



A Sri Lankan Journal for Women's Liberation

voice of women

March 1998 ♦ Vol. 5 ♦ Issue 1 ♦ ISSN 1319-0906 ♦ Rs. 20/-



F A M I L Y

Digitized by Noolaham Foundation.
noolaham.org | aavanaham.org

CONTENTS

Editorial	1
The Family	2
Enslavement of Women	5
Marriage Advertisements	8
The Visit	11
Reflections	13
One Too Many	14
Domestic Violence	15
Women Heading the Family	17
Head of Household	18
Death on Iron Guitar	19
Family Protection Racket	22
Going Home	24
Family Kills	25
Widowhood	27
Family in Buddhism	28
Family Law	30

Cover By: Thushani Weeratunge

Illustrations By: Janaki Samanthi

Printer: Hitech Prints

Sponsored By: SIDA

March, 1998

Vol 5, Issue 1

ISSN 1319-0906

Power House of Patriarchy



The current issue of the Voice of Women on 'The Family' brings out some aspects of how gender functions within the unit. Today the family has become the first unit of society and has become very important in the conceptual analysis of patriarchy.

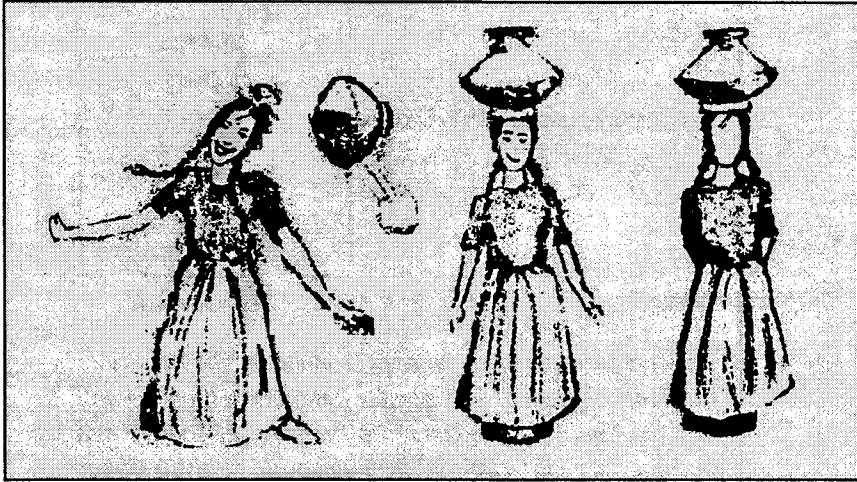
In this limited space and given time, it is impossible to bring out the power of patriarchy exercised within the family unit. Most of it is invisible and accepted as positive contribution to the development of society. However, we have touched on different types of family units briefly and started with the most important document relating to the history of the growth of the family, ie Engels Origin of the Family. This gives direction and analytical support to the various developments that have occurred in the formation and the enslavement of women. Starting off with that and tracing the rise of monogamy we come across this factual conclusion which is highlighted elsewhere in this journal - "the specific character of monogamy for the woman only and not for the man. And that is the character it still has today".

From the beginning of monogamy woman was handicapped. This woman's virtue of monogamy almost defied by man and abided by woman keeps her virtually a prisoner in the family unit and a domestic slave in the kitchen.

This is followed by brief aspects of the role gender plays in the house - widowhood and its denial of good living, the selection of partners for marriage, stories of suicide due to unbearable stress on the young and the old, attempt at single parent house-keeping, oppression of women by the extended family system, old age, violence, religion, etc.

All these articles are only a touch on the fringe of patriarchy except of course "The Origin of the Family". Yet we hope to open everybody's eyes to look beyond the sanctity of the unit. If you have any contribution which will add to this, please send to us. We will be grateful to use in the future.

21/25 Polhengoda Gardens
Colombo 5
Tel: 074 407 879



THE FAMILY

The family is the most repressive social unit in the structure of the patriarchal society. The displacement and oppression of the female begins at this level and continues throughout life in varying degrees within the family unit and outside it.

There are many types of family units - the nuclear family, the extended family, single parent family, lesbian and homosexual units, etc. Of these, the single parent family is somewhat outside the direct patriarchal influence.

The nuclear family is generally found in European and advanced societies, but in reality like all other family units contains many diverse cultures and a variety of family types. These are racial communities with ethnic, language and religious variations. It is a unit of parents and children and the male is considered the chief supporter of the unit. He is head of the family with the wife as a full time mother and housewife.

The extended family is also run by a male with his wife / wives and his son's households. It is a traditional family unit, and the wife is under the authority of the

head of the family, as well as her mother-in-law, sisters-in-law, and other relatives who are inmates of the household.

In this system, the wife has many people to satisfy and generally has a harder time than the wife of the nuclear family. The extended family system gives greater power to the 'head' of the household and more responsibilities as well, which in turn make him more formidable. The wife /wives has /have less rights, and the unit generally tends to be a hive of conspiracies and strained relationships which add to the strength of the chief occupant and reduces the position of the female/s into a state of dependency.

The single parent family (women and children) suffers much economically, culturally and socially. She has no breadwinner (instead of feeling liberated, socialization has made her feel the loss of the male authority even when he is a drunken wife-battering man). She often accepts this entrenched situation.

Customarily, it is a shameful thing not to have a man and be a widow, spinster or a single parent. This is a form of social punishment to

wean away from popularising such 'free' households. Cultural and social ties act as deterrents to 'wayward' actions of 'strong headed' women who have no shame or fear (*lajja baya*). Social deterrents here are ostracization, and economic deprivation.

Other forms of family units which are not large in number or too popular are lesbian and homosexual units.

All the family units contain visible and invisible patriarchal ties which cut deep into the psyche of the female, the mother and the daughter, who accept the second class position as an inevitable part of existence. What is a family unit? How did the unit spring up and how does it assist patriarchy? (Read *Enslavement of Women*, page 5).

"*Famulus* means domestic slave and familia is the aggregate number of slaves belonging to one man. The expression was invented by the Romans to designate a new social organism, the head of which had a wife, children and a number of slaves under his authority, and according to Roman law, had the right to life and death over all of them" (Origin of the Family).

"When woman ceased to be a producer she became dependent. The entire support of wife and family was thrown upon the man, and marriage, perhaps for the first time in the world, became a serious economic burden. Law and religion sprang into its support and propagated and enforced a new idea - that the support of women and children was a natural obligation and duty of man" (The Family).

Evelyn Reed goes further, "a new myth arose to cover up the fact that not only women, but also working men, have been exploited and robbed by this capitalist society."

When the community provided the welfare and protection of every individual, life was very different to that which the family unit offered. The community leaders, it is supposed, had training, wisdom, and leadership qualities, and they were elected on these considerations, but in the family unit each head was an untrained, inexperienced protector and provider. So it is to be expected that the codes of conduct that were followed varied from family to family, society to society.

Nevertheless, what remained prominent is the marginalization of women and repression of her freedom. This is a common factor throughout patriarchal society which by its nature enslaves women.

The family unit did not spring up in a day or two. It took thousands of years to displace woman from her strong position of motherhood and protector and caretaker of the children. When the hunter turned agriculturist gradually he usurped the position of the women in the field of agriculture and small technology she had developed around the community.

She was pushed into a full time mother, feeder, who had caring and nurturing as the target of life

(for details refer Voice of Women Vol 4 Issue 6 - *Women First to Grow*, and *Dawn of Technology*), and dependency on her card. Slow and easy growth of patriarchy was on the climb.

In general, just as there was expected but in the majority of cases unfulfilled 'protection' and 'providing' there was much curtailment and loss of freedom for the female by now getting imprisoned within the family which patriarchal society with its various tools had proclaimed and enforced women to accept as the model for life and its purpose. The pressure within the family casts a dulling effect especially on the mother which retarded her mental development too. This, in turn, provided easy ground for the spread of mythical claims of male superiority as a natural endowment.

The female child in a 'model' family is invariably the second recipient of good food, clothing, scholarship and grooming (exception taken when the daughter is made ready for an intended marriage or a 'giving away' to another patriarch for 'safe keeping'). Her natural talents are not developed because they do not add up to her purpose in living which is 'domestication'. If she is a writer she is a haphazard one who does not continue to develop a unique technique or style and add to what has been said earlier. She probably is ignorant of what has been said earlier. If she is inclined to be a musician or a scientist or a researcher, the same can be said for her. She will rarely come up to professional standards even if at birth she had been better endowed than her brother. Assuming she was not born inferior to him.

To examine briefly two important tools of patriarchy - man made religion and man made law which looks at the family in a glorified manner and presents a structure for the institutionalization of rela-

tionships between the sexes, especially as seen in the system of 'marriage' which can be called the beginning of the family unit. Marriage calls into existence a hierarchical and a non-egalitarian relationship which is maintained by the sacrifice, sweat and self denial of the woman. She has in her list unpaid, unrecognized labour, undignified treatment for being a woman, exploitation of her sexuality and societal punishment for what she is. She is taught by literature, tradition, law and religion to remain in the family unit - the world stands open for her but she is a model woman, obedient daughter and a sacrificing mother and a wife bearing all these qualities together so she remains a servant, and a key factor in the growth of the family unit and in patriarchy.

The patriarchal legal system clearly accepts the male as the head of the family. To quote from '*Family Law*' by Professor Savitri Goonesekera:

"All family law systems in Sri Lanka reflect the same approach to family authority and the status of the spouse in the marriage relationship. The husband is deemed 'head of the household' the individual with the primary rights and responsibility for the welfare of his wife and children. The wife has rights and responsibilities, but these are usually subordinate to those conferred upon the husband. They receive full or substantial recognition only upon the dissolution of the marriage by death.

They are invariably less significant, when the marriage is dissolved by divorce...."

Family repression also includes sexual repression. Sexual needs, and sexual rights of a wife are not considered in society nor within the family unit.. Such needs are unbecoming, outside this role of model conduct and are therefore ignoble. For him he is a man

and he has his legitimate lust love, which is granted.

In some cases he can be pardoned if he looks for satisfaction outside the family which by now is her prison and his launching pad and for her to look outside these, written and unwritten regulations, legal structures and literature of the patriarchy is not pardonable. Those who are bold enough to do so become the 'mad' ones, the 'witches', the 'shameless', the prostitutes, the naked, the untouchables.

"In sad plight would we be if we might not already, lighting up the horizon from East and West and North and South discern the new young women of today who, as the period of feminine enslavement

passes away, send glances of recognition across the ages to their elder sisters." *Edward Carpenter (from - The First Sex - Elizabeth Davis).*

Law and religion are constant on-lookers societally and ethically, where women are concerned. Also a great big factor which has crept to take first place is property rights and inheritance.

As for religion, no woman has been able to found a religion, be a prophet or Buddha. She is the follower filling church tills and pews and donating danas and forming the crowd on a poya day. (Mehenisasne which had been denied to dasasil mathas has now been forcibly re-established with

the help of learned men and women in the world.)

As for Mahanayakes, Anunayakes, Popes, Bishops, Archbishops, priests, it is a story of suppression of human rights of the woman and her children. The Bible, the codes, the Dhamma, the scriptures remain books by males for the followers. They also contain codes of discipline and societal behaviourism written by men directly and indirectly pertaining to or connected to women or meant for women.

And what happens to those who drop out or make serious attempts to do so or make dents in the structure of the family is another story.

