I

GENERAL INTRODUCTION
Gender asymmetry in role formations and relationships around the institution family is the central problem that has been addressed in detail in the present study. The study is an attempt to draw an erudite attention into the phenomenon called ‘family’ that seems to be taken-for-granted in every locale of the human lives. It is at one level a study of the conceptualizations and theorizations on family and gender. The introduction of gender into the concepts of marriage and kinship that constitute the family has happened recently by the feminist theoretical interventions. As the family and the individuals involved in it are the basic constituents of the society and in view of the fact that it is the battle field of the sexes through interpersonal relationships, its interpretations may be fitting well with the areas of social theorization and social transformation. Gender as a category of analysis endows greatly in this study and it interlace with various disciplines.

The gender coldness of the family as an institution is a universal phenomenon irrespective of religion/caste/class/ethnicity. The family concept in the present Indian social context seems to be reflecting the model in the ancient text *Manu-Smrti* and so the analysis of the text turns to be crucial. Various writers in modern India has been quoting and criticizing the verses of the text in terms of its agenda to develop difference and power structure in the social order. A feminist reading of the text and an analysis on the discourses influenced by the concepts of the text is critical, as the gender asymmetries are socially produced and reproduced.
Understanding the conceptualization and function of family, and analyzing the 
gathering of gender as a category in it, compile the main objectives in this study. 
These aspirations engross the exploration for answering some basic questions. How 
the behavioral or habitual differences between sexes come into existence with 
influence of the existing social norms and why relations between women and men 
regularly seem to involve domination and subordination are the main questions that 
may be coming under concern of this study. To proceed with such a search entails 
the understanding of some basic metaphysical problems starting from, ‘what is a 
woman’\(^1\), ‘what is a man’, ‘what is family’ and ‘what is gender’. Not only such 
metaphysical and ontological points are concerned but the epistemological views are 
also concerns for this study. This is precisely because a woman friendly research 
differs from the mainstream epistemology which has been operating with the illusion 
that knowing is universal and perspectiveless.\(^2\)

Conceiving family as a gendered and gendering space, this study tries to sharpen 
the understanding of the interface of normative images of family. Any person 
consciously ‘being-in-the-world’\(^3\) can see the family system and man-woman roles 
existing within modern Indian ‘law and order’ are more or less a copy of that 
prescribed by the ancient *brahmanical* text *Manu-Smriti* that was written around the

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\(^1\) Simone de Beauvoir, *The Second Sex*, translated and edited by H.M.Parshley, with an Introduction 
by Margaret Crosland (New York: Alfred A. Knopf, 1980) 
beginning of Christ era. Manu, the accredited author gives the picture of the concept of ‘family’ and ‘gender’, by the description of the household, householder, wife and son, and their roles etc. in the text. Even though he didn’t use the terms family and gender, these accounts give rise to the hypothesis that the ‘gendered/gendering family’ exists almost in an analogous form in the contemporary India. This study is with the postulation that the nature and structure of the family system has not changed much favorably to women, even with the weight of all kinds of socio-economic, cultural developments and the philosophical, political upheaval of the last centuries, in the region latter on termed as India.

This study is basically a conceptual analysis and follows various analytical ways such as textual analysis, discourse analysis, deconstruction and reflexive methodology at assorted stages. And a methodology of gender could be traced throughout the program as a totalizing framework. This is with the conviction that an interdisciplinary research would not be able to confine into one single method. But it underlies the positions involved in the newly emerged feminist philosophy. With the unique approach of feminist theory there might be unique difficulties and challenges that are also characteristics of doing philosophy within a particular tradition. The enterprise of philosophy in this study is not of homogenizing and evolving a single system and the interdisciplinarity would not mean a consensus.

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4 The detailed description about the controversies about the time and authorship could be read in ‘The codes of Manu’ translated by George Buhler and edited by Max Muller (Sacred Books of the East Vol.25, 1886)
With the lenience obtained from a survey on the theorizations on family and gender, present study enters into the content analysis of the verses in the ancient text *Manu-Smrti* in terms of its prescriptions around household. This is to read how the misogynistic nature and structure of household and the concepts of man, woman and family are constructed through such verses. It is also a main concern to analyze the construction of ‘woman’ merged with the power relations between the male and female members of the household described by *Manu-Smrti*. As Iravati Karve has pointed out, the Sanskritic legacy in the kinship practices is a unitary factor in the Indian subcontinent. The influence of the text in the structuring of family in modern Indian context is also interpreted through the discussion on the discourses of religion, culture, caste, class, politics and jurisprudence.

