

## The concept of agency in feminism: Interrogating the constitution of women's subjectivity in marriage and family in the context of domestic violence

Akansha Sharma

PhD Scholar, Jawahar Lal Nehru University, New Delhi, Delhi, India

### Abstract

Feminism has altered predominant perspectives in a wide range of areas within Western society, ranging from culture to law. Feminist activists have campaigned for women's legal rights (rights of contract, property rights, voting rights); for women's right to bodily integrity and autonomy, for abortion rights, and for reproductive rights (including access to contraception and quality prenatal care); for protection of women and girls from domestic violence, sexual harassment and rape; for workplace rights, including maternity leave and equal pay; against misogyny; and against other forms of gender-specific discrimination against women. The article takes about the various agencies in this conceptual framework of women that bring varied changes in her life.

**Keywords:** feminism, agency, domestic violence, women empowerment, patriarchy, sexual harassment

### Introduction

The question of agency arises when we are concerned with the larger concepts of freedom and autonomy that liberal philosophy has been treating as a core concern. The question of agency for whom is what brings us to its locus – the subject concerned, who has agency. Liberalism has had heated debates about what constitutes freedom, but there has been an overall consensus that the liberal individual cannot be complete without a notion of autonomy and agency attached to this individual. Feminists who belong to the liberal tradition, have considered their task of differentiating the individual based on experiences as 'men' and 'women'. Their burden has been to show that men and women have differential access to autonomy and freedom and thus are constituted as different subjects. Women have historically been denied the status which men enjoyed and in the modern times this was the status of the individual. The central institutions which served the purpose of furthering the goals of the structure of patriarchy are marriage and the family. Although these institutions need to be historicized as they cannot be argued to have had the same structure and similar effects on women, we are concerned here primarily with the modern institutions of marriage and family which pushed many feminists to draw similar conclusions regarding the oppressive and constraining nature of these institutions for women.

At different points in time different feminists have focused on what they considered as barriers to enjoyment of equal freedom by women. Early feminists like Mary Wollstonecraft argued for women's equal access to education. Many others wanted women to have equal rights to employment. The right to vote for women was equally a difficult fight. Inadequate access to property still remains one of the crucial causes of women's subordination. However in spite of many achievements, the overall structure of patriarchy, feminists have argued has remained intact and has redefined itself, appropriated new spaces, devised new strategies of keeping women from experiencing themselves as equal individuals as men. This research proposes to concern itself with the

question of agency for women within the institutions of marriage and family in the context of India.

The concept of agency has often been discussed as part of the agency-structure debate after scholarship which illuminated how subjects are constructed by larger structures which are out of their control, and they are constantly constituted within these structures which ascribe one or the other identity to them. Some of these subjects are more privileged than others in the larger structure. And the power of the structure buttressed by the ideology behind it keeps the subjects intact in their respective roles and positions by way of making subjects internalize their roles as natural and desirable. Patriarchy has been constantly upheld by the familial ideology covered in the sanction of tradition and religion.

What does it do to women who are living under the structure of patriarchy partaking in the institutions of marriage and family? Are they subjects at all? What makes them powerless? And how can we begin to reverse this reality? In other words, how can we think and conceive of women as subjects with agency under the widespread reality of their being disempowered under the structure of patriarchy? The category of agency the researcher believes is central to the liberatory intentions of feminism and remains a vexed problem in the everyday lives of women who attempt to come to terms with their traditional roles and other aspirations of a different life.

The debate on freedom and agency for women if looked at in the context of marital relations has been a very slippery zone for feminists. In their larger analysis feminists have brought up the structural oppression of women which the hegemony of the institution of marriage comes to bear upon women, with marriage being a relationship between a more privileged husband and lesser privileged wife. Norms of culture and law have played an extremely significant role to institutionalize this. The oppression of marriage has also consisted in maintaining a heteronormative ideal of sexuality which not only obliterates certain possible expressions of sexuality but actively construct the idea of what is the appropriate form of sexuality to be expressed in the ideas of masculinity and

femininity. Marriage has been critiqued to be an institution where the language of love has been brought out to structurally exploit the wife with imposition of certain kind of laboring roles on the woman. More explicitly, it has meant that the reality of experience of violence within the marital relationships has been made to be invisible as being part of love. Marriage for a long time till the intervention of feminists was kept out of serious political discussion under the garb of belonging to the private sphere, which meant that violence within the marriage has enjoyed a status of protection and to a large extent even naturalization. Marriage is oppressive in the sense that it remains almost compulsory for everyone, and yet it is also one of the very important institutions through which people can find fulfillment and satisfaction of emotional and sexual expression and a social support system like the family. It is in the case of women that this fulfillment and satisfaction turns into a very different experience as has been strongly argued.

