

# A Cross-Culture Understanding of Gender Construction and Women Sexuality

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**Abstract – This paper attempts to address the conceptual and empirical understanding of sexuality differs from one society to other society and its context. Sexual desire and autonomy is a natural right for a person. Apparently exercising of these rights in public-private sphere limited to men only. Therefore, women are not able to access their sexual freedom. However, women body is contested by religion and cultural norms, rules and regulation. Along that the practices like marriage, economic coercion, and cultural rituals abandon women's sexual desire and which turn into the cultural policing by the orthodox protector who claims for social order. However, the central idea of this paper is to analyses the question of women sexual freedom in the society. At the level of individual, it is related to women's choices, desire and natural right but on the state and institution level, law gives equal entitlement to both the gender. Therefore, this paper has opted for feminist perspective to see the women sexual autonomy with descriptive and comparative analysis.**

**Key Words: Women, Sexuality, Freedom, Gender, Sex, Rape and Marriage**

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## 1. INTRODUCTION

Before I delve my own understanding of the broader question of do women have sexual right/freedom in terms of their sexual desire? Researcher world like to start with some basic concept and debate which one need to know. Therefore the task of political theory is to define the concept and give systematic explanation of the phenomena. However, it can be defined in myriad forms for instance as an academic field, a canon of book, a set of interrogatives, a timeless tradition, and a practice of inquiry. Which explain the real world and can answer some questions which human community faces in their everyday engagements but theory cannot limit in this certain parameter it goes beyond it. One can see political theory as a tool to compare with the coexistence situation which could not merely have a western originated, but also go beyond. From here one can pounder in the direction of comparative political theory based on non-western phenomena, attempt to produce certain ideas, concept, and values in their own understanding and context. It also considered as debatable between universalism v/s contextualizing concepts, but that is not the ultimate end. The task of CPT is to create a conversation among western and non-western ideas which address the human community concerns.

However, the notion of gender construction values varies from one society to another. Ironically westernize conception of gender became prominent.

Although the term 'gender' and 'sex' are often used interchangeably in everyday language, but the distinction between them is crucial for social and political theory understanding. In this context, the term sex is used to highlight biological and therefore ineradicable, reflected the differences between man and women. Gender is therefore a social construct, usually based on stereotypes quality of 'feminine' and 'masculine' behaviour. According to Nivedita Menon mentioned that 'sex' refers to biological difference exist between men and women and 'gender' indicated as comprehensive cultural meaning attached to it.<sup>4</sup> The distinction between sex and gender need to discuss because the subordination of women has been fundamentally justified on the grounds of the biological differences between men and women. Feminist anthropologist Margaret Mead has demonstrated the understanding of masculinity and femininity and said that it varies across cultures. In other words, every society identifies a certain set of characteristics as feminine and masculine which are based on their cultures.<sup>5</sup> Femininity and masculinity are set of sex specific qualities where boy and girl used to nurture in specific manner from their childhood. However Judith Butler has taken one step further while addressing gender as performative because in her point of view gender is

<sup>4</sup> Nivedita Menon, "Gender," in Political Theory an Introduction, ed. Rajeev Bhargava and Ashok Acharya (India: Pearson India Education Services Pvt. Ltd, 2016), 225.

<sup>5</sup> Ibid., 225.