Eva Ranaweera



The Enslavement of Women

The family in primitive times consists in the progressive narrowing of the circle, originally embracing the whole tribe, within which the two sexes have a common conjugal relation. The continuous exclusion, first of nearer, then of more and more remote relatives, and at least even of relatives by marriage, ends by making any kind of group marriage practically impossible. Finally, there remains only the single, still loosely linked pair, the molecule with whose dissolution marriage itself ceases. This in itself shows what a small part individual sex-love, in the modern sense of the word, played **in the rise of monogamy**. Yet stronger proof is afforded by the practice of all peoples at this stage of development. Whereas in the earlier forms of the family men never lacked women, but, on the contrary, had too many rather than too few, women had now become scarce and highly sought after. *Here it is with the pairing marriage that there begins the capture and purchase of women - widespread symptoms, but no more than symptoms, of the much deeper change that had occurred.* These symptoms, mere methods of procuring wives, the pedantic Scot, McLennan, has transmogrified into special classes of families under the names of "marriage by capture" and "marriage by purchase". In general, whether among the American Indians or other peoples (at the same stage), the conclusion of a marriage is the affair not of the two parties concerned, who are often not consulted at all, but of their mothers. Two persons entirely unknown to each other are often thus affianced; they only learn that the bargain has been struck when the time for marrying approaches. Before the wedding the bridegroom gives presents to the bride's gentile relatives (to those on

It is the existence of slavery side by side with monogamy, the presence of young beautiful slaves belonging unreservedly to the man that stamps monogamy from the very beginning with its specific character of monogamy for the woman only but not for the man. And that is the character it still has today.

the mother's side, therefore, not to the father and his relations), which are regarded as gift payments in return for the girl. The marriage is still terminable at the desire of either partner, but among many tribes, the Iroquois, for example, public opinion has gradually developed against such separations; when differences arise between husband and wife, the gens relatives of both partners act as mediators, and only if these efforts prove fruitless does a separation take place, the wife then keeping the children and each partner being free to marry again.

The pairing family, itself too weak and unstable to make an independent household necessary or even desirable, in no wise destroys the communistic household inherited from earlier times. Communistic housekeeping, however, means the supremacy of women in the house; just as the exclusive recognition of the female parent, owing to the impossibility of recognizing the male parent with certainty, means that the women - the mothers - are held in high respect. One of the most absurd notions taken over from the eighteenth-century enlightenment is that in the beginning of society woman was the slave of man. Among all savages and all barbarians of the lower and middle stages, and to a certain extent of the upper

stage also, the position of women is not only free, but honorable. As to what it still is in the pairing marriage, let us hear the evidence of Ashur Wright, for many years missionary among the Iroquois Senecas:



"As to their family system, occupying the old long-houses (communistic households comprising several families), it is probable that some one clan (gens) predominated, the women taking in husbands, however, from the other clans (gentes) ... Usually, the female portion ruled the house. ... The stores were in common; and woe to the luckless husband or lover who was too shiftless to do his share of the providing. No matter how many children, or whatever goods he might have in the house, he might at any time be ordered to pick up his blanket and budge; and after such orders it would not be healthful to him to attempt to disobey. The house would be too hot for him; and ... he must retreat to his own clan (gens); or as was often done, go and start a new matrimonial alliance in some other. The women were the great power among the clans (gentes), as everywhere else. They did not hesitate, when occasion required, 'to knock off the horns' as it was techni-

cally called, from the head of a chief, and send him back to the ranks of the warriors.

The communistic household, in which most or all of the women belong to one and the same gens, while the men come from various gentes, is the material foundation of that supremacy of the women among savages and barbarians.

The division of labour between the two sexes is determined by quite other causes than by the position of woman in society. Among peoples where the women have to work far harder than we think suitable, there is often much more real respect for women than among our Europeans. The lady of civilization, surrounded by false homage and estranged from all real work, has an infinitely lower social position than the hard-working woman of barbarism, who was regarded by her people as a real lady (lady, *frowa*, *Frau* - mistress) and who was also a lady in character.

Pairing marriage had brought a new element into the family. By the side of the natural mother of the child it placed its natural and attested father, with a better warrant of paternity, probably, than that of many a 'father' today. According to the division of labour within the family at that time, it was the man's part to obtain food and the instruments of labour necessary for the purpose. He therefore owned the instruments of labour, and in the event of husband and wife separating, he took them with him, just as she retained her household goods. Therefore, according to the social custom of the time, the man was also the owner of the new source of subsistence - the cattle, and later of the new instruments of labour - the slaves. But according to the custom of the same society, his children could not inherit from him. For as regards inheritance, the position was as follows:

At first, according to mother-right so long, therefore, as descent was reckoned only in the female line - and according to the original custom of inheritance within the gens, the gentile relatives inherited from a deceased fellow member of their gens. His property had to remain within the gens. His effects being insignificant, they probably always passed in practice to his nearest gentile relations - that is, to his blood relations on the mother's side. The children of the dead man, however, did not belong to his gens, but to that of their mother; it was from her that they inherited, at first conjointly with her other blood-relations, later perhaps with rights of priority; they could not inherit from their father, because they did not belong to his gens, within which his property had to remain. When the owner of the herds died, therefore, his herds would go to his brothers and sisters and to his sister's children, or to the issue of his mother's sisters. But his own children were disinherited.

Thus, on the one hand, in proportion as wealth increased, it made the man's position in the family more important than the woman's, and on the other hand created an impulse to exploit this strengthened position in order to overthrow, in favour of his children, the traditional order of inheritance. This, however, was impossible so long as descent was reckoned according to mother-right. Mother-right, therefore, had to be overthrown, and overthrown it was. This was by no means so difficult as it looks today. For this revolution - one of the most decisive ever experienced by humanity - could take place without disturbing a single one of the living members of a gens. All could remain as they were. A simple decree sufficed that in the future the offspring of the male members should remain within the gens, but that of the female should be excluded by being transferred to the gens of their father. The

reckoning of descent in the female line and the matriarchal law of inheritance were substituted for them. As to how and when this revolution took place among civilized peoples, we have no knowledge. It falls entirely within prehistoric times...



The overthrow of mother-right was the world *historical defeat of the female sex*. The man took command in the home also; the woman was degraded and reduced to servitude, she became the slave of his lust and a mere instrument for the production of children. This degraded position of the woman, especially conspicuous among the Greeks of the heroic and still more of the classical age, has gradually been palliated and glossed over, and sometimes clothed in a milder form; in no sense has it been abolished.



We meet this new form of family (the monogamous family) in all its severity among the Greeks. While the position of the goddesses in their mythology brings before us an earlier period when the position of women was freer and more respected, in the heroic age we find the woman already being humiliated by the domination of the man and by competition from girl slaves. In Homer, young women are booty and are handed over to the pleasure of the conquerors, the handsomest being picked by the commanders in order of rank; the entire Iliad, it will be remembered, turns on the quarrel of Achilles and Agamemnon over one of those slaves. If a hero is of any importance, Homer also mentions the captive girl with whom he shares his tent and his bed. These girls were also taken back to Greece

and brought under the same roof as the wife.

The legitimate wife was expected to put up with all this, but herself to remain strictly chaste and faithful. In the heroic age a Greek woman is, indeed, more respected than in the period of civilization, but to her husband she is after all nothing but the mother of his legitimate children and heirs, his chief housekeeper and the supervisor of his female slaves, whom he can and does take as concubines if he so fancies. It is the existence of slavery side by side with monogamy, the presence of young, beautiful slaves belonging unreservedly to the *man*, that stamps monogamy from the very beginning with its specific character of monogamy *for the woman only*, but not for the man. And that is the character it still has today.

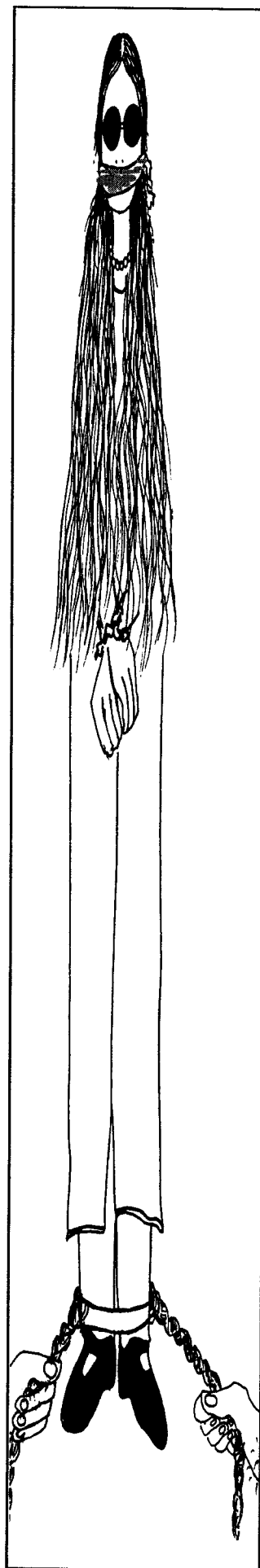
Monogamous marriage comes on the scene as the subjugation of the one sex by the other; it announces a struggle between the sexes unknown throughout the whole previous pre-historic period. The first class opposition that appears in history coincides with the development of the antagonism between man and woman in monogamous marriage, and the first class oppression coincides with that of the female sex by the male.

But a second contradiction thus develops within monogamous marriage itself. At the side of the husband who embellishes his existence with hetaerism stands the neglected wife. And one cannot have one side of this contradiction without the other, any more than a man has a whole apple in his hand after eating half. But that seems to have been the husband's notion, until their wives taught them better. With monogamous marriage, two constant social types, unknown hitherto, make their appearance on the scene - the wife's attendant lover and

the cuckold husband. The husbands had won the victory over the wives, but the vanquished magnanimously provided the crown. Together with monogamous marriage and hetaerism, adultery became an unavoidable social institution - denounced, severely penalized, but impossible to suppress. At best, the certain paternity of the children rested on moral conviction as before, and to solve the insoluble contradiction the *Code Napoleon*, Art. 312, decreed: "*L'enfant concu pendant le mariage a pour pere le mari*," the father of a child conceived during marriage is - the husband. Such is the final result of three thousand years of monogamous marriage.

Thus, wherever the monogamous family remains true to its historical origin and clearly reveals the antagonism between the man and the woman expressed in the man's exclusive supremacy, it exhibits in miniature the same oppositions and contradictions as those in which society has been moving, without power to resolve or overcome them, ever since it split into classes at the beginning of civilization. I am speaking here, of course, only of those cases of monogamous marriage where matrimonial life actually proceeds according to the original character of the whole institution, but where the wife rebels against the husband's supremacy. Not all marriages turn out thus, as nobody knows better than the German philistine, who can no more assert his rule in the home than he can in the state, and whose wife, with every right, wears the trousers he is unworthy of. But, to make up for it, he considers himself far above his French companion in misfortune, to whom, oftener than to him, something much worse happens.

Engels
Origin of the Family



Marriage Advertisements

Isabel Guymer

Marriages evolve and change over time due to economic factors, social mobility, urbanization, access to media, and outside exposure. Arranged marriages in Sri Lanka still take into consideration caste, ethnicity and religion, and upholds property or money transactions between different families when marriage contracts are entered. Marriage procedures have, however, changed since the nineteenth century with the onset of capitalism and through the introduction of regulation by law.

In Sri Lanka, the practise of arranged marriages is still common. This was traditionally done with the help of the village 'match maker' or through relatives. In modern Sri Lankan society, the development of the mass media has contributed to changes in the way a marriage is arranged, in particular, the marriage arrangements of the middle class. Newspapers offer a more efficient and economical way of finding partners for those who consider traditional as well as modern attributes in contracting a marriage. Although advertising in newspapers is open to anyone, the type of advertisers in the English media are drawn mainly from the middle to upper classes, evident by the types of professions and the amount of dowry.