The social actions are based on ontological conceptions of human beings that are gained either by religious or cultural influences. So the clarification of the metaphysical and ontological conceptions is imperative in the case of a study on the family and gender as they play vital role in every-day life embedded in religion, culture and language. And the ancient text *Manu-Smrti* which is under analysis is in one way seen as a symbol of discourses on family and gender. The text integrates a mode of social life and thus generates some facts behind the construction of gendered family and particular social actions.

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5 Karve, Iravati. *Kinship Organization in India*, Deccan College, Poona, 1953
Masculinity and femininity are pertinent features as implied in *Manu-smriti*’s model of family. The understanding and interpretation of such a text would elicit the discussions around the identity and sexuality of woman in the contemporary Indian context. While the study goes into the analysis of family, it would have to necessarily make an effort to know how the behavior, attitude, expectations, roles, relationships and other aspects of daily life of an individual is determined by gender and how those aspects manipulate gender divisions. Such an analysis would necessarily be informed by the discourses on culture, religion, caste, class, law, politics and power. The socially constructive effects of discourse and its indoctrination of new identities are taken into account in this study.6

**Nature of the Study**

This study attempts to understand the lack of gender kindliness of family in a conceptual level. At one level the object of study is ‘family’ as a concept and institution. In both ways this study does not presuppose it as existing independent of our minds. At one other level the object of study is the theoretical construct called ‘gender’. This theoretical construction is used to interpret the experiences in day-to-day life of women. In order to explicate those certain experiences, the institution called ‘family’ is taken as a model, which is also a construct. Family is the model in the sense, one that will provide meaningfull contexts within which specific findings

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can be located as significant details. Family, the model of our institution is not a visible object, before we have thought about it. Family as a model is abstract and theoretical in character. The task is to analyze this model carefully in terms of the construction of individuals, of their attitudes, expectations, relations and roles etc. In this particular study theoretical investigation into the gender relations would incorporate with the study of unconceptualised evidences of structures of social institution family described in the ancient text Manu-Smrti. When we examine role, identity and sexuality of women prescribed by Manu-Smrti, and the systems that are linked to them, we actually study and use gender as a category of both description and analysis. When we inspect the influenced elements of culture, religion, caste, class, law, politics and power, we use gender as a category of analysis.

The existing manner of division of research studies into either empirical or non-empirical would insist to name this work as more theoretical than empirical. Although it would have to assume its nature as non-empirically theoretical, the problems of demarcation of empiricist and rationalist epistemologies could not be left behind. A solemn search into the ‘tabula rasa’ of John Locke and the ‘cogito ergo sum’ of Rene Descartes’ proves the meaninglessness of the delineation. Mind might be blank before experience in some cases as Locke held, but it might be intuitive knowledge of Descartes’ position, which would lead us to experiencing.

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8 The usage ‘tabula rasa’ in Latin means mind is a smooth wax tablet on which sensory data etch themselves. That is knowledge is *a posteriori* or post experiential. And ‘cogito ergo sum’ in Latin means ‘I think therefore I am’. That is knowledge is *a priori* or pre-experiential. Also see, Honer, Hunt, Okholm, 2002, pp.71-75
Epistemological thoughts from Indian philosophy may provide some support to think this way, avoiding the difficulties of Western mode of rigid dichotomization. Indian philosophy holds various pramanas, such as pratyaksha (perception), anumana (inference), upama (comparison), arthapatti (postulation), anupalabdhi (non-apprehension) and sabda (testimony). Unlike classical Western epistemological view, Indian epistemology claims that either of the above methods might be used consciously or unconsciously by human beings as an appropriate way of knowing.

This study faces difficulties with defining its nature into one single name. It works as a textual analysis at one level, as it is not a matter of recording a structure, but rather of producing a mobile structuration of the text. The structuration is displaced from reader to reader throughout history as Roland Barthes explicates. He determines in Writing Degree Zero (1953) that language and style are both matters that appeal to conventions, and are thus not purely creative. The possibility of co-creation of the text and the death of the author are some ideas underlying Barthes. A textual study does not try to find out what it is that determines the text but rather how the text explodes and disperses. All research in this area has a common scientific origin, semiology or the science of signification.