preoccupied with performance and activity of particular gender in society.<sup>6</sup> As Simone de Beauvoir stated that 'one is not born, but is made a woman'.<sup>7</sup> Therefore the paper has been divided into four sections; first section deal with understanding gender second devoted on sexuality, third is on relationship between gender and sexuality and lastly based on instance of western and non-western women sexuality. The previous paragraph already dealt with gender understanding. So the second section of the paper deals with sexuality, by definition, human sexuality relates with the emotions, ideas and choices, with regard to intimate and bodily relationships between men and women, and one's self. According to V. Geetha these relationships are not merely personal but also possess particular social forms and identities. The existence of sexuality is thus not entirely given over to bodily sensations and drives and is mediated by notion of appropriate pleasure, social worth, trust and loyalty. These notions differ from place to place, culture to culture and have changed over a period of time. There are multiplicities of sexual practices which exist, sometime in one era it's celebrative and other era it became crime.<sup>8</sup> Now the brooder question needs to address here: do women have freedom to exercise their sexual desire in the society? Or is there any relations exist between gender and sexuality and how it varies from western to non-western culture and the meaning of sexuality limited to heterosexual sexes only or it goes beyond. Let's try to address these questions, through brooder idea of women sexuality. The institution of marriage has played a vital role. According to Carole Pateman's understanding marriage is contract<sup>9</sup> between two opposite sex (male or female). Therefore, the popular assumption people draw that through marriage institution women can exercise their sexual freedom. But if this is the case than how one has been locate the issue of marital rape in the institution of marriage. There are various ways of policing to protect women sexuality through crucial identities and institutions, such as caste, race, region, religion and patriarchal heterosexual family conception. The family is the core idea to sustain the heterosexual social order. This kind of social order not only denies non-heterosexual desire but also imposed gender norms in order to achieve the 'happily family' categorization. Therefore, there is vast difference between the western and non-western conception of women sexuality in the society.

## 2. NOTION OF SEXUALITY IN WESTERN AND NON-WESTERN SOCIETY (INDIA)

In Greek society having the multiplicity in terms of sex, homosexual was very common duration of earlier time, people were freer in term of expression of sexuality, but later with the beginning of modern era, and homosexuality was diagnosed as illness and crime.<sup>10</sup> Modern western civilization created bipolar model of two sex and gender based behaviour as masculinity and femininity. The two-sex model not only gets legitimacy through law but also from state institutions, which come up with western modernity.<sup>11</sup> As Menon cited the arguments of Anne Fausto-Sterling that in Europe it was only by the end of the Middle Ages that biological hermaphrodites (people born with one testis and one ovary) were compelled to choose an established gender role and stay with it.<sup>12</sup> Even if someone try transgressing, he or she should penalty for transgression was often death. The idea of modernity carried certain new principal and institutional forms (science, technology, industrial production, urbanization), of new way of living (individualism, secularization, instrumental rationality) and new forms of malaise (alienation, meaninglessness, a sense of impending social dissolution).<sup>13</sup> Since the rise of bourgeoisie the notion of sexuality which is earlier taken as pleasurable activity now it treated as private and practical affairs that only properly takes place between a husband and a wife. In west during that time sex become a taboo subject of western culture. These western ideas are not only dominants in their own place but also created hegemony over the non-western world through the means of colonization.

During pre-modern Indian cultures, also had greater space of variety of sexual identities for instance eunuchs, Sufi and Bhakti tradition were the best example of it who not only rejected the two model of sex but also creates awareness through writing poem ,songs among the people.<sup>14</sup> As Ashish Nandy also point out that in pre-colonial India, culture has greater values of femininity. It was coloniser who imposed masculine value upon colonizing country. Through the Nationalist Movement M. K. Gandhi used Non-Violence and Satyagraha were shown the example of feminine values. Nandy also argued that in terms of spiritual world and having feminine qualities in inner domain

<sup>6</sup> Judith Butler, *Gender Trouble* (New York: Routledge Publication, 1990).

<sup>7</sup> Nivedita Menon, "Gender," in *Political Theory an Introduction*, ed. Rajeev Bhargava and Ashok Acharya (India: Pearson India Education Services Pvt. Ltd, 2016), 226.

<sup>8</sup> V. Geetha, *Patriarchy* (Calcutta: Stree Publication, 2006).165-66.

<sup>9</sup> According to Pateman marriage is constituted through two different acts. one is in catholic marriage ceremony is performed during the course of which the couple take undertake a speech act by saying the words 'I Do' which is performative utterance and second the marriage must also be 'consummated' through sexual intercourse.

<sup>10</sup> Michel Foucault and Robert J. Hurley, *The History of Sexuality* (New York: Vintage, 1990).

<sup>11</sup> Nivedita Menon, "Gender," in *Political Theory an Introduction*, ed. Rajeev Bhargava and Ashok Acharya (India: Peasrson India Education Services Pvt. Ltd., 2016), 227.

<sup>12</sup> Ibid.

<sup>13</sup> Charles Taylor, *Modern Social imaginaries*, published in *Public Culture*, volume 14, Number 1, winter 2002, pp.94.

