

WOMEN'S RIGHTS, THE INCOMPLETE STRUGGLE

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In an increasingly gender conscious world order, women's rights remain a persistent legislative issue concerning social, economic and cultural subordination of women. Legal ideology of impartiality and justice, while heightening awareness of traditional social norms of an oppressive male dominated society, has been elusive in affording any real changes of existing relations of power and authority. While it is important to insist for impartial, non-discriminatory, legal structures by changes in the accepted legal code, it is also imperative to realize the depth of social forces that remain to be revealed and altered, in order to bring about any authentic forms of emancipation for women.

Women's rights are broadly defined here as legislative enactments of equality for women toward economic justice and political, individual freedom. Rather than any detailed commentary on the legal code, the purpose here is to focus on the location or the role of the legal structures within a broad framework of social organization.

In order to improve women's status, systematic revision of outmoded codes and insertion of empowering codes have taken the spotlight of social change. The transformations initiated through legal forms have varied across political, economic, and cultural mosaic of societies. In the Sri Lankan context, participation of women in the 'formal' economy has improved, at present around 30% of the official labor force, mostly in the areas of semi-skilled and unskilled labor. Coordinating this transformation of social arrangement, legal codes have been enacted to promote and protect the women's participation in the 'official' labor force. For example, the state has granted similar employment rights as men, free choice of profession, equal remuneration, benefits, prohibition of dismissal on the basis of pregnancy or marital status, maternity leave, etc. However, unpaid household labour, those innumerable maternal and domestic tasks are intently ignored as life-sustaining essential economic activity, thus beyond the reach of impartiality and justice imposed in the 'formal' economic sphere. Accordingly, it is important to realize the limitations as well as the possibilities of legal reform in the context of multiple social forces, deep rooted ethnic and religious traditions, that maintain and reproduce gender biased social structures.

Most of human history, recorded as male privileged voices, has undermined the existence of an authentic,

independent female identity. Patriarchy, or the organization of family and society which legitimizes the oldest male as the pinnacle of the power hierarchy, is an entrenched oppressive structure of society that is inherently a taboo topic of discussion in Sri Lankan society. Even if the topic is raised, it is often dismissed as arising from liberal Western influence irrelevant to the cultural status of women in our society, which is appropriately labeled as unbiased or benign. In short, with the possible few token and real exceptions, women are yet to be considered self-defining, independent and equal (socio-politically and psychologically similar) human beings.

While women's rights have gained certain legal acceptance, it has also mystified the more underlying mechanisms that further continue to entrench women in oppressive structures. Although we would all like to perceive the state as some benevolent, non-judgmental value-free institution, it is ultimately a social construct of a male-dominant majority. In this pre-existing contradictory social arrangement, a legislative plea for impartiality inherently reflects the vested interests of those in power. In effect, the paternalism of the male-dominant state is a strategic compromise and a concessionary allocation of legal code to "protect" those that are "vulnerable." While women have been granted specific constitutional rights - the right to vote, right to own property, equal education and employment opportunities - such top-down legislation has also co-opted women into the state's legitimizing networks. Whereas, social protest, or the mobilization of citizenry, to eradicate male biased structures is reduced to desperate legislative action.

Women's rights have two dynamic and interconnected functions. Primarily, legislation empowering women emphasizes their "right to" previously closed spheres. A positive freedom that enlarges areas of women's social and private domain (right to vote, right for maternity leave, etc.). Secondly, legislation can also emphasize their "freedom from" prevailing restrictive conditions which is a form of negative freedom that only compensates for unjust action such as domestic violence, sexual harassment, rape, etc.

In a world inundated with commercial, pseudo-scientific, religious, ethnic, and a plethora of other ideologies that are unintentionally or intentionally patriarchal, "justice" gained by the rule of law remains marginal.



However, a fundamental question must be raised regarding the purpose of women's rights. What is the intent, the ultimate goal of women's rights? Is the aim to deter male violence against women, a betterment of state of affairs? Or is it a moment in the process, of a transition from unwanted and oppressive conditions of male-dominance to wanted and empowering sources of determination. If the objective is the latter, then where does women's rights locate itself? The innate reaction is to answer that "we have to begin somewhere." But does this beginning merely reproduce and mystify the same oppressive structures, or is it a genesis, truly capable of transforming these structures?

We have to expose the contradictions within society, that reproduce female subordination while providing token solutions instead of real transformation. Empowering of women, so often a development cliché, is re-defined here as economic independence and the freedom for an authentic self-redescription. A redescription, from the shadows of masculinity, to critically reflect as well as escape constraining social stereotypes of subservience. It promotes the collective power of women and men (those who are bold enough to critically question their masculinity) to come together, to mobilize imagination and courage for a humane self-definition of gender that can eradicate the everyday sexist normality. Women's emancipation is not about male-bashing, or that inherently all males are oppressive. In contrast, it is about oppressive structures, that manifest female subordination, which are reproduced by men as well as women in privileged positions. The motive is to influence change in servile social relations of women that are entrenched in a seamless web of social structures, within the family, ethnic tradition, religion, education, economy and politics.

This transformation of social structures transcend legal rights and the legal institutions, to understand and reveal the glut of emergent and residual ideology, that deny recognizing women as anything other than independent and equal, conscious, thinking, feeling, human beings.

Especially, in this world of consumer durables, women must reconsider the intensive and extensive commodification of female identity. A human being stereotyped as a product, dutiful, passive, obedient, charmingly decorated, or packaged for a specific market segment, to be desired and utilized. The men must also rise above their traditional macho, egoist, petty, ideological garb to understand the structural, social and psychological dungeon, they might be creating for their mothers, wives, sisters and daughters. While sanctioning women's rights, it is vital to reveal and openly challenge those traditional and contemporary, regressive stereotypes our children are tacitly conditioned to daily.

The benevolence of an "equitable and just" legal code has historically deluded women and minorities to declare contempt towards idealized legal institutions. However, this is not to say that such legislative struggles to introduce, update and broaden the legal code in terms of women are futile. While the legal institutions must be forced to accommodate the notion of women's rights, so must we engage in transforming other social institutions such as religion, academia, state, media and family, towards more benign approaches to understanding women. Women's rights can only be one small aspect of a larger struggle, to reveal and deliberately change those oppressive male biased social forces that are embedded within the normality of social (dis)order.

'Would it not be easier
... for the Government
To dissolve the people
And elect another'

Bertolt Brecht