Newspapers

Voice of Women sought to discover the basis of how new families are created by the newspaper advertisements. We examined 7699 marriage advertisements in *The Sunday Observer*. The advertisements placed were mostly by par-

ents, and describe the 'type of family' they are, and which caste, religion, and class they belong. Advertising in a newspaper is a convenient way for arranging a marriage. "The marriage advertisement system makes direct communication between two parties feasible without the help of middlemen, known as 'match makers' or magul kapuwas, and thus offers a more economical and practical method of contracting marriages. The use of mass media for arranging marriages is an indication of how the institution of marriage in Sri Lanka has been adapted to commercial practises. However, the nature of



these advertisements does not suggest a strong departure from traditional norms; it gives those interested in choosing their partners an opportunity to consider both the traditional as well as modern attributes (Ranasinghe S. 1977)."

Gender Roles

The evolution of the family has created and enforced gender inequalities based on the types of work men and women do. Family systems still

enforce these inequalities. Differences based on labour distinctions result in economic inequality, but inequalities have also arisen from the politics of the family, such as the way the kinship system operates and produces alliances, and in the way hereditary patterns often favour males. In the newspaper advertisements, gender roles were clearly defined.

Not only were the occupations and behavioural characteristics of brides defined, but also their housekeeping abilities. In some advertisements seeking grooms, the bride's father's or brother's occupation was given.

In many societies, girls are groomed for marriage from an early age. They are taught to cook, to sew, and are taught obedience. High priority is placed on the virginity of women. Men, on the other hand, have been given more freedoms within society, and these freedoms have been enjoyed by them since boyhood. Most of the advertisements were placed by parents, but it is interesting to note that there were less ads seeking brides, thus reflecting the freedoms that men have in meeting partners

on their own. Another interesting feature in our study was that grooms are more likely to place the ad themselves on behalf of themselves.

Virginity

Virginity is a valued 'gift' that a woman brings into the marriage transaction. "Women's sexuality is most often seen as the property of her family and valued as her marriage price. In marriage, a

woman's sexuality is not her own but is to be guarded for use by others. A violation of women's sexuality is not so much a violation of another adult's choice to participate in sexual relations outside the socially condoned arena, but rather the violation of property belonging to another man (father, brother, husband). In most societies a rape devalues a woman socially, and her own suffering and pain is of secondary concern in the society's eyes (O'Connell 1994:19)."

In Sri Lanka certain customs ensure the virginity of the bride. "In the South of Sri Lanka, a marriage custom exists which expresses the vulnerable position of the girl in this part of the country. Here, the girl's virginity is not only highly valued but is also tested by the bride's mother in law after the wedding night (Postel & Shrivvers 1980:61)." This test is the examination of the bed sheet for spots of blood. Other customs follow which publicly declare whether the bride was a virgin at the time of marriage. These customs can result in the humiliation of the bride and her family. If the bride passes the *virginity test*, she dresses in red for her home coming and her mother in law will greet her with red flowers. If she fails, she will be forced to wear a white saree for her home coming and her new mother in law will greet her with white flowers instead of red ones. The bride's family will not be served eats by the hosts, and will often be asked to help themselves to food laid out on a side table and not from the ceremonial table (Basanayake 1991:5)."

Parental Duties

In most arranged marriages, it is the parents who arrange the marriages for their children. Arranged marriages are not necessarily forced, but girls often feel compelled to obey the decisions of their parents.

In today's modern Sri Lanka, girls are still brought up to be obedient

to their parents, and this is evident by newspaper advertisements which are predominantly placed by parents. Most describe their daughters as "obedient", "well behaved", "well mannered", or "respecting traditional values". The desire to increase or maintain a family's social position is evident in newspaper advertisements when dowry and caste are so often mentioned, and when the professions of the male members of the family are highlighted.

"Respectable Buddhist Govi parents in Colombo seek educated professional partner for their pretty University Graduate daughter, 25 5'5". Well mannered and cultured. Dowry in cash or land, jewellery and household items. Reply with copy of horoscope."

Caste

A caste is a rigid social division which is usually hereditary. It reflects a family's social standing, even if the type of work traditionally defined by caste is no longer practised by members of the family.

In Sri Lanka, the concept of caste is an important component for a suitable marriage, and perhaps this could be a reason for the acceptance of an arrangement.

In most of the newspaper advertisements examined, the very first thing declared by the advertising party is caste. 66% of brides declared their caste, and 59% of grooms declared theirs.

Many cultures throughout the world practise a system of caste. In Sri Lanka, the Sinhala Buddhists are caste conscious, but caste identity

is more strong amongst the Sri Lankan Tamils and the Indian plantation Tamil minority. Most times a caste can be identified by a person's surname.

Caste becomes an important factor in a marriage proposal, and even Sri Lankan Christians and Catholics will identify their caste. Professor S.T. Hettige, anthropologist from the University of Colombo, believes that caste is important in one's identity, just as nationality is important.

Educational Level

The majority of newspaper advertisements in *'The Sunday Observer'*, particularly advertisements seeking grooms, will state that they want a partner who is educated. The educational level of the prospective partner is used to upgrade a family's social standing. A bride's family will often advertise for a husband with equal or better academic qualifications or profession, and the groom will in turn benefit in that if he is chosen as the new husband, he will get a better dowry.

Of the newspaper advertisements, 87% of brides requested the groom to be a professional. A woman's educational level does not constitute a part of her dowry, even though she may be in a high income bracket. Her educational status can, however lead to marriage to a partner of a better social standing than her own family.

It is interesting to note that in the majority of advertisements in *'The Sunday Observer'*, the groom or his family will request an "educated bride" or an English speaking bride", but few will ask for a professional one.

Only 54% of advertisements seeking brides examined by Voice of Women requested a professional bride. Some advertisements clearly stated that they want their prospective bride to be a teacher or a homemaker.

Dowry

Dowry is wealth brought into the husband's family by the bride through marriage, and reflects the social standing of the bride's family. In newspaper advertisements, the families of brides will often state exactly the contents of the dowry - the house, the jewellery, and the salary the bride earns.

Of the advertisements examined, 87% of ads seeking grooms declared dowry.

Horoscopes

Horoscopes are an important deciding factor in a marriage. Parents rely on them in the arrangement to ensure compatibility between the couple.

The following of auspicious times is a traditional Sri Lankan custom and is not exclusive to Sinhalese Buddhists. Tamils follow horoscopes, and even Catholics and Christians in Sri Lanka will consult a horoscope.

Of the newspaper advertisements examined, 41% of brides, and 52% of grooms requested to see a horoscope.

Social Upgrading

The social status of a family is declared in the newspaper advertisements in many ways. For example, the professions of the male members of the bride's family are often stated in marriage advertisements in *The Sunday Observer*, thus highlighting the importance in seeking a husband of similar social standing with the males in the bride's family.

Social upgrading is a 'function' of marriage, and is the result of a successful merging of caste, academic qualifications, dowry, and the reputation of the bride and her family. The bringing in of the dowry plus the profession of the husband and wife can ensure future eco-

conomic stability. A family's reputation is important, and this is reflected by many advertisements in which the parents will define themselves as "respectable".

A family can also show its social status by displaying their wealth during a wedding ceremony, and in their invitees and the venue in which the reception is held.

Gender Stereotyping

Marriage advertisements in *The Sunday Observer* reflect obvious gender stereotypes. In advertisements seeking grooms, parents will often declare the behavioural traits, or physical characteristics, of their daughters in much the same way that they declare their dowries. "Well brought up", "well behaved", "well mannered", "obedient", "homely", "innocent", "unblemished character", and "respecting traditional values" are amongst the most common shortened descriptions. Some descriptions are well embellished traits of how obedient, homely and beautiful their daughters are.-

Yet, parents of the bride will rarely state the expected behaviour of the groom wanted, apart from perhaps "teetotaler" or "non-smoker". Where a bride has been divorced, it will most often state "innocent party", and sometimes even "unconsummated". Of the sample studied, 9% of grooms were divorced, and 6.2% of brides were divorced.

"A pretty bride is sought by Buddhist Karawe parents for their very handsome and professional son aged 30, accountant in a well known firm. Educated at a leading school in Colombo. Owns assets. Horoscope essential."

These gender stereotypes are an indication of how important it is for women to be controlled by their families, and how little control women have over their own decision making. It is also the result of social conditioning that a girl child in Sri Lanka is brought up with.

The behaviour and characteristics of brides appeared in 34% of advertisements seeking grooms. Of these, only 16% specified the type of behaviour wanted from the groom, such as teetotaler or non-smoker.

In advertisements seeking brides, 42% specified the behaviour and characteristics of the bride wanted, and only 30% declared their own behaviour and characteristics.

The Unmarried

The target of marriage is still seen as an important goal in a Sri Lankan woman's life. Girls and young women are brought up to be 'looked after' by their future husbands.

Marriage is regarded as a foundation for family. A spinster or a bachelor are not 'family'. Marriage is seen as essential for the continuity of the family - in name, in status, and in the possession and inheritance of property. To be unmarried in Sri Lanka is considered 'unfortunate'.

There is also still a stigma of divorcees, and of single parent families, widows, 'barren' women, and with 'illicit' love affairs.

Unmarried women can suffer from ill health because of the social pressures placed on them to be married. Women with a physical deformity or disability may suffer from more pressures from an early age due to the social stereotypes of beauty and attractability.

The Visit

Punyakante Wijenaik

I pressed the door bell. A woman answered it. She was round and plump with a face that looked like an over-stuffed moon. She wore a cloth with a blouse which went over it - lungi fashion. Her hair, recently washed hung in curly strands. She smiled showing a set of evenly placed, pure white strong teeth that did not shake like dentures.

"Is lady in? I told her I was coming."

She flung a cursory glance over her shoulder into the house. "That one is there. But she is upstairs."

I gave her name and repeated: "She is expecting me."

She moved her large body sideways from the door giving me space to enter. I went past her into a once familiar sitting room. It had not changed. Only grown old and desolate.

The unpolished floor had faded carpets over it. I crossed them and went to the wide staircase I knew so well in the past. Now a cobweb dangled from the upstairs balcony. "Shall I go up to see her? Perhaps she finds it difficult to climb down?"

The woman shrugged her shoulders indifferently. I put one foot on the first step. A thin voice queringly floated down like the cobweb.

"Has someone come? Ask her to be seated till I come down."

She spoke in Sinhala to the woman.

The woman gave a broad gloating smile. "Now you can see? She does not want anyone to come up the stairs and see her struggling from a dirty house-coat into a rag she calls a lungi. She still wants to be the lady she was in the past. Even if I put an arm about her to help her walk downstairs she pushes me off. Proud she is still and ungrateful."

I gave a sort of half smile. "When people grow old they

become set in their ways. We must understand that. What is your name?"

"Soma," she said shortly. Then added: "But how is it the old archi ammas in the village don't become ill and ungrateful? Is it because they observe Sil every poya day? I don't see that one upstairs going to the temple or laying flowers on any altar. Is that why she is wicked?"



I began to feel uneasy. I knew this old lady. She had not been wicked. If she had changed it must be because circumstances had changed. Soma was strong, dominant. She now stood with a hand on the bannister as if to prevent me from going upstairs.

"You better sit down in the sitting room as she calls it. She wants you to wait for her."

I retreated into the sitting room, and sat down on a red velvet covered dark ebony chair. The seat collapsed under my weight.

Soma came forward with a smirk and guided me to a second chair.

"Try this one it should be stronger."

I sat down gingerly putting half my weight into the wooden ledge of the chair and the other half onto my arm alongside the chair back. Soma smiled her piano smile again.