<sup>14</sup> Nivedita Menon, "Gender," in *Political Theory an Introduction*, ed. Rajeev Bhargava and Ashok Acharya (India: Pearson, 2016), 227.

produce the higher value than the coloniser and created the potential to resist colonialism.<sup>15</sup>

### **3. GENDER AND SEXUALITY RELATION: INSTITUTION OF MARRIAGE**

Marriage is called a contract between the two opposite-sex (Male and Female), but feminist thinkers are argued that through an institution in which male (husband) exercising the power over female partner (wife). It is contractual relation which makes women subordination under the men. If we see marriage as contract it differs from economic contract because in marriage contract terms and condition are not determined by the persons who indulged in this. But this contract raises a very fundamental question of freedom of particular sex. As one knows the term contract carries certain meaning of consent among both parties but classical feminist<sup>16</sup> argues that women were never a part of this contract because earlier women were not count as a citizen, and not having decision making power in public and private domain. Therefore, the contract was occurred between the dominant and submissive gender. Earlier in the 14<sup>th</sup> century major changes happening across the world or specially in context of Europe, feudal system was weakened and new trade and mercantilist activity has emerged which was influenced the economic as well as social structure. A centralized state-controlled revenue system and it supported the capitalist system, there were two side processes happening, the emergence of individualism and modernism. By the 18<sup>th</sup> century the shrill distinctions between public and private came to exist. Though household work also contributing in economic upliftment but, in this period, women are restricted only in household work. The beginning of capitalist modernity creates a new kind of social and economic organization which was regulating the women to the private sphere.<sup>17</sup> Thus in the question of economic contract, women were already impeded for not entering into the public and private domain. According to Thompson, political right for women and an end to the economic system of individual competition (Capitalism) are the crucially important changes that are needed.<sup>18</sup> Only political rights can bring an end to 'the secrecy of domestic wrong', and free relations between the sexes will be possible only within a social order based on 'labor by mutual co-operation'.<sup>19</sup>

The marriage contract was the mean of 'moral miracle', which created moral boundation for women to accept the subordination of men in family. Marriage also provides male to have sexual right over his wife. Just as wives 'social pleasures depend on the benevolence of their husband, in this context.

<sup>15</sup> Ibid., 228.

<sup>16</sup> Blackstone, A classical theorist.

<sup>17</sup> Menon, Krishna, Understanding Feminism, July 18 2011 pp. 24.

<sup>18</sup> Ibid., 28.

<sup>19</sup> Carole Pateman, The Sexual Contract (Stanford, CA: Stanford University Press, 1988).

In his brief conjectural history of the origin of marriage, Thompson speculates that men's sexual desire led them to set up 'isolated breeding establishments, called married life', instead of using women as labourers. Even the hidden domination of male on the sexual relation is family legitimize by social norms. There is no place for women where she can access her sexual freedom or desire. The way society construct, it has not permitted women to have choice to go beyond the marriage or remain without having a marriage, there might be due to women's body and reproductive power could be one reason to curb women's sexuality. The difference could emerge because of modern conception and its hegemony all around the world. But as Tylor said if look to community, can be find multiple ways of modernity which can explore beyond these restricted social norms.

### **4. CASES REFLECTION FROM WESTERN AND NON-WESTERN (INDIA) INSTANCES<sup>20</sup>**

Through Narrative it observed that how western and non-western cultural norms and institution attempt to curb women's sexuality. The first case study describe conversation between two people one who belongs to Europe (Chaplain) and other one was from Tahitian culture (Orou), Chaplain went to Tahitian place where Orou lived with his wife and three children, who were called as Asto, Palli and Thia. The difference between two individuals reflected through their civilized and uncivilized culture. However, Tahitian people used to undress themselves, their way of living, thinking, habit all are totally different from European culture. In the division of Bougainville's crew by the Tahitians, the Chaplain was allotted to Orou. Orou's wife and his children welcomed Chaplain and serve him meal. When Chaplain was about to go to bed, Orou, who came to Chaplain and presented him asked to sleep one of them. Both women are naked; Orou said to Chaplain sleeping alone on bed was not good. At night a man needs a companion besides him.<sup>21</sup>

The Chaplain replied that 'his religion, his holy order, morality'<sup>22</sup> do not allow to sleep with other women who did not belongs to his race, religion and community. Orou said to him he does not know what Chaplain means by religion, holy order and his morality. Because for Orou having a sexual intercourse with opposite sex is kind natural and pleasure kind of thing nothing is wrong about it. It comes something which is inherent and a person

<sup>20</sup> Both the case narratives have been taken from the other academican writing to reflect upon the cross-cultural understanding. And their references have been mentioned at the end. I acknowledge Tanika Sarkar and Denis Diderot work and their narratives.