Although this study seems to be holding the nature of a textual analysis at one level, it might be turning as a discourse analysis as well. The contribution of the

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9 Pramanas= means of knowledge
10 Kleinam, Marion., Isabell, Thomas., “Roland Barthes and the Co-creation of Text” in Esther M. Doyle and Virjinia Hastings Floyd (eds.) Studies in Interpretation, 1972, pp.139-157
11 http://social.chass.ncsu.edu/wyrick/debclass/rbvald.htm
postmodern discourse analysis is the application of critical thought to social situations and the unveiling of hidden politics within the socially dominant as well as all other discourses. It includes the interpretations of the world, belief systems, etc. and it can be applied to any text, that is, to any problem or situation. Since discourse analysis is basically an interpretative and deconstructing reading, one can make use of the theories mainly of Jacques Derrida, Michel Foucault, Judith Butler and Julia Kristeva. Sara Mills defines discourse analysis as a reaction to a more traditional form of linguistics which is focused on the constituent units and structure of the sentence and which does not concern itself with an analysis of language in use.\textsuperscript{12} As she maintains, Foucault’s discourse theories are unavoidable for any study that would challenge many of the preconceived notions of different subjects such as discipline, language, subjectivity, sexuality etc. And a study that employs the recently constructed concept ‘gender’ as the category of analysis, cannot keep away from the theories of Butler and Kristeva. Derrida’s deconstruction would turn an appropriate ‘way of doing’ particularly for the analysis of a text, when in need of negating the authority of textual ideas. With deconstruction, the study may go to the analysis at one stage with the aphorism “there is nothing outside the text”. That is to envisage that, ‘there is no ontological foundation for language outside of language’.\textsuperscript{13} This idea might facilitate this study to interpret the unfavorable woman concept molded by the text \textit{Manu-Smrti}.

\textsuperscript{12} Mills, Sara. \textit{Discourse}, Routledge, London, 1997, p.135. She notes; formal linguistics is concerned largely with syntax (word order) and grammar (the structures and possibilities of combination of language items). Some also take formal linguistics to include a concern for semantics (word meaning). This type of study of language is at fairly abstract level and is focused on the language system as a whole rather than particular utterances or particular texts.

\textsuperscript{13} Honer, Hunt, Okholm, 2002, p.93
Language is the main matter of concern for the study based on a text and language has been an elementary point of deliberation in the postmodern era. Current study may occupy various view-points around postmodern language theories during the analysis. This may seem to be insane that Western ideas and theories are being used for the analysis of an ancient text from the East. M. Muralidharan (2003) offers the reason for this kind of limitations which would show up Indian philosophy just as pre-modern and useless for the analytical traditions. He says:

It is also disturbing that there should be successive phases of thought, something that would look natural in Greece and Rome. ……..These texts were, on the whole, treated as philosophical, with an image of Western philosophy as the model. The texts were asked to yield up their “ideas” that could be measured out and evaluated on Greek terms or those of contemporary Europe.\textsuperscript{14}

The ‘othering’ of the Eastern thought and language from the time of the Orientalists, itself show the limitations in interpreting the ancient texts. It could also be seen as a constraint due to the whole hermeneutical trend and the fact that the research and establishment of ideas, terminologies and theories happened in the West. And a study which needs a newly emerged ‘modern theoretical construct’- ‘gender’ as a category of analysis can only have theories named as Western theories, since contemporary theorization on gender has not happened much visibly in the East. But

\textsuperscript{14} Muralidharan,M. \textit{The Discursive Geography of Upanishads}, D.C.Books, Kottayam, India, 2003. p.18
it doesn’t become a great issue for this study in a way, as it presumes that the problems of the conceptualizations on woman hold almost the same issues when it comes to the case of family.

This work would have a fleeting look at the concerned verses, as part of understanding the possibilities and the limitations of translation and interpretation of *Manu-Smrti* which was originally written in Sanskrit language. The subtext of the study generates out of the translations already available, but not out of the researcher’s own translation of the Sanskrit verses. Other than using some interpretive translations in Malayalam, this study has been done mainly based on three translations of the text *Manu-Smrti*. They are, ‘The codes of Manu’ translated by George Buhler and edited by Max Muller (Sacred Books of the East Vol.25, 1886), ‘ManuSmrti’ translated by M.N.Dutt and edited by R.N.Sharma (Chaukambha Sanskrit Prathishtthan, 1998) and *The Laws of Manu*, translated by Wendy Doniger and Brian K. Smith (Penguin, New Delhi, 1991).