"I just swept this huge hall as it was full of dust. I washed her dirty clothes, I do her cooking. But she is never grateful. She never smiles. There is no sweetness about her."

"Is there no other servant?"

There is a person called Banda who sweeps the kitchen and the garden. Only the two of us for this huge place."

The scraping of an ekel broom came to my ears, muffled behind heavy red, velvet drapings.

"Soma! Soma!", the thin voice came like the fragile cobweb fluttering from upstairs.

"Banda! Banda!"

"She is calling someone," I said uneasily.

Soma went on regardless of the calling voice. "Carpets are dirty and old. But do you know she asks me not to walk on them saying I will spoil them?" "Soma! Soma!"

"My daughter brought much more expensive carpets than her old ones when she finally returned from the Middle East"

Finally she went upstairs in answer to the call. I wondered where the old lady's children were, leaving her to people like Soma and Banda.

I heard the voice again, thin, agitated, like a child.

"Where are the biscuits? Where did you hide the biscuits?"

I looked around me. Familiar chairs reflecting past glory. Sofas upholstered in red velvet which had faded with time, lace curtains backed with plastic sheets to prevent sun-burning and dust covering, but now so torn and fragile they looked as if they would dissolve at a touch. Rich marble busts and statues to represent an age of carved ebony and gilt edged paintings. A naked Greek boy raised his arms up as in prayer to heaven. A prayer that would go unanswered.

I felt uncomfortable. My visit, well intentioned was nevertheless causing conflict. I did not want my old friend to get into confusion because of me. Ignoring her request and brushing aside the cobweb I began the staircase determinedly. It was long and winding with faded carpeting covered in a film of dust. At last I reached the top step. I saw her pitifully searching inside bare cupboards for lost biscuits.

"Aunty" I said loudly "don't worry about biscuits. I came to see you. I have come up to you, I hope you don't mind."

The old lady turned. I was shocked to see how much she had aged since we last met. In the old days she had entertained lavishly all and sundry.

She shuffled towards me in a crumbled lungi and grasped my arm.

"Let us go down," she whispered in my ear, "there is something I must tell you." She spoke in English.

We went down slowly, she clinging fiercely to my arm. When we reached the last step she said: "She steals you

know. She stole my silver, my cut-glass and my jewellery. Now she has taken even the biscuits."

Behind us Soma was stomping down holding a crushed packet of ginger biscuits.

"Here are the biscuits you said were not there," she said loudly.

The old lady opened and closed her mouth helplessly.

"I am sure I don't forget where I put things," she protested. I led her into the sitting room, found her a stable seat.

She pressed biscuit after biscuit on me.

Soma tried to make an exit through the heavy red velvet curtains.

"Wait!" cried the old lady imperiously. "Bring wine glasses."

Soma returned with two plain drinking glasses and banged them down on a table beside a frightened looking bottle.

"Where is the wine?"

"Here beside your glasses," snapped Soma.

"Will you have some wine with your biscuits?" queried the old lady, reverting again to English.

"No thank you aunty. I have to hurry. But I will come again soon to see how you are faring."

I could see, even in the dim musty light produced through closed windows, that the bottle was empty. It was no match for the two large glasses.

"I can't eat," the old lady complained as she walked me through the door. "However much I try I can't eat." She was emaciated, feeble and old. Compared with Soma's well nourished frame I guessed easily who ate the fat and who the lean.

Soma walked me from the door to the gate. I heard the old lady's voice trailing us.

"Soma wipe your feet before you tread on my carpets."

Soma shrugged. "See what I mean Missy? Ungrateful, that is what she is. And she never talks to me in English although I can speak it as well as her."

"Why?" I thought as I walked away "have her children abandoned her? Surely they must make space for her in one of their new houses?"

Reflections

Jezima Ismail

Here I was a widow at 56. I had just completed my Iddat period, clad in a saree that would not draw too much attention. What had I to grumble about. I lived a happy or rather trouble free life with my husband for 40 years. He was good to me and everyone said he must have been religiously guarded by the teachings of our Holy Book. What didn't you have Fathima? they asked me - clothes, food, pin money, outings.

"Yes", I nodded. My aunt in a protesting tone as if I had denied these and maybe she felt that my tone wasn't enthusiastic.

Why he even took her on Haj - she is a Hajiani and look at her, she says nothing.

I couldn't understand this vehemence - I listened to their description of my life.

Another Voice.

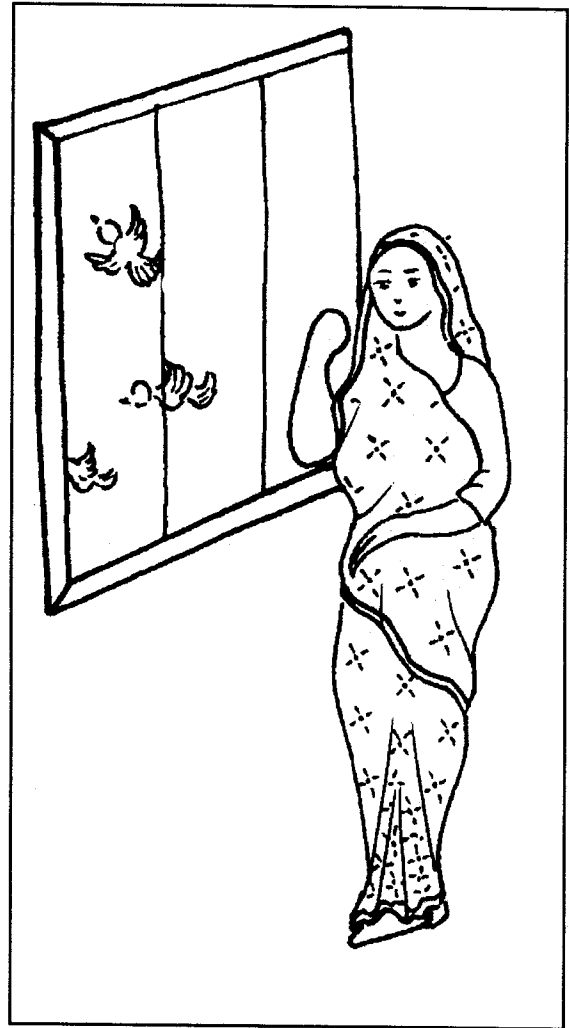
She has four children and what luck two boys and two girls and they are married and now they will look after her - lucky mother. I did resemble the 'ideal' widow. I know I will miss my husband. He was good to me, so protective and as people said "I had nothing to want."

I was the widow: I couldn't or shouldn't make the plans. The family descended on me in their number, sons, daughters, in-laws, their in-laws - all came in to draw out my future plans.

"Look Fathima," said one. "This house is too big for you. Why bother with running it and looking after your servants. You could easily shift to your daughters."

"Lucky Fathima", said another. "You have a choice".

My sons came in, looked at me, and just assessed the value of the house, the rent it would fetch, argued about what should be done about the furniture.....



There was no need to consult me. I was always kept happy and support there was all the time. The family was always present; not only visible but active in holding up that umbrella to shield me. Yes, I thought, I am one of those fortunate ones who had nothing to bother about. What had I to do, get up and take myself to a place where there were people and comfort. I looked out of the barred window. The sky was blue, the trees as green as ever, the wind was wafting the fragrance of the jasmynes and the temple flowers. The jumbos were gleaming pink on the trees - I saw all this through the window. There was this tug at my heart - suddenly I heard a little twitter and then it grew to a medley of chirping and I saw a flock of birds flying by. How free they were - their destiny was in their hands. The excitement to plan, the uncertainty that gave meaning to life. What a wretch I was.

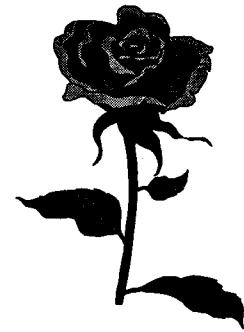
I was lucky Fathima - so secure in the midst of leaving life. Fathima, I told myself, sit back and be content. Don't tempt fate.

Here was another, widowed at 26 - with a little daughter. The family came in not as a wall to confine her to a limited space, but as a support to help her to draw upon the strength and cope with the problems. They did offer the safety, the cushioning comfort that was indeed welcome in early days of the sharp overwhelming grief. But there was a gradual withdrawal and everything was set for the young widow to chalk out her future. And this is what she did and looking back on her life after forty years she has led a life, not a full one, naturally, but one that gave her fulfillment as a woman, an individual who lived and not existed in life.

Note: Family is a central institution of society and has certainly undergone changes. Looking at the two situations one cannot deny the supporting role it plays, but this does not mean suffocation. In the "Islamic social order the family is the first and real unit of humanity and the real cohesive force which makes civilization possible" (Afzalor Rahman) The family has a purpose and responsibility and in building the found-

ation of society its role is to help members to be actively participating in life so as not to create parasitic tendencies. The Quranic injunction especially towards the treatment of widows is clear - the attitude has to be humane and compassionate. However, in the context of today in Sri Lanka with the economic irregularities and the consequences of the war, these are the deprived community especially the war widows and displaced women are undergoing privations that need not mere welfare centred programmes and but what would make them independent and self sufficient.

The family has a useful role to play but has to change its strategies of support. Much thought and reflection is needed especially amongst the women. Handouts and cushioning are just temporary, but a family has to educate its members to stand firmly on a ground that is unsteady due to subterranean currents that are destructive.



One Too Many

Rosalind achchie was the most beautiful grandmother that ever was. So Ramini thought. She was Ramini's best loved person in the house. Rosalind achchie bathed Ramini, changed her clothes, combed her hair and fed her, all the time telling beautiful stories.

Rosalind achchie and Ramini watched batichas taking honey from the yellow flowers near the gate. They made it a point not to talk because that would disturb the birds.

When they were not watching birds, Rosalind achchie told Ramini jataka stories. Sometimes they watched the plants and helped in the garden when mother was too busy.

Rosalind achchie would husk coconuts and scrape them, too. That was how she helped mother in the cooking.

One day mother told Ramini that somebody was coming home to stay and Rosalind achchie had to give up her room. What happens to Rosalind achchie?

Mother said they had found a good home for her and she would have a very good time there. Ramini cried very much and refused to accept the fact that Rosalind achchie had to go.

Mother took Ramini once a month to see Rosalind achchie, but everytime they went they had to wake her. She was nodding, seated in a chair waiting for them. Some days she could not remember Ramini at all.

Ramini lost interest in Rosalind achchie because she seemed to be so distant, so different now.

DOMESTIC VIOLENCE

Vicki Cornish

Domestic violence remains an issue which has been greatly under-researched in Sri Lanka. Many would like to believe that it does not take place at all, but preliminary studies have shown that the incidence of domestic violence is as high as 60% in some areas (Deraniyagala 1992). Many people do not like to discuss domestic violence because they consider it a private or even shameful matter. As a result, it is also one of the most under reported crimes in our society. Social attitudes towards domestic violence must change if we are to create a society which no longer condones or remains silent on any forms of violence against women.

"I am not allowed to utter the slightest sound. Our neighbours have no idea of what goes on here. They think we are a happy married couple"
- Swarna, 45

What is domestic violence?

