



ETHICS, MASCULINITY AND OFFENCES AGAINST WOMEN

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ABSTRACT

Ethics is a sanctum of the civilised world. Most prominently ethics highlights the importance of preserving justice, peace, mutual respect, and above all, dignity. It is a matter of deep humiliation that in this world, heinous crimes are committed against fair sex. It is a gender specific crime that shows the unethical aspect of masculinity, resulting into the victimisation of women. In patriarchal society ethics is confined within the purview of women's body. This misinterpretation of ethics has resulted into the discrimination, harassment and exploitation of women, irrespective of the country to which they belong and un mindful of the religion which they profess. The erroneous interpretation and inculcation of masculinity causes rape, acid attack, bride burning, marital rape, etc.

Through this paper the author aims to illustrate how unethical interpretation of masculinity acts as catalyst for violent and extremist behaviour against women. Further an attempt has been made to showcase the importance of channelizing the ideology of masculinity with that of ethics.

Keywords: masculinity, ethics, offence against women, victimisation of women, etc.

INTRODUCTION: ETHICS & MASCULINITY

Sanctity of the human civilisation lies within "ethics". Ethics is an integral part of human life, which can be wisely inferred by the statement of Louis Gottschalk. According to whom- "a seed will only become a flower if it gets sun and water¹". The aforesaid statement implies that a living being will blossom as a human being only after being nurtured with and patronaged under ethics. This clearly reflects the contribution of ethics in the conversion of a being into humane. There are variations regarding the conceptualisation of ethics. For example, "Aristotle believed that ideal behaviours are the practices that lead to the end goal of eudaimonia which is synonymous with high level of happiness or well-being²". Whereas Immanuel Kant firmly believe in the actions in accordance with one's duty. According to Kant, there are three essentials of an ideal well-being:

- Self-determination
- Conditioned with dignity
- Rational thought process.

Ethics is not a conception of stagnancy, rather than it is an evolving principle which must be reasoned out. Ethics can never be studied and applied in seclusion, rather than it must be viewed in larger perspective as well as in association with other societal issues. "Masculinity" is one of the issues which has been impliedly as well as expressly

¹ Karen L. Rich, *Introduction to Ethics*, Jones & Bartlett Learning LLC, 3, http://samples.jbpub.com/9781449649005/22183_c_h01_pass3.pdf, (last visited on 1st November, 2021)

² Karen L. Rich, *Introduction to Ethics*, Jones & Bartlett Learning LLC, 4, http://samples.jbpub.com/9781449649005/22183_c_h01_pass3.pdf, (last visited on 3rd November, 2021).



institutionalised in the society. The issue of “masculinity” needs to be addressed and its toxicity needs to be redressed. “Strength, courage, independence, leadership, and assertiveness³” are the significant elements to constitute masculinity. One of the essential forms of masculinity which ensures aggressive masculine pride is commonly referred as “Machismo⁴”. There are variations in terms of masculinity. However, hegemonic masculinity is the prominent as well as dominant one. Hegemonic⁵ masculinity signifies the masculinity that persists and subsists culturally.

Significance of Men’s role can be understood in terms of three aspects-

- those of provider,
- protector, and
- procreator.

Role of provider can be described as a bread earner. The role of protector can be explained as ensuring the protection of one’s own family from outer invasion, either in terms of modernity, cultural conflict, etc. Whereas, the role of procreator is essentially linked with the sexual masculinity. Sexual masculinity is the sole reason behind forced impregnation and marital rape. It is irony of the fate that culturally, socially and economically superiority is always accorded with masculinity by which male can subjugate female. In order to ensure the freedom of women from the grip of unethical

³ Domestic violence in India: men, masculinity and domestic violence in India, available at <https://www.icrw.org/wp-content/uploads/2016/10/Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf>, (last visited on 5th November 2021), p.2.

⁴ Domestic violence in India: men, masculinity and domestic violence in India, available at <https://www.icrw.org/wp-content/uploads/2016/10/Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf>, (last visited on 4th November 2021), p. 7.

masculinity, there is need to establish the association of, “ethics with masculinity”. This implies that masculinity is required to be ethical so as to eliminate the offences against fair sex and also for reducing the gravity of such horrendous offences against entire women fraternity.

Author is inclined to showcase the intrinsic linkage between Ethics, Masculinity and Offences against women and also to depict how masculinity has been institutionalised in the society, resulting into the commission of offences against fair sex.