**Organization of Chapters**

Following the first chapter as a general introduction, the second chapter tries to understand the various methodological frameworks followed by this study at different stages. As part of this attempt the ontology and epistemology of the study are also discussed. This is with the argument that the metaphysical issues and ontological views would turn to be different from that of other kinds of studies, for a
gender based analysis which holds feminist epistemological positions. The chapter gives an account on this difference and tries to understand how concept, theory, model and method are working out in this study. The idea of holding one particular methodology is seen as a problematic in case of a conceptual study, and that itself is the root of this chapter. Thus it looks into the methodological presumptions underlying this particular work. Reflexive methodology, methodology of gender, discourse and deconstruction are the premises under discussion in this section.

The third chapter is with an intention to learn more about the theoretical frameworks and the conceptualizations of gender and family, and their social implications by institutionalization. It also examines major works on gender as well as family that could be instrumental to the analysis in the following chapters. This segment of the work sketches the nature, structure and meaning of family through literature review to illustrate the gender lethargy of family structure in Indian region as well as in other geographical areas. Though it takes the form of a review of literature it endows with a 'hypothesis testing' for the study. The argument which makes it a core in the thesis is that, it was only after the intervention of feminism the concept family got scrutinised in terms of gender perspective, interpreting woman’s low status and objectification. A section of this chapter tries to read the family structure and function in different geographical regions, proving the patriarchal form of the family universally.

15 Patel, Tulsi.,(ed). The Family in India: Structure and Practice, Sage Publications India Ltd. New Delhi, 2005. See , p.66. A.A. Khatri writes about the method of hypothesis testing which occupied a very prominent role in the sociology of family studies in the U.S.
An introduction to *Smrtis, Dharma Sutras, Grihya Sutras, and Dharma Sastras* that are interrelated, is given in the fourth chapter. And the historical context of evolution, the date and the theme of the text *Manu-Smrti* are discussed consequently. The philosophical context and social context of the text is addressed and the relevance of studying the text in modern Indian context is corroborated in this section. And the androcentric nature of the text is drawn during the depiction. The text has been introduced as influencing in the prevailing social conditions (which are called modern) in the Indian region.

The fifth chapter is an analysis of the verses in the text *Manu-Smrti* that construct the family structure, taking gender as a contrivance. This section of the present study takes the form of a textual analysis which would manifest in its two forms as ‘content analysis’\(^{16}\) and ‘interpretive textual analysis’\(^{17}\). The verses in the text are analysed to explain how the nature of duties assigned to man and woman as husband and wife elicit male-centered concepts. Also the ideas of marriage, divorce, widowhood and remarriage are interpreted as phallocentric, as per the concepts the verses of the text prescribe. These factors being the basic aspects of family, are

\(^{16}\) Ibid , p.67.  A.A . Khatri writes about the method of content analysis, which is a fairly objective technique of analysis of communication content , mostly verbal. He thinks this technique could be utilized for the purpose of understanding what happens in our families. ‘Trends of social change can be studied by content analysis of relevant literature dealing with marriage and family relations. Fiction in various regional languages may be subjected to content analysis to yield valuable information about interaction patterns of regional families. Content analysis of some sort has been attempted by Dr. Ghurye, Dr. Kapadia, Dr. Karve, Dr. Prabhu, and others, who have analyzed Sanskrit texts and deduced relevant sociological material there from.’

\(^{17}\) [http://www.wsu.edu/~amerstu/pop/text.html](http://www.wsu.edu/~amerstu/pop/text.html)
examined for its lack of gender perspective. How the textual references are reproduced in the society by the force of the language that describe concepts, making them prescriptions for the life of people in the related regions, is a problem addressed here.

The gendered edifices are analysed in the sixth chapter, seeing the discursive structures produced by the discourses of culture, religion, politics, law, caste and class in the modern Indian context. The reflections on the text *Manu-Smrti*, which is believed as a holy handbook of good-life in Indian region, throws light on the gendering/gendered concepts of religion and culture in India. And the way politics and power structures influence the issues of gender is also examined in this section to look at the construction of the concepts in the ideal society, about the identity and sexuality of woman, by restraining her inside the architectural space of family. The ideas reflected in the descriptions of *Manu-Smrti* are analyzed to see the link of ancient scriptures with the woman’s subjugation. Although the discourses under analysis are overlapping in many ways an attempt is made to interpret them in terms of gender. Thus the chapter includes the scrutiny of the gender coldness of the concepts and structures formed out of these discourses constructing woman as a subordinate entity limiting her space in the family.