Domestic violence is about power and control. The perpetrator denies his partner's right to disagree with him and uses abusive strategies to dominate and control her. These strategies may include:

- * physical abuse (eg. punching, hitting, slapping, shoving, choking and use of weapons against her)
- * sexual abuse or rape
- * emotional and psychological abuse (eg. demeaning her in public, humiliating her, making comments designed to make her

feel worthless, threatening to injure her)

* economic abuse (eg. depriving her of basic needs such as food and money)

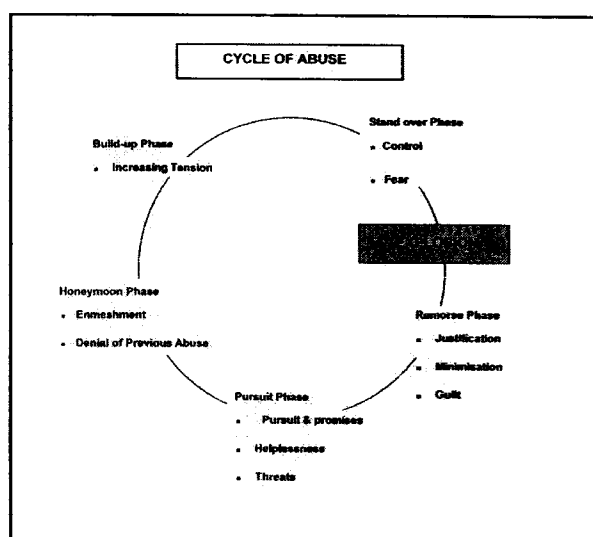
* social abuse (eg. depriving her of contact with friends or relatives, constantly following her and monitoring her movements)

Despite common myths, domestic violence occurs in families irrespective of nationality, religion, race or employment. Most of

As this cycle gains momentum, his power over her increases and her capacity to escape decreases. It is this control that violent men achieve over women that frequently traps them in violent relationships.

"He just beats me for the slightest excuse. Once I forgot to put down the mosquito net when the children were asleep and he beat me - shouting at me about how hard he works to earn money for us and how I do nothing."

- Sumana, 29



What causes domestic violence?

The causes of domestic violence are found in the unequal power structures between men and women in our society. Commonly stated causes such as alcohol consumption,

the victims are women, although a small number of men also suffer this abuse. The abuse often follows a pattern as illustrated in the Cycle of abuse above.

The cycle moves from a build up of tension to an explosion of abuse. This is followed by feelings of remorse on behalf of the perpetrator. He may even try to "buy back" her affection and trust with promises and gifts. A period of relative calm may follow but the tension soon builds again.

stress, emotional trauma or provocation by the woman serve only as excuses to alleviate the perpetrator of responsibility for his actions.

Alcohol does reduce inhibitions and may contribute to violent expressions, but it is not the cause of violence. Violent men bring their abusive attitudes and behaviours into a relationship rather than being driven to violence by issues within it.

"I have not really thought about whether all this is justified or not. I suppose it is my fate."
- Sakunthala, 65

In Sri Lanka today a concept of male supremacy still persists. Men are expected to be dominant and maintain power and control. One of the methods of achieving this, particularly for me who feel inadequate in relation to male stereotypes, is through the use of violence. Men and women are therefore conditioned to accept domestic violence as a man's right.

"He is not violent towards anyone else, only me. If we have an argument and I argue back, he beats me a few times."
- Rizana, 30

Abusive men cannot be identified by their physical appearance, their cultural background or their social status. Often they are violent only toward their partners; to the rest of their community they appear as law abiding citizens. Studies have shown that violence is learned from an early age, either by being a direct victim or by exposure to its use. When violence is ignored or tolerated by the family and society as a whole, children accept it as a way of life. They see violence as a powerful means of exerting control and do not learn non-violent methods of conflict resolution. In this way the cycle of violence can be passed on from one generation to the next.

"I cannot think of leaving home. I have no proper home to go to nor do I want people to find out about all this. If people find out I will have difficulties giving my children in marriage ... it is just not proper to obtain a divorce."
- Nimal, 46

There are many reasons why women stay in violent relationships. Often the woman does not want the relationship to end, she wants the violence to stop. In Sri Lanka women are frequently financially dependent on the abuser and fear losing the security of a home for themselves and their children. They are often concerned about the social stigma associated with divorce and the possible ramifications of this on their children. The abuser may also threaten the victim with greater violence should she attempt to leave, thereby strengthening his hold over her. Many women simply feel they have no where to go or no one to turn to for help.

What can we as a society do about domestic violence?

Domestic violence is a complex issue for which there are no easy solutions. It is a manifestation of male desire for control; therefore as a society we must challenge the values and attitudes that attribute power and control to men and devalue women. It is this power structure that enables abuse of women to continue, often silently ignored or accepted by society.

Breaking down such culturally entrenched attitudes however is no easy task. Women in Need (WIN) is one organization in Sri Lanka who have taken on this task and committed themselves to the elimination of domestic violence and all forms of violence against women.

WIN operate crisis centres in Colombo, Matara and Kandy where counselling, legal advice and befriender services are offered free of charge to victims of violence.

Obviously changes in attitudes that have allowed domestic violence to become so prevalent will not occur overnight. However, by examining the causes, supporting the victims and discussing the issues related to domestic violence, we can work towards reducing its incidence in our society.

Victims' quotes taken from case studies in Domestic Violence, by Sonali Deraniyagala, published by Women in Need, 1992



Women Heading the Family

The proportion of female-headed households in Sri Lanka has increased to 21 percent in 1994, from 16 percent in 1981 and 19 percent in 1992. This was revealed at a workshop on Protection of the Rights of Female Headed Households organized by the Women's Bureau of Sri Lanka.

Female-headed households have emerged as an increasingly important constituency in Sri Lankan society and for policy makers.

In a paper published on "Female-Headed Households in Situations of Armed Conflict" presented by the Coordinator of the Women and Media Collective, Dr. Sepali Kottegoda, it was identified that the number of households in poverty has significantly increased in the last two decades. Social and economic change, especially in the rural areas where women have been forced to take on major responsibility for income generation and food production has been the major cause for this shift.

Studies have also shown that in the Dry Zone villages, women's contribution to family income is relatively greater, although women's wages are lower than that of men. Women earn only 25 percent of income earned by men.

The increase in the number of female headed households is mainly attributed to the political upheavals experienced in the form of social strife in the South of the country in the late 1980s and early 1990s, and the ongoing war in the North and East.

For over two decades, the population of Sri Lanka has seen large scale displacement, disappearances and the death of family members.

According to the Ministry of Rehabilitation and Reconstruction, by the end of 1996, a total of 785,187 persons had been displaced, 75,377 of them were children under five years of age. A significant number of young widows are reported to have emerged as female heads of households in recent years.

Official information on female headed households still continues to describe them as households with 'widows', 'vulnerable women', 'destitute women' and 'unsupported women'. This is despite the fact that in the North, East and the South, female headed households are a significant proportion of the population and are wholly responsible for the care of their families.

In the south eastern district of Moneragala, where violence took place in the late 1980s, a study has shown that the population now comprised of 59 percent females.

As the overall average population composition rate in the country is one female to one male, the implication of this study is that these female headed households are a new phenomenon. There are several reasons for the emergence of female headed households within the past two decades. These reasons have been identified in the Samuel Report (1994) on households affected by the ongoing war in the North and East, (i) spouse

killed in action; (ii) death of spouse subsequent to arrest or abduction; (iii) spouse 'disappears' with no eyewitness present; (iv) spouse has fled to escape harassment, arrest, detention or death and his whereabouts known or unknown; (v) spouse has abandoned his family to join a militant organization; (vi) families separated in the course of flight and spouse cannot be located.

The research on female headed households highlights the reasons why women become heads of households.

Courtesy of: "Gender Manushi" IAWID Vol 3, Issue 11 Jan 1998.



"Head of Household" Redefined

Rukshani Welihinda

One of the provisions of the Women's Charter, a policy document that recognizes the rights of women states,

"The State shall redefine the term 'Heads of Household' so as to ensure women's contribution to household be recognized and that women have equal access with men to all development programmes, distribution of benefits and entailed benefits".

Women are very rarely given the place of head of household in society even though they shoulder most of the household responsibilities as the major constraint that prevented women from getting gainful employment.

Though having to perform dual roles no matter what job responsibilities she has, the woman whether she is a single parent, homemaker or career woman, society's attitude to women is under-valued to a great extent.

In my home, my mother has always been worthy of the defined or re-defined term "Head of Household". This does not mean that I under estimate the importance or paternal role of my father.

My father met with an accident when I was just a child. His condition gradually worsened and he became confined to bed.

My mother was always there for my brother and me.

She shouldered all the responsibilities and was in control. Whether it be an issue concerning our education, a household problem or when my father took seriously ill, she knew what to do.

She made the right decisions, handled the finances and made sure we were not deprived of anything.

The rest of the family, aunts, uncles, cousins, etc, began to realize this. They sought her advice when it came to their family matters. Her friends who had also lost the support of their husbands began to look upto her as a mentor. They came to her for advice and wanted to be as strong, as confident and independent as she is.

My mother once told me, "When I was growing up my father did everything for me, when I married your father did everything for me, now that I don't have the assistance of your father, I have learnt to do things by myself."

And she did a superb job of doing things by herself and guides me through life.

The thing that I most admire in my mother is that she managed the finances resourcefully.

My brother and I completed an uninterrupted primary, secondary and tertiary education thanks to mother.

My brother, an Attorney-at-Law like my father, and I a journalist, are forever indebted to her for keeping the family together.

I have heard of women who have not been strong enough to keep their family together, allowed the children to go astray and run through the finances in the absence of the husband.

But here is a woman whose children did not go astray, managed the finances, still does, and looked after a sick husband until his demise.

When I entered my mother in a "supermum" competition and she was chosen as one of the top ten mothers of Sri Lanka, I wrote this of her:

"My adorable mother's heroic and selfless nature came to the surface when my father was afflicted with Parkinson's disease. In spite of this traumatic experience, my mother's encouragement and support helped my brother and I to complete an uninterrupted education. She still nurses my father whose condition continues to deteriorate." Published in the Sunday Leader, May 1995.

Death on the Iron Guitar

Jane Russell

*Bring Her Back
We say again*

Dr. Russell was deported on the 17th April 1996 due to her failure to renew her visa. She had lived in Sri Lanka for two decades and obtained her doctorate at the Peradeniya University. She is a renowned scholar and academic who wrote many books on Sri Lanka.

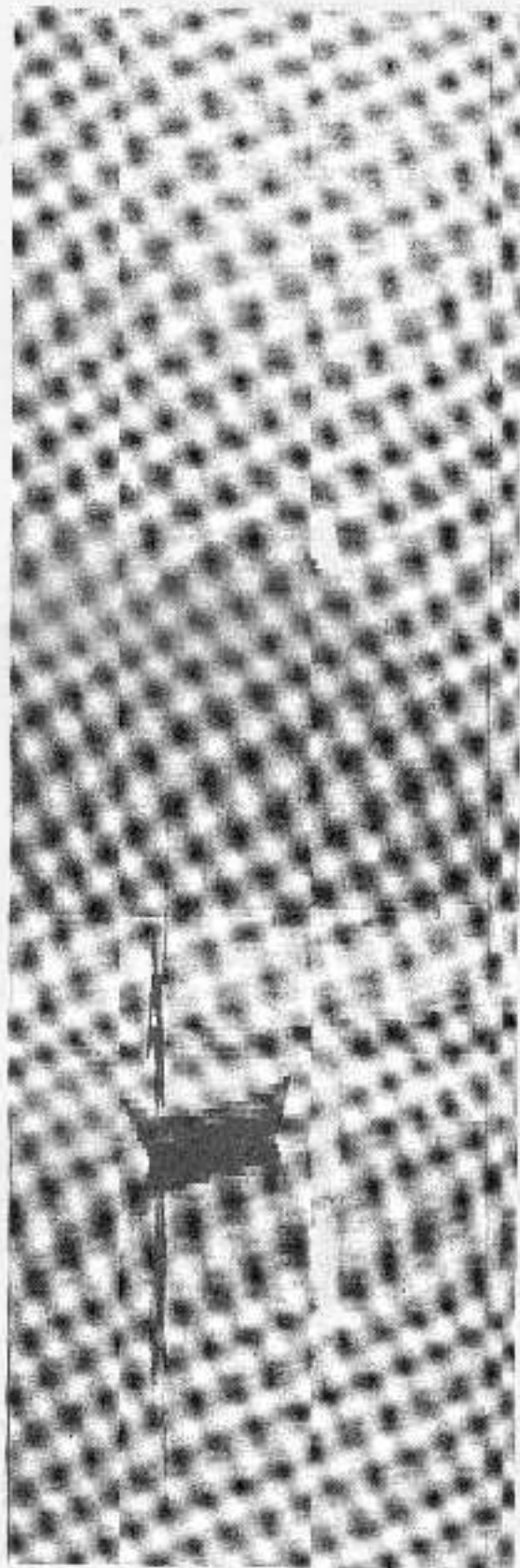
We made an appeal to the authorities on her behalf and our newsletter of April 1996 said 'Bring back Dr. Russell. We need her'.