INSTITUTIONALISATION OF MASCULINITY WITHIN SOCIETY

It is a matter of intense shame for us that masculinity has been institutionalised in the society to the extent of demarcating the roles on the basis of gender. Gender stereotyping became an inherent aspect of societal structure, by virtue of the societal inculcation of masculinity. There are certain reflections of institutionalisation of masculinity within society. Such brutal reflections can be described as follows-

- Patriarchal set up

Patriarchal set up can be defined as a societal system in which male is at the epitome of governance and the hierarchical line is decided solely in the line of males. Females are not permitted to intervene as they are in subsistence for being ruled by the men. So, in

content/uploads/2016/10/Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf, (last visited on 6th November 2021), p.3.

⁵ Domestic violence in India: men, masculinity and domestic violence in India, available at <https://www.icrw.org/wp-content/uploads/2016/10/Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf>, (last visited on 4th November 2021), p. 7.



precise it can be said that men are born to rule and females are born to be ruled. This is sole reason behind portraying the male as bread earner and women as home maker. This societal set up in the line of patriarchy compel us to realise that we are not more than a slave, who are bound to adhere to the orders of male. This compulsion exists within the entire societal structure, “irrespective of the country to which the fair sex belongs and unmindful of the religion which they profess”. This depicts the unanimous societal tendency towards women community. There is a thick line of demarcation between the women and men. This thick line of demarcation establishes a firm base for the establishment of patriarchal set up. Role of male and female is pre decided on the basis of male’s presumption. That presumption is rooted due the patriarchal set up.

- Khap panchayat⁶

Khap panchayats are undemocratic ‘self-proclaimed courts’, which are having an unequivocal support of their male dominated village community. They play an integral role in adjudicating on sanctity of sagotra marriage, inter-caste marriages, rape, forced marriage, etc. The ideology emanating through them are sheer patriarchal, casteist and asserting discrimination & violence against women. The unimpeded dominance of khap panchayat leaves no alternate to female victims who often succumb to their illegal arbitrary dictates. Despite the

declaration of Supreme Court, addressing khap panchayats as blotch on constitution for assisting honour killings and being the biggest menace in the way of rendering gender justice, the institution continues to thrive parallel to Indian judiciary, in the name of custodian of culture and honour. The prevalence of khap panchayat shows the concept of societal masculinity. Where an entire society has nurtured itself with masculinity.

- Cultural/Traditional/customary Hegemony

According to the Marxist philosophy, “the concept of cultural hegemony depicts the dominance of a diversified society in terms of culture, by a particular class which ensures the manipulation of societal culture, tradition, customs, presumptions, ethical values, etc⁷.” The prime objective behind this is to establish the perception of the class into an accepted cultural norm. In pursuance of such Cultural Hegemony⁸, customs, beliefs, faiths have been inculcated in masculine oriented terms. This is evident by the customs we adhere to. Such as- most of the fasts have been done in the name of either husband or son. The existence of male is so omnipresent in the name of custom that a woman is bound to ensure her transformation after marriage. This can be depicted by the vermilion put by them on their fore head, Mangal sutra wore by females around their neck. Such differences explicitly mark a line of

⁶ Jamia Millia Islamia, “Discriminative and derogatory practices against women by khap panchayats, shalishi adalats, and kangaroo courts in India: an empirical study in the states of Haryana, Uttar Pradesh (West), West Bengal and Rajasthan”, p.2 (January 2013).

⁷ Domestic violence in India: men, masculinity and domestic violence in India, available at

<https://www.icrw.org/wp-content/uploads/2016/10/Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf>, (last visited on 4th November 2021), p.1.

⁸ *Ibid.*



demarcation between men and women, and it's the irony of fate that all these differences are due to men only. However, it's the women who have to transform themselves on the name of tradition.