The problem then remains – what are the chances for the exercise and practice of freedom for women with respect to the institution of marriage? As a choice such as choosing to enter or exit marriage as one between subjugation and liberation as has been posed by some feminists has been recognized to be really an unfree choice with no real prospects of liberation for women. The problem then really is how to understand freedom for women in the context of marital relations, where constraints comprise not just of certain recognized external constraints which are coercive but the vocabulary of choice and consent has been quite unmindful of the relational and contextual nature of such choice and consent.

Feminist theory has engaged with the question of freedom, drawing on from liberal debates on the concept while at the same time critiquing it to possibly expand the meaning and outreach of freedom. The idea of freedom in the liberal discourse runs within two threads of ‘freedom from’ and ‘freedom to’ – the concepts of negative and positive liberty<sup>[1]</sup>. Criticisms have been made by feminists of such concepts not taking the relational aspect of the subject of freedom adequately into account and have accused the liberal subject to be gendered in nature.

Feminists like Diana Coole and Nancy Hirschmann have critiqued the notion of negative and positive liberty as being inadequate to capture freedom for women. Coole critiques the traditional liberal conceptions as well as the poststructuralist critiques of freedom as insufficient to be liberatory for women<sup>[2]</sup>. Hirschmann points out that the negative liberty concept with its insistence on identifiable external impediments excludes a whole lot of structural constraints like how patriarchy as a structure operates to create an identity like woman which in turn constrains her at an everyday level. But she does see in the concept a potential to expand the ambit of external constraints to ever increasing critique of existing notions of freedom<sup>[3]</sup>. Coole argues that the positive liberty concept in turn with its emphasis on a rationalist individual keeps on defining it in gendered terms and excludes women’s

experiences of emotions as valid experiences of the individual<sup>[4]</sup>. Carole Pateman has a similar critique of freedom when she is critiquing the construction of the individual in gender neutral terms in order to justify a contract between equals<sup>[5]</sup>. All these feminists thus take issue with the liberal conception of freedom for an individual who is gendered with a claim to be gender-neutral. The problem with poststructuralism and deconstruction in turn, Coole argues that in arguing for the invalidity of a claim for identity it makes progressive claims of politics on the basis of identity difficult. Thus, feminist engagement with freedom is trapped in a quagmire of limiting freedom every time we attempt to define it and the dangers to freedom in the absence of any definition<sup>[6]</sup>.

While they have argued for a more democratic idea of the subject of liberal freedom, most feminists have posed very difficult problems for the question of agency of the subject, when that subject is attributed the gendered identity of woman. Kumkum Sangari has problematised women’s agency and consent under patriarchy quite eloquently –

“Patriarchies-I use the term broadly to denote systems of subordinating women-function simultaneously through coercion or the threat and practice of violence, through making a wide social consensus drawn from and dispersed over many areas of social life and through obtaining in various ways, different degrees of consent from women. Women’s agential capacity within so-called ‘traditional’ societies and accompanying discursivities may actually be one of the ways by which consensual elements in patriarchies are often made, for unless certain distributions of power are made within patriarchal arrangements it is difficult to imagine how any degree of consent from women can be obtained.”<sup>[7]</sup>

What do the above words imply? They are hinting at exercising utmost caution before ascribing agency to women. Meenakshi Thapan draws attention to Rajeshwari Sunder Rajan’s viewpoint which places emphasis on avoiding stressing the ‘romantic fiction’ of resistance, however well-intentioned it might be<sup>[8]</sup>. This viewpoint argues that the very notion of women’s agency is embedded within a framework of consent to patriarchal structures. The construction of the female identity by existing structures of patriarchy embeds women’s scope of action not as independent agents but as ‘women’ with defined roles. Under such circumstances Sangari argues, “women’s consent may not always be instrumental or rational.”<sup>[9]</sup> However such rationality and notions of it are not value-neutral concepts as we saw with Coole and Pateman – they are talking about a particular construction of the individual. So can agency be ascribed only to this individual?

<sup>4</sup> Coole, Diana. 1993, pp 83-95

<sup>5</sup> Pateman, Carole. *The Sexual Contract*. Stanford University Press, Stanford, California, 1998, p 187

<sup>6</sup> Coole, Diana. 1993, pp 83-95

<sup>7</sup> Sangari, Kumkum. ‘Consent, Agency and the Rhetorics of Incitement’. *Economic and Political Weekly*. Vol. 28, No. 18 (May 1, 1993), pp. 867-869+871-875+877-882

<sup>8</sup> Sunder Rajan cited in Thapan, Meenakshi. ‘Introduction’. *Embodiment: Essays on Gender and Identity*. Ed. Thapan. Oxford University Press, Delhi, 1997, p 10