In this poem that is reproduced here, note how much of this country is in her mind 'sodden with misery' and our unfortunate war.

I'm crossing Market Jew Street,
I'm humming "Death on the Iron Guitar";
I'm sure you will not die yet
Though you're twenty years ahead of me -
I'm living in a dreamworld,
I'm humming "Death on the Iron Guitar".

I'm back in the island paradise,
I'm humming "Death on the Iron Guitar";
There are riots in the streets, the rattle of AK-47s,
And you're having curfew parties,
But I'm sure you'll not die yet -
Though you're smoking more than a battalion of
guns;
I'm humming "Death on the Iron Guitar".

There are corpses in the dried-up paddy fields,
Bits of bodies burning on tyres by the roadsides,
You're coughing more than laughing now;
I'm humming "Death on the Iron Guitar" -
But surely you won't die yet?
Though soldiers on both sides
Always think they're winning -
They're all living in a dreamworld,
Singing "Death on the Iron Guitar".



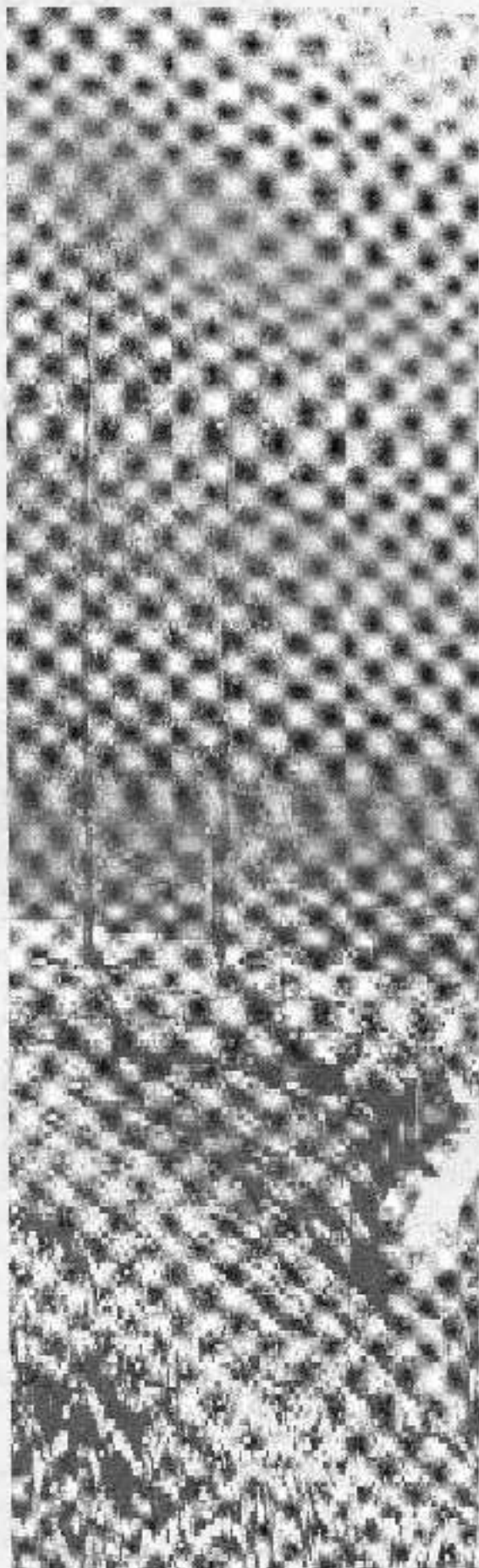
We're dropping you off at Charles Circus
In the old Morris Oxford estate car;
We're on our way to a death-bed;
I'm humming, "Death on the Iron Guitar"
But I still think you won't die yet
Though you're drunker than a stand-up comic:
I'm living in a dreamworld -
It's the last time I'll see you (in this life).

I'm smoking cigarettes in Camberwell,
I'm humming "Death on the Iron Guitar",
But still I can't believe that you'll die yet
Though a beloved voice from a long-distance
Tells me you're breathing pure oxygen
Fed through a mask -
Your hugs, it seems, have turned to ash:
Was this our dreamworld,
This death on the iron guitar?

You died on a darkening Bak poya
(death on the iron guitar)
Your mother's wallclock must have chimed a
carillon
From the house behind: The incessant rains filled
up the reservoirs -
There'll be power enough to drive
The nation's dreamworld:
Death on the Iron Guitar.

In twenty-four hours you were cremated,
The hindu way
Not much to burn in your case -
A sunken body, some bones, a moustache,
A set of buck teeth, a stout heart,
But this refrain must have sounded somewhere in
Kanatte -
What was the nature of this dreamworld -
Where I was crossing Market Jew Street
And knew you would not die yet
Though you were twenty years ahead of me
And I was humming and humming,
Like one possessed, this single line
That just wouldn't go away -
"Death, death, death on the iron guitar?"

Night in the Female Gaol in Kandy
Quiet in the female Gaol:
Sleeping bodies on the floor
Wrapped in saris, cloths and towels:
The gaoler sleeps on her bunk behind her locked
door:



Roses grow in the tiny garden
Where the drain runs with faeces
And the putter of rain
Falls on the old tile roof.

The chant from the Dalada Maligawa
Can be heard softly rising and falling
Before the misty, chilly dawn.

The English clock at St. Andrews
Still drives the hours
Long after the colonial age has gone.

Babies suckling milk yowl
Softly and their mothers shush them
As they turn in their crowded cell to the wall.

Someone relieves themselves in the pail -
All quiet in the female gaol.

On the problem of arriving at Rigpa
Bana in Free Verse
Deconstructing the ego is the first - and last -
problem

The body is easy: it takes care of itself -
Winding down, going ragged, dessicated, holey.

It's the "creature within" which refuses to wither
gracefully away.
Sodden with memory, it clings to experience of
"me, my, mine".

In fearfulness, like a city, it adds and adds unto
itself,
Building walls upon walls - a very celebration of
cellular
Compartmentalisation - until separated from its
origin
By uncountable layers of discrete remembrances,
It finds itself imprisoned in its bulwarks -
As cornered as Hitler in his bunker -
And it cannot, cannot, physically cannot
Dissolve into nothingness
That all things end in.....

"Deconstructing the ego is the first - and last -
problem....."



The Family Protection Racket

Three women reflect upon their experiences about the 'family'.

First Woman

The Other Protection Racket

To me the family is the other protection racket. The family is more deadly than all the godfathers put together. The family unit oppresses women and forms the nucleus of patriarchy. To explode the nucleus will have consequences far greater, in social terms, than a nuclear holocaust will have for life on earth. But a happier one - in my view. Whatever the definition of 'family' is, its primary function is to socialize people into the norms of that society. This is why the family has so much power - for it influences all our 'subsequent' ties. What choices we have about what ties to form and how to live a 'normal' life stem from our first social unit - the family.

Whether the family model be eastern, western, poor, rich, white, black, ancient, modern, one-parent, communal (multi-parent), extended or nuclear, all the forms are only cosmetic. Underneath them all, with the culture and the colour taken off, the function of the family remains the same. That function being the servicing of the power that be, and that power is patriarchy. To do that, women have to be suppressed *and* be made to serve the men. The family is bad for women.

So women are the first colony.

Colonies are kept going mainly by the acquiescence of the colonized, while back-up violence is used when such acquiescence is challenged. Of course if the colonized can actually be 'made' to like the status quo then it is they who will fight to keep it going. Sounds familiar?

That 'wanting' is done through children. I see children as the second colony. No child is wanted in isolation from the family set up. The function of the family being the socializing of the young, means that children serve the family needs first, before the children's needs can be met. Women are



'made to become' helpless, but children are helpless. To the extent that women will want to transmit patriarchal values to the next generation, they are in charge over children. One colony looks after the other and the men extract

gratitude from both. If women were to subvert the children, say by the transmission of feminist values - children's care would be given to men (as lesbian custody cases show).

To the extent that women succeed in this vital role, they get the occasional crumbs from the men (the ring, the house, the name). To the extent that women fail, they are annihilated. The annihilation task is usually left to the 'good' women who can weed out the 'bad' women, that is those women who do not conform to the 'family' model - however 'fancy', traditional or progressive that model might be.

Until women see their complicity in this system, no alternative kind of social formation is really possible. Most women are exhausted, not only in servicing men but in putting down women who 'deviate'. This complicity is mainly done through the institution of motherhood - in my view. This is why even when mothers have moved away from men, they still hold on to coercive ways of thinking - that is, the thinking of patriarchy.

Because motherhood is seen as 'superior' to non-motherhood, non-mothers are colonized by mothers. So instead of serving the family man, the unattached women serve the family woman. In my view this is still patriarchy.

In traditional societies 'single' women who are not servicing a man, have their energies neatly harnessed to serve men as groups. In other words, until recently, by law only unmarried women could stay on in the civil service. And who ran the Victorian hospitals, schools set? In the Third World it is the elder daughters who bring up the children.

This leads me to the caring jobs done by women which are low paid, have low status, but carry the ideology 'that great will be your reward in heaven'. As child care is compulsory for women whether they are mothers or not, and because women are expected to want to, and to like to be with children, they are also unpaid and therefore all other caring has to follow that practice. How can there be a real choice about having babies if the accepted norm is that women must baby-sit full stop. Why give me contraception, and abortion on demand, only to take away my right to do what I wish with my time and energy? If not having a baby means 'choice', why is baby-sitting such a drag? And what about elderly parent sitting? Why are single women lumbered with their old relations? And to indicate the family set-up ideology in Britain, people willy nilly tell me to leave my parents if they are a bother, but they don't tell me to leave my children. In some countries women are forbidden to leave parents and children. What choice is their really? Who we live 'with' depends more on housing problems than on a tissue of lies about family ties. Yet the myth continues

When men are involved in the caring, they are the consultants, the policy makers and the architects. It is my opinion that not until/ unless women stop colluding with patriarchy through the agency of motherhood, will women get any recognition for their caring. How to use motherhood for women, ie feminism, is our next task, but only if motherhood can be seen as part of any other activity - not as some

sacrosanct religion that cannot be questioned. To ponder the problem of choice, to try to take conscious decisions, to try to foresee consequences, to try to focus on need/greed, giving/ demanding etc, not only do I have to grapple with the contradictions around the issue concerned, but I also have to fight the whole world. And the world does revolve around the family and motherhood is its main pillar.

