embryo in her womb, is given little to no importance as compared to semen provided by man. “As between the seed and the womb, the seed is declared to be superior; because the production of all things is marked by the characteristics of the seed.”⁴⁹ Considering that there was so much gender-bias, ‘the-then Brahmanical society stressed its power over women’s sexuality. The *Mānusmṛiti* stated that a woman’s submission to male control in any sexual relationship was the principle duty of her life’ (Wadley).

CONCLUSION

Women enjoyed a dignified and impressive position in the early Vedic period, and Epic period. It was later, during the time of *Dharmaśāstras*, that their position became unsatisfactory as they were treated like subordinates. This not only threatened their status and security but the socio-cultural and politico-economic scales were tipped as well. The gender biased inequity, Brahmanical code of conduct and the strict patriarchal societal norms resulted in the exclusion of women from almost all spheres of life. Severe constraints instigated by the inflexible society, reduced women to offensively materialistic, sexual objects, who were governed merely by their baser instincts; which resulted in men wanting to control them at every stage.

Needless to say that we have come a long way since the *Mānusmṛiti*, however, gender-bias is still very much a part of Indian society. A lot of effort has to be put in still, to make the invisible visible, so that they can take their rightful place in the society for which Amartya Sen (1990, 1992, 2003) used the concept of the ‘missing woman’ to highlight the bias against one section. Women, who constitute fifty percent of the population, should be given their due for the society to function in a balanced manner.

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⁴⁹ बीजस्यचैवयोन्याश्चबीजमुत्कृष्टमुच्यते।
सर्वभूतप्रसूतिर्हिबीजलक्षणलक्षिता॥३५॥

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