<sup>9</sup> Sangari, Kumkum. 1993, pp. 867-869+871-875+877-882

<sup>1</sup> Berlin, Isaiah. ‘Two Concepts of Liberty’. *The Liberty Reader*. Ed. David Miller. Edinburgh University Press, 2006

<sup>2</sup> Coole, Diana. ‘Constructing and Deconstructing Liberty: A Feminist and Poststructuralist Analysis’. *Political Studies*, (1993), XLI, pp 83-95

<sup>3</sup> Hirschmann, Nancy. ‘Toward a Feminist Theory of Freedom’. *The Liberty Reader*. Ed. David Miller. Edinburgh University Press, 2006

Scholars like Axel Honneth, writing with respect to drawing out a social theory of recognition have pointed out that the process of individuals drawing up claims for recognition is necessarily intersubjective in which one's attitude towards oneself emerges in one's encounter with another's attitude towards oneself<sup>[10]</sup>. In the context of India, while discussing the agency-structure debate with respect to women Saraswati Raju makes a similar point when she argues that "agency exists in a form of relationality as even the most enlightened individuals cannot function in contextual isolation away from social constraints and the subjugating discourses within which they operate."<sup>[11]</sup> Raju as well as Nivedita Menon in her latest work have cited Amartya Sen while talking about agency, where the central point is that individuals make choices within certain limits like the consumer makes the purchases with a certain budget in mind<sup>[12]</sup>. Both Raju and Menon have argued similar constraints hold true for men as well under patriarchy and the institution of family although they would be different than for women.

Thus with respect to the institution of marriage which feminists have critiqued as actively constructing notions of femininity and masculinity, it becomes interesting to inquire into how can we think about freedom and agency for the subject constituted as 'woman' in marriage. Scholars such as Kumkum Roy, V. Geetha<sup>[13]</sup> and Meenakshi Thapan<sup>[14]</sup> have worked on how constricting ideals of heteronormativity, a construction of sexuality within marital relationships legitimizes and even naturalizes violence against women, by wrapping it in the language of love. Roy's intervention on the prescriptions of Kamasutra which she takes as one of the oldest texts defining sexuality and marital relationships in the Indian context outlines how the initiation to sexual intercourse is understood as a marital duty of the husband<sup>[15]</sup>. Since such ideas have been passed on through culture it becomes difficult to identify what is consent and how consequently can women exercise agency. Such ideas Pratiksha Baxi has argued have gone into Indian jurisprudence in the consistent opposition to a legal recognition of marital rape<sup>[16]</sup>. Thus issues of consent in terms of free sexual expression and that which is violent are far from clear and are quite complex. *It calls for an interrogation with reference to the agency of women in determining for themselves what is free and what is unfree.*

According to Sangari, patriarchy then assumes the role of both horizon and the limit of women's agency and also the various institutions and ideologies of caste, religion and family fill in

the substantive content of what women practice as agency<sup>[17]</sup>. From a constructivist perspective then, such agency is shown to be nothing more than work of hegemonic power of patriarchy to constitute women as the kind of subjects which are desirable for the continuance of patriarchy. However, scholars such as Judith Butler, have argued that the subject can be denied agency in the constructivist framework only when there lies the assumption of an original subject lying behind such construction. She argues that such perspectives are mistaking constitution for determination<sup>[18]</sup>. Gender for Butler is constituted through a series of repetition of performative acts; agency then is the possibility of variation in that repetition. *Construction thus is not opposed to agency; it is the necessary scene of that agency, the very terms in which agency is articulated and becomes culturally intelligible*<sup>[19]</sup>.

Butler's position warns us against any universal global and homogenous concept of the identity of the subject in question as that is what most forecloses the possibility of agency for her. Nivedita Menon's reservations about what she terms as governance feminism are premised upon similar apprehensions where we make an attempt to look at the subject outside of local context, we lose sight of all reality about the subject<sup>[20]</sup>. *But the question of how can we interpret and understand agency in the context being discussed still remains.*

The problem of agency in philosophical terms is quite well articulated by Bilgrami when he makes it a problem of incompatibility between the view that some actions are unfree as they are controlled by a larger causality and others are not, hence they are reflective of human agency and freedom<sup>[21]</sup>. This position poses the central problem of agency very sharply – *when do we understand as subjects we are agents and hence free and when not? Can we have any objective criteria which can serve as a guiding principle of our evaluations about subjects and actions as agential or not?*

This question in literature hasn't really seen a satisfactory answer and often scholars have to admit it as a problem. Thapan for instance accepts that the fact about agency is that the dividing line between compliance and subversion is thin and that woman's body is often the conflicting site of both giving in to, as well as resisting, dominant constructions<sup>[22]</sup>. It is quite evident that any judgment here of what is compliance and what is subversion will be based on what standards feminism sets itself for the emancipation of women, which is not without good intention. However, there is a deeper challenge with respect to the problem of agency for feminism at work here and it is best articulated in the following words of Nivedita Menon –