If all this seems too far fetched for you, see what happens if you move away from your status quo, of the family, however loosely defined. Or more to the point, examine your attitude to those who dare to defy conventions and who challenge assumptions. To lumber them with the job of finding something better is a way of avoiding your responsibility to engage in making a better world. This is why real unity between women is an earth shattering feat - therein lies the possibility of scrutinizing every *facet* of life as we know it, and without vigorous scrutiny how can we be liberated?

Because the hostility is tremendous, it is almost suicidal to try to move away from the family; we keep our life and sanity (?) and pay the price. Hence the title of this piece....'The Other Protection Racket'.

by 'Shahzadi'

Second Woman

Another Protection?

At the age of eleven I overheard one girl teasing another, "You can't play, you're adopted, your mother left you in the dustbin". I kept quiet; I knew I was adopted and had been told to keep the information to myself. We live in a society in which the biological nuclear family is seen as the only way to live. Women who 'chose' not to have children are seen as weird, and children without parents are necessarily seen as deprived and disturbed. The problem may not be

that there are children who do not live with their parents but that everything in our society is arranged around the family (mother's day, father's day, parent's evenings etc).

I have been told that I was lucky to have been adopted, that I could have been left in the home; however it was not an easy childhood. There are problems in families - adoption merely adds another dimension to these relationships. I took to the world of fantasy, waiting for my real mother, the princess, to come and take me to a life of love and luxury. Sometimes I think I'm still waiting for her, but mostly I know that I will have to make my own life.

I realize that much has changed since I was adopted; however many of the feelings are still the same. Adopted children are now allowed to see their original birth certificate at 18. However, no help is given to those who wish to trace their parents. I found it very difficult to talk about my adoption to my parents without them feeling threatened.

Adoption has many implications for women. The mother who 'gives up' her baby is often viewed as unnatural and feels guilty. The woman who cannot give birth may be made to feel inferior, not a natural woman somehow. The adopted child is expected to feel grateful for the protection of the family. In return for this protection, the child if female, will be expected to care for her parents in their old age and repeat the process ... wedding ...children ...grandchildren, wedding, children, grandchildren, until someone dares to deviate!

by Kathleen Widmer

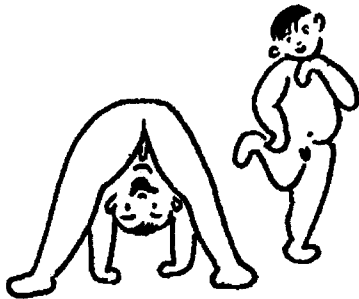
Third Woman

No Protection?!

Family
is an animal
but it walks on two legs
but it has no hands
but it speaks
but it does not listen
but it thinks
but it does not understand
but it has a face like humans
but it is the ghost of the ancients
but it is an organism
but it has no soul
but it does breathe
but it looks like the fractured
skeleton of old dinosaurs
but it lives in humans
but it devours like beasts
but it is enchanting
but it has the teeth of vampires
but it looks like a woman
but it is a bitch.

by Noori (Pakistan)

*From "Spare Rib" Magazine
London, Issue 135*



GOING HOME

Where are you going, Beeta? Didn't father ask you not to go out alone?

How can I be alone? The road is full of people. Besides, I have some work to do. Nobody can do it for me, Seela.

Beeta, don't be do naughty. You are a young girl. What will people think? Haven't you got a family? Besides, I am also a member of that family. Do I want to be disgraced?

Men do not want to marry a self willed woman who goes her own way.

Well, I too do not want to marry these men. They are for you.

How can I marry before you do? And if you behave this way I will get disgraced and nobody will want to marry me, either.

Are you worried if nobody marries you?

Of course I will be. Who will look after me later in life? You should also think of yourself.

You make me laugh, Seela. Why should anybody look after you? You have a job, a good education and a healthy body.

Don't be stupid, Beeta. All these things cannot protect you. You need a family with a good name.

What can a family do for me? What did it do for Renu? He played her out and she tried to kill herself. That one is a foolish one I would say. Family can't help you at times. Neris beats his wife. That is taken as her family beating her. What is she to do?

You always see the other side, Beeta. Just to be different from the others. You will learn your lesson one day.

I hope you will also learn your lesson. It's good for you.

Family Kills

A fourteen year old schoolgirl is repeatedly raped by her father while her mother is away in the middle east. Then one day her brother forces her to have sex with him. When she finds herself pregnant, she attempts suicide. But a neighbour rescues her and takes her to a counselling centre.

In another incident, a teenager pours kerosene over her body and sets herself ablaze after an argument with her mother.

Reasons as trivial as an argument to ones as grave as rape have driven more than 2,000 Sri Lankan women to suicide. In 1995, at least 2,263 women killed themselves by burning, taking poison, drug overdoses, throwing themselves against moving trains and hanging.

"Jilted love, marital problems, poverty and depression are some of the common causes that drive women to suicide," said Richard Luis, Co-Director of Sumithrayo, a counselling centre. The most vulnerable group are those between 14 - 25.

"While suicides among men are as high as 6,256 in 1995, the number of attempted suicides by women was higher," said Dr G.P.C. Wijesinghe, a consultant psychiatrist.

Although psychiatrists say women are better equipped to cope with stress as they are entrusted with responsibilities during childhood, a disturbing number of women still resort to suicide.

"It is the pressures of a patriarchal society that drive women to suicide," said Kumari Jayawardena, of the Social Scientists Association. "In marriage a woman is forced to shoulder more responsibilities. These pressures could sometimes be unbearable."

"Suicide and attempted suicides are common among married women who have been subject to severe mental and physical abuse," said

abused women. "Many newly wedded women had killed themselves over the virginity test, an entrenched Sinhala marriage custom."

Lesbians and homosexuals too commit suicide, with some women discovering they are lesbians only after marriage.

In 1994, 370 jilted lovers killed themselves. Said Mr. Luis: "These girls are lured into sexual relations with promises of marriage by boys, but once they are pregnant, their partners often dump them. The victims are then rejected by parents and feel they have no alternative but to end their lives."

"Parental objection to love affairs among teenagers has pushed many to take their lives out of despair," said Ms. Jayawardena. This is a serious problem in rural areas where forbidden love affairs are frowned upon by the whole village.

Even exams have become a matter of life and death. The competitive nature of the O Level and A Level examination has put a lot of pressure on students. Unable to make the grade or satisfy parents' expectations, some students commit suicide. In 1994, at least 21 schoolgirls took their lives when they flunked the exams. Once a student made a pyre out of



Padma Kahaduwa, of Women in Need, a Colombo based organization working for the welfare of

her books and threw herself into it.

The present exam oriented education system has to change, says academic Anne Abeywardena. "Parents have to lay less stress on exam results."

Suicides are also common among housemaids. Those who have worked abroad for many years find it difficult to strike root again.

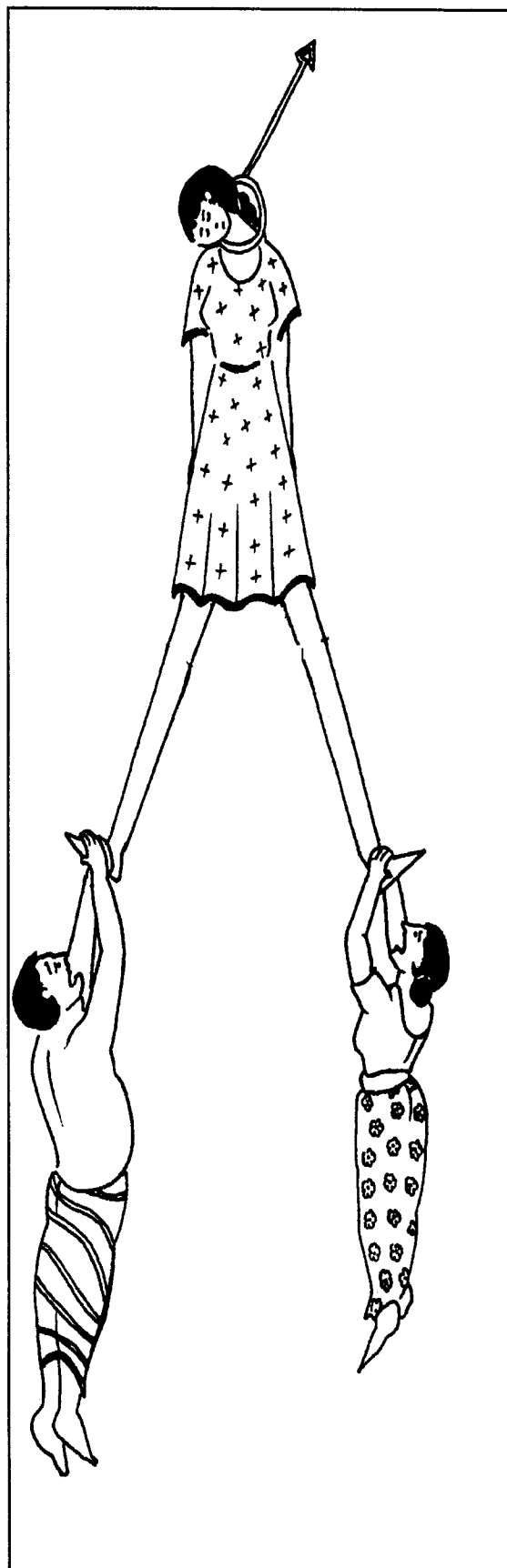
According to the Community Centre for Mental Health, the girls working in the Free Trade Zone are another group vulnerable to suicide. Married and unmarried men lure them into love affairs and then sexually exploit and dump them.

Counselling and a healthy mental upbringing are the only means of overcoming suicide, said Dr Gamini Premathillake, consultant psychiatrist at the Angoda Mental Hospital.

However, though Sri Lanka has been rated with the highest number of suicides for some time, little remedial action has been taken.

Suggestions by the Commission on the National Plan for Mental Health have not materialized. There are few NGOs dedicated to the cause of mental health and fewer still that provide in-house treatment. The state services are limited to one hospital which houses a limited number. "Counselling is very essential and there should be more psychologists and counsellors in schools and universities," said Chintha Balasooriya of Women in Need.

*Courtesy "Gender Manushi"
Vol 3, Issue 10,
October 1997*



WIDOWHOOD

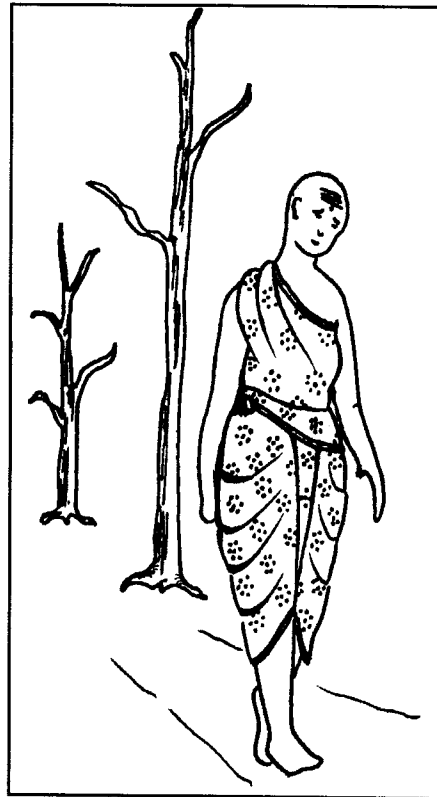
Selvy Thiruchandran

Widowhood has come to be recognized as a social institution with customs and practises spelled out in detail. The practices included tonsure, giving up ornaments, giving up foods rich in spices and aroma, caking heads with mud and sleeping on stone beds. These practices are alien to a culture that allowed widow re-marriage, as is evident from the customs still followed by the low caste Tamils, other tribal societies in South India, and the Sri Lankan Tamils. This is an instance of regional variation due to patriarchal cultures influencing Hinduism.