<sup>21</sup> Denis Diderot, Supplement to the Voyage of Bougainville (Cambridge: Cambridge University Press, 1992), 47.

<sup>22</sup> Ibid., 48.

desire which we need not to resist because of holy order and their religion. For him man's first duty is show gratitude towards a person. Orou's younger daughter Thai get distress from Chaplain reply and she plead him in front of Chaplain to honour her by doing intercourse and she may get chance to become a mother of Chaplain's child. For Tahitian, people having children's most precious value for their land. It was part of women's dowry; it makes them proud for contribution for their land. Thai said to Chaplain that if he grants her child, she will bless him all her life even she writes his name on her arms and on that of his son. Chaplain said many times about his holy order but caresses of Thai make him overwhelmed. At the morning Orou thanks to Chaplain for pleasing her daughter at night. But Orou asked him certain thing; what is religion our holy order on their land.<sup>23</sup>

The chaplain replied him who made your hut and create this universe; the whole world is going around him that is God. Orou asked him does he has feet, hands and head. Chaplain said No, Orou again asked him where he lives. He said everywhere, he never grows old. He spooked to our ancestors; he gave them laws 'prescribed the way he wished to honoured; he intended that certain actions were good and forbade other as evil. Orou said it means if a person lies with women it accounted as evil. And why your god made two sexes?<sup>24</sup> The Chaplain replied that he made them for each other by virtue of ceremony, where a man belongs to a woman and only to her; and a woman belongs to a man and only to him. And they have that relation till the end of their lives. If a wife lies to husband or a husband lies to his wife it counted as an evil or sin, because of the evil, they got punishment. It was sin in front of God's eyes it voided the laws; it counted as crime. Orou said to Chaplain that the God who make your universe, who don't have feet but he appeared everywhere, who don't allow you to think freely, or desire or will; which one takes or leaves, keeps or sells, where does your freedom belongs to? Your rules have self-contradicted with each other.<sup>25</sup> Which not only voided the natural rights of male or female but it also resists your activity. To maintain holy order in your society, have 'priests' and to maintain rule and order have 'magistrates'. Orou again asked to Chaplain how these people of authority make unjust to just. Do they have power to convert harmful action into good action, Orou said because your three master you conduct your whole life according to them, where is your individuality? Because when Orou supposed of offer his daughter to Chaplain, started cried out, while saying my religion; and my holy orders! Because maybe European made by certain norms and cultural principle who make them belief on

certain norms if they don't follow these certain norms or principle they are going to punish for that.<sup>26</sup>

Orou again asked another question to Chaplain that despite the express command of your three legislators does not woman who has sworn to belong to her husband give herself to another? Chaplain replied that if a woman voided her marriage contract it serves as culprit who nullify the trust of his husband and get punishment for public censure. Chaplain said in his society, a girl who's lost her honour can no longer find husband. If she lost her honour she becomes more or less despised. Even this is not end if a woman has a profession of prosecution; she was not accepted by society but also got punishment by the state.<sup>27</sup> State who imposes economic coercion for voiding of morality of society, and these women counted as in category of bad woman. Because these women were not involved the institution of contractual marriage. But comparison to Tahitian notion of marriage which differs from European notion, where Orou said in his culture marriage is a mutual consent to live in the same hut and to share the same bed, as long as they find it good to do so. Even if they find it bad they separate with each other; there is no moral and social obligation to obey it. Although Tahitian does not believe the three legislators' authority, they are more autonomously free in comparison to European people.<sup>28</sup>