TOXIC MASCULINITY⁹: CATALYST BEHIND OFFENCES AGAINST "WOMEN"

Societal conceptualisation of Masculinity is one of the most important reasons behind increasing rate of offences against women. Commission of horrendous crimes against fair sex is one of the pathetic impacts of aggressive masculinity. Due to masculinity, perpetrators have the tendency to inflict more and more pain upon the fair sex, and such tendency results into commission of grave offences against women community. Following are some of the most grave and rampant crimes against women-

- Honour killing

Honour killing can be best defined as "killing for the sake of honour". However, Human Rights Watch defines honour crime as "acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family"¹⁰. Acts of dishonour" include premarital sexual relations, pregnancy before marriage, marriage by choice or being the victim of sexual offences. However, honour killings are not confined within the purview of these circumstances only, as a wide range of actions can create suspicion of committing dishonourable acts, resulting into the pathetic

⁹ Roger E Olson, *ethics and toxic masculinity*, "Evangelical", available at <https://www.patheos.com/blogs/rogereolson/2019/03/ethics-and-toxic-masculinity/>, (last visited on 12th November 2021).

demise of females. It is a matter of humiliation for entire female fraternity that honour is always gendered or gender specific. By and large, masculinity considers the honour in association of shame, by virtue of which they impose stringent curbs on women's sexuality and freedom of movement.

- Female foeticide and female infanticide

Masculinity always considers females as a burden and reason of all miseries. Female foeticide means elimination of female embryos or fetuses in mother's womb, after pre-natal sex determination. Foeticide is the legacy and contribution of the masculinity. Female infanticide means killing a baby girl after her birth. It is the contribution of degrading mentality and moral values and evil practices prevailing in the masculine society, considering birth of a girl child as an additional burden and extra mouth to feed. Perhaps, Female foeticide and infanticide are the worst forms of violence against woman and worst kind of violation of human rights of woman, where her most basic and fundamental right is denied i.e., "right to life".

- Forced marriage

Consent to marriage is a basic human right which is guaranteed under Article 16 of Universal Declaration of Human Rights¹¹. This basic right is ruthlessly curtailed by virtue of masculinity. Child marriage is also one of the forms of forced marriage. Child marriage implies the matrimonial association

¹⁰ *Supra* note 6.

¹¹ Universal Declaration of Human Rights, 1948, art.16.



between two infants. This is an example of a non-consensual marriage as the children are unable to give their consent. Such marriages are rampant in masculine oriented societies that cling to the notion of honour.

- Sexual offences, murder & social isolation

Sexual offences against fair sex are very rampant within territorial limits of society, considering masculinity as an epitome of dominance. Rape, molestation, outraging the modesty of women, sexual assault, stalking, etc are few of the sexual offences committed against women. In most of the cases, such crimes are accompanied with the murder of victims. Such kind of association is done in the pretext of hatred towards women. After the commission of the crime against women, very few cases are registered in police station. If anyone diverts or tends to divert from such masculine machinery and sought to take legal recourse then extreme steps are taken by causing social or societal isolation.

SUGGESTIONS & CONCLUDING OBSERVATIONS

“Status to contract” is a jurisprudential thought laid down by Henry Maine, who is one of the most eminent personalities of historical school. Now it becomes defining reality of modern world where individual interest is given priority to the extent of granting human rights. These rights are conferred upon each and every human being, irrespective of their caste, sex, race, creed, region, religion, etc. Both male and females are entitled to exercise such rights. In spite of all these legislative frameworks safeguarding the fair sex, inhumane crimes continue to be committed against women. Bringing the idea of masculinity in terms with ethically sound principle is need of hour. In 1993 violence

against women has been recognised as human right violation. In the same year, violence against women has been defined by United Nations declaration, 1993. Subjugation of women is consistent and persistent in nature, due to gospel superiority of men. It is irony of the fate that superiority is always accorded with masculinity by which male can subjugate female. In order to ensure the freedom of women from the grip of unethical masculinity, there is need to establish the association of, “ethics with masculinity”.

“Ethics, masculinity and offence against women” are indivisible as well as interrelated in nature.

Author wants to make certain humble submissions, in the form of suggestive steps, which are required to be taken in order to make the masculinity in consonance of ethics. These are as mentioned below-

- Urgent requirement of political will, resulting into strong legislative framework criminalising the unethical masculinity which increases the rate of commission of offence against fair sex.
- Legal awareness campaign within territorial limits of khap panchayats under the strict supervision of Indian judicial machinery.
- Active participation and indulgence of non-governmental organisations, with support of district administration.
- Rendering Psychological and philosophical training to the public at large.
- Bringing the females of society into main stream of society.



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- Channelising the Self -awakening programmes, under state government machinery.
 - Making the adolescent programmes an essential and compulsory part of course curriculum of school and college,
 - Gender education should be a compulsory subject at university level.
 - Generating empathy and sympathy among male students regarding females.
 - At the same time there is also the need of generating empathetic emotions in female regarding themselves and their own gender.