The impact of Buddhism was another significant factor which influenced the practises and customs pertaining to widowhood. There are customs commonly known as *kaimai nonpu* which means 'widow penance' or 'widow asceticism'.

The extreme asceticism expected of widowed women has parallels in the ascetic code of Buddhism and Jainism. Shaving the head, wearing robes, restricting food habits, giving up luxuries and material things and sexual abstinence, (self-denial in general) are part of a code of conduct for Buddhist and Jaina monks. The word *nonpu* is etymologically linked to the idea of Buddhist penance. Brahmanical Hinduism picked up these ideas and instituted them as good for their widowed women. They were expected to wear white, and among some castes they had to remove their top garments. This mode of dress resembles the robes of Buddhist monks. The concept of chastity was now modified and made inclusive of a self-denial code for women whose husbands were no longer enjoying the pleasures of life. Hence, in this process the Buddhist code of renunciation is imposed on women.

The whole ideology is directed at controlling the sexuality of women. The deprivations by way of food are to curb her sexual appetite and the deprivation in the mode of dressing and ornaments are to diminish her sexual attractiveness. Thus women's sexuality had become the exclusive possession of the husband. The ritualized patterns of widowhood which symbolized negation of sexuality



and world rejection and which became high caste norms during the latter periods of history had its beginnings in the *Dharma Shastras*.

What then was the reason for this patriarchal institution? One could speculate: Women who owned property would take the property with them when they remarried. The husband's brothers could no longer have access to her property if the woman married again. If she remained single she would assert her rights over her property.

The practices and customs of widowhood were thrust upon women who had lost their husbands. This is social patriarchy's conflation with asceticism to create a religious patriarchy. The fact that these customs were commonly practised by the Brahmin caste could testify to the fact that these were originally Brahmanical customs which other castes started to imitate in order to climb the social ladder. The practice of tonsuring of widows has further implications with connections to sexuality. Hair in various cultures has symbolic meanings, signifying power, virility, vigour and vitality in men, among women it meant an additional charm to femininity, both implicitly have connections to human sexuality. Hence absence of hair, the removal of it ritually or otherwise means absence of sex, negation of sexuality, which would lead to renunciation of it towards asceticism and the codes of restraint are primarily the process of these achievements.

Obeyesekere has drawn our attention to the cultural symbolic representations of hair in the religio-social practises among Hindus and Buddhists. While differentiating between the symbolic meanings of the matted hair and the shaven hair he argues that the shaven hair may suggest the principle of castration but it is connected to renunciation and chastity (Obeyesekere 1981:33-34). It may be noted that both are related to the principle of restraint. This custom was later practised by the royal women also implying an upper caste behaviour pattern.

These customs aimed at controlling female sexuality are indeed very violent aberrations. These are/ were practised ritually and sanctioned in the Hindu scriptures.

Women and Family in Buddhism

Hema Goonatilake

Buddhism emerged at a time when the Indian society was going through a downward trend in the position of women, owing to the domination of a priestly caste of Brahmins and the male's unique position in sacrificial rituals.

The Buddhist emphasis on Salvation only by individual effort and the Buddha's view on the concept of equality of all humanity had a direct bearing on the relationship of males and females.

The Buddha's concept of equality made no distinction between a man and a woman just as he saw no fundamental distinction between a Brahmin and an outcast.

In the immediate pre-Buddhistic centuries, women were lumped together with the lowest strata of the existing slave hierarchy. The "sudras, slaves and women" were prohibited from reading the Vedas.

A woman could not perform a sacrifice for herself and attain heaven. A man's happiness after death was ensured only by the funeral rites by his son. And a mother was duly honoured, only if she was the mother of a son.

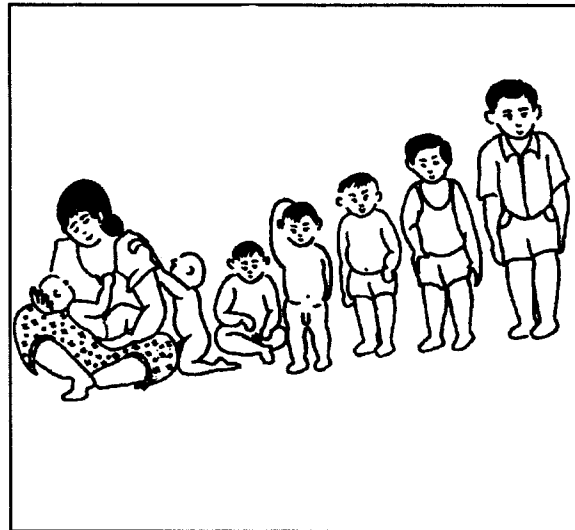
In contrast, no funeral ritual was prescribed in Buddhism for a man's after-death happiness. The birth of a girl was not considered a catastrophe, in the whole of the Pali Buddhist literature.

Yet, despite his attempts to go against the prevailing ideology at the time, the Buddha could not entirely overcome the beliefs and

practices that had come down the ages. He stated once:

"Wise parents desire sons to keep up the traditions and maintain the heritage".

Further, some of the very principles of Buddhism that recognized the individual's freedom of action and his or her responsibility for it, legitimized the inferiority of women. The doctrine of *Karma* and rebirth was interpreted to establish the supremacy of the male. According to the *Karma* principle, one's sta-



tus, beauty, wealth and power and even gender in the present birth have been determined by one's action in the past births. One is born a woman, it is believed, due to the deeds of demerit committed by the person in a previous birth. Thus the inferiority of women and the superiority of men are legitimized by the doctrine of *Karma*. It is a common practice, even today in Theravada Buddhist countries such as Sri Lanka, Burma and Thailand for women, after doing meritorious deeds, to aspire to be reborn as men in future births.

The Buddha also identified the comradeship of the wife, in no uncertain terms. In the *Jarasutta*, in answer to the question "What is the comrade supreme?", the Buddha replies "The wife is the comrade supreme."

This is a radical departure from the attitude that prevailed at the time. Yet the old notions of servility and obedience that prevailed down the ages were still visible when the Buddha said "Best among wives is she that best ministers," and "My wife is obedient, not wanton for a long time, she has been living together (with me). She is winning and I hear nothing wicked of her."

In sharp contradiction of the above is the following statement uttered by the Buddha on another occasion. "She who stands in fear of her husband is no true wife." The Buddha reflected a part of this milieu, although he often spoke against it. It is no surprise that the Buddha too considered home as the recognized place for women.

"If she were possessed of the five powers - the power of beauty, of wealth, of kin, of sons, and virtue - she dwells at home in confidence, overpowering her husband and continuing to get the better of her".

It should, however, be recommended here that Visakha, the reputed benefactress of the Buddha, differed considerably from the average lay woman. Visakha spent more time outside the home, with the religious community, where she played a leadership role. In fact, considerable

authority was exercised by her in matters concerning the order.

It is significant that the Buddha elevated the role of the wife to a considerable degree by institutionalizing the wife's authority in certain domains. For example, the consent of both mother and father had to be obtained by a son or a daughter before entering the order. This practice has continued to the present day.

The ideal virtues of women as promulgated by the Buddha were as follows: i) religious devotion, ii) a sense of shame and fear, iii) devoid of malice and animosity, iv) not jealous, v) not miserly, vi) pure in conduct, vii) virtuous and moral, viii) learned and well versed in knowledge, ix) ardent and zealous, x) mentally alert, xi) wise and sagacious.

These virtues, it should be noted, do not refer to any traditionally accepted exclusive female virtues but are equally relevant to both men and women.

Yet, one is also struck by sayings in Buddhist texts such as "The tendency to loose and moral character is the great bane of woman-kind," which was not entirely in keeping with the new thinking of equality. Such sayings, Horner points out, were probably later additions by monks.

In the later Jataka literature, the woman was depicted in an even more degrading fashion. She is often the embodiment of evil, greed and lust, and is a major obstacle in the path to *nirvana*.

The Family in Buddhism

There are several *suttas* that throw light on the role of the wife/mother in the family and the relations between family members and those in the immediate society outside the family during the Buddha's time. There is no evidence to show that the socialization process that was embedded in the Buddhist family and the values upheld by

Buddhist society as desirable continued to the present day society, preserving at least some of its core values.

The relationship between husband and wife was defined as follows:

"In five ways should a wife as western quarter be ministered to by her husband - by respect, by courtesy, by faithfulness, by handing over authority to her at home, and by providing her with adornment. In these five ways does the wife, ministered to by her husband as the western quarter, love him, her duties are well performed, by hospitality to the kin of both, by faithfulness, by watching over the goods he brings, and by skill and industry in discharging all her business." The mutual respect thus shown elevated the wife to a position almost on par with the husband. The wife began to assume recognition at home and outside home.

Feminist Critique of Buddhism

With the creation of a Buddhist female monastic community, the Buddha opened new horizons and provided alternative social options for women. They could become not only mothers and wives, but propounders or propagators of the new religion. They could, in theory, now excel in any branch of knowledge in the same capacity as their male counterparts. (Although Jaina monastic order had admitted women before the Buddha's time, a Jaina female monastic community had not developed).

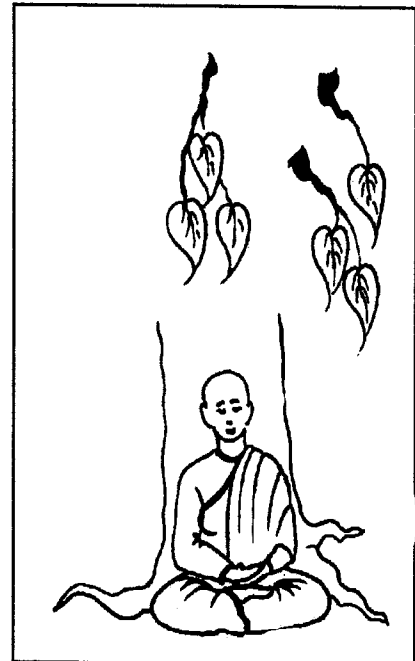
Yet the Buddha's initial reluctance to admit women to the order was ambivalent. The Buddha declined on two occasions to admit women when the Buddha was approached by his own foster mother Pajapathi Gotami to do so.

Conclusions

Buddhism emerged into a culture and tradition in India, which accorded an increasingly inferior position to women, and it is in this

context that Buddha's concept of equality was progressive and in principle afforded an equal status to women. In practice, however, the position taken by Buddha on women was at times ambivalent. The Buddha while accepting the role play assigned to the respective genders, elevated the role played by women. These rules were really meant to alleviate the problem of monastic organizations rather than discriminate against women. In Theravade Buddhism, women could achieve the highest goal of *nibbana*, but some doubt was cast as to whether in female form they could become a Buddha.

The Bhikkuni order, although created with strict rules, has a history of agitation against discrimination and perhaps forms one of the earliest records of women's protest movements in history. Eventually inequality of nuns with intellectual and moral eminence was established for the first time.



*Reproduced From Voice of Women
Vol 3, Issue 10, July 1990*

The Effect of Colonialism on Family Law in Sri Lanka

Shireen Samarasuriya

The legal status of women or the rights of women in the law of Sri Lanka remains shrouded in mystery for the majority of women. Although aware that they have certain rights, very few women know the specificities with regard to the laws that govern them except those few women who have had to resort to the law. It is indeed a tragedy that women are sometimes severely punished by the law for the simple reason that they had no knowledge of the