Another narrative one can trace from Indian Hindu culture debate on issue of 'Age of Consent Bill' which raise the question orthodox Hindu societal norms for women. Indian women are entirely socialized by and restricted to family-kin community. The notion of a legal 'rights to life' or a 'right to a sexual life', implicitly nationally, gave her the protection that was neither promised nor conveyed to her by the community or the family. The age of consent bill debate pointed out the death of eleven-year old Phulmonee episode which highlights the major issue related to women sexual freedom in their sexual martial life. The eleven-year child's death was widely reported and discussed in 1981 and also by the colonial government who take up the minimum age of consent for married girls to twelve. Hindu orthodoxy opposed this bill by arguing that the age of consent bill violated a fundamental life cycle of, *garbhadhan*, which made obligatory for a girl to have intercourse with her husband within sixteen days of her first menstruation.<sup>29</sup> As Tanika Sarkar mentioned in Hindu *shastras* have belief that married girl must cohabit with her husband on the first appearance of their menses... and all Hindu must implicitly obey the injunction... if he does not

<sup>23</sup> Ibid., 49-50.

<sup>24</sup> Ibid., 51.

<sup>25</sup> Ibid., 52-53.

<sup>26</sup> Ibid., 40-57.

<sup>27</sup> Ibid., 54.

<sup>28</sup> Ibid., 60.

<sup>29</sup> Tanika Sarkar, "A Prehistory of Rights: The Age of Consent Debate in Colonial Bengal," *Feminist Studies* 26, no. 3 (2000): 601-603.

obey this injunction that person is not true Hindu.<sup>30</sup> In 1890, Phulmonee, an eleven-year old girl, was mangled to death after horrible bleeding and pain when her twenty-nine year old husband, Hari Maiti, forced to intercourse on her. Hindu law allows the cohabitation with child wives, and the colonial penal code had laid down that only intercourse with wives under the age of ten could be counted as rape.<sup>31</sup> Hari Maiti was accused for inadvertently by a rash and negligent act. This death was a crucial incident which demands the reform of Hindu domestic norms and need for a legislative reform. The child marriage issue initiated the debate over the cycle of 'garbhdarn' violation. On the other hand, custom of 'sati' which again outlaw category, which practices in Hindu custom. Sati tradition basically follows in upper caste practice in the name of 'Johar', this practice usually used and also practice by lower caste also on name of ritual order of their society. Both ritual sati and age of consent related to violent destruction of her death as 'Sexual being'.<sup>32</sup> The question was not limited to the incidents of death but also carry the major debate of how marriage, sati, age of consent tried to curb women's sexual desire in the orthodox Hindu social order. The notion of legality take step to the other kinds of debates that is right to life and right to expression of sexual desire. According to Tanika Sarkar the question of personhood and agency is missing in the case of women. Since in the case of sati, widows were burned with husband in the funeral pyre. She said the cultural nationalist having feared that after the death of his husband; wife should not exercise her sexual life.<sup>33</sup> The Britishers put the petition of abolishment of sati in 1829. Hindu widows can perform of their own accord and pleasure, even in the case of widow who is of full age her own consent shall be sufficient to constitute her remarriage lawful accepted. These entire legal steps taken by British government stuck into the institution of marriage. Because women cannot separately enjoy her sexual life without any recognize social institution, to exercise her sexual desire she needed certain socially namely institution, without any institution which is not socially accepted by the societal order find no place in peculiar nature of Indian society.

Both the narratives are taking from two major works from Denis Diderot, and Tanika Sarkar articles. These narratives reflected on certain questions which are earlier mention in this paper. Basically, the paper is having idea to propose how women sexual freedom restricted by the community and social orders.

<sup>30</sup> Ibid., 603.

<sup>31</sup> Ibid., 607.

<sup>32</sup> Ibid., 615-17.

<sup>33</sup> Ibid., 613-615.

## 5. CONCLUSION

At the end one can articulate that comparative political theory method not only explores Non-western view of human community but it also creates myriad perspective to see the world; which is based on various instances. The question remained about women sexual freedom and the taboo attached with her body and character. This paper also addressed the critical transformative method needs to use for examining existing liberal category concept, and their claims. Euben says that "in a postcolonial world, questions we take to be ours have ceased to exclusively so because they also have come to frame the sensibilities of so called non-western." In this view, extending Western frame and concepts needs to have dialogue with to non-western world realities and instance. Then only one can draw the solutions for women sexual freedom rights.

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