"Women make choices, but they do not make them under circumstances of their own making. Often, women choose options that go counter to normative feminist values. What we face here is the contradiction between two core beliefs of feminism. One, the belief in the autonomy of women

<sup>10</sup> Anderson, Joel. 'Translator's Introduction'. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Axel Honneth. The MIT Press, Cambridge, Massachusetts, 1995, p xii

<sup>11</sup> Raju, Saraswati. 'Agency, Structure and Women as Situated Subjects'. *Gender Issues in Development: Concerns for the 21<sup>st</sup> Century*. Ed. Bhaswati Das & Vimal Khawas. Rawat Publications, Jaipur, 2009, p 14

<sup>12</sup> Menon, Nivedita. *Seeing Like a Feminist*. Zubaan and Penguin Books, New Delhi, 2012, p 176

<sup>13</sup> V. Geetha. 'On Bodily Love and Hurt'. *A Question of Silence?: The Sexual Economies of Modern India*. Ed. Mary John & Janaki Nair. Kali for Women, New Delhi, 1998

<sup>14</sup> Thapan, Meenakishi. 'Images of the Body and Sexuality in Women's Narratives on Oppression in the Home'. *Economic and Political Weekly*. Oct 28, 1995

<sup>15</sup> Roy, Kumkum. 'Unravelling the Kamasutra'. *A Question of Silence?: The Sexual Economies of Modern India*. Ed. Mary John & Janaki Nair. Kali for Women, New Delhi, 1998

<sup>16</sup> Baxi, Pratiksha. 'Rape, Retribution, State: On Whose Bodies?'. *Economic and Political Weekly*. Vol. 35, No. 14 (Apr. 1-7, 2000), pp. 1196-1200

<sup>17</sup> Sangari, Kumkum. 1993, pp. 867-869+871-875+877-882

<sup>18</sup> Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, New York, 1999, p 182

<sup>19</sup> *Ibid*, pp 185-187

<sup>20</sup> Menon, Nivedita. 2012, pp 145-146

<sup>21</sup> Bilgrami, Akeel. *Self-Knowledge and Resentment*. Harvard University Press, Cambridge, Massachusetts, 2006, p 49

<sup>22</sup> Thapan, Meenakshi. 1997, p 11

and their ability to act as willing agents; two, the simultaneous belief in the hegemony of dominant power-laden values that constrain the 'freedom to choose'. That is, the values we consider desirable are not the dominant ones in society and therefore, the freedom to choose most often simply reasserts existing dominant values which, from our point of view, are deeply problematic."<sup>[23]</sup>

It is quite obvious that the opposite side of agency is the persistence of power. *Power of larger structures delimiting and controlling lives of people. But power has also been read as invested in the subject who exercises agency.* This is the most central conundrum of agency for women which feminism faces. *How to transform the experience of power in women's lives from the former to the latter?* This research proposes to investigate the experience of agency for women within the context of marriage and family with special reference to the most visible and constraining form of patriarchal power – violence against women within the family.

### Research Design

*In what ways is agency for the subject in consideration (women in marital relationships and extended family) restricted? Additionally, in what ways is agency in such contexts exercised by the subject?*

The researcher is aware that since the institutions of marriage and family cover a broad scope of lives of people, there will be multiple sites of restriction and construction within it. As noted earlier, the focus of this research is primarily the site of violence against women within the family. In the Indian context this basically comes under the rubric of domestic violence and marital rape. The two forms are not necessarily exclusive and hence we mention them together. How does the institution of marriage in India define sexuality for women?

- What are the various ways in which some violence within the family is normalized and even romanticized?
- What makes women accept abuse/ violence in marriages?
- Could women be said to be agents in accepting mild violence when inequality and hierarchy is romanticized?
- How do such women within marriages and families perceive their own selves – as individuals or do they have a different conception of their identity (or none at all)?
- How can abuse and violence within marriage be prevented in a different conception of identity outside the rights-based framework?

Finally, by studying violence within the lives of women through the lens of the concept of agency we hope to explore the question of the larger institutionalization and legitimation of violence aided and abetted by individual acts of submission to violence. And keeping this in mind, we will try to address whether the classic contradiction of the normative concept of agency can be settled any more objectively within feminism for the subject constituted as women?

*Women are agents in colluding with patriarchal structures which justify violence within the family as well as in resisting such violence through the differentiated means of redress they seek.*

The conclusion will root the discussion of agency within the larger problematic of legitimation in general as a result of individual instances. *It will also make an attempt to evaluate*

*the study for where does it take us forward in understanding agency and freedom and resolving the dilemma of differentiation between causal and agential acts. Thus the relationship between concepts of power and agency as the research reflects will be theorized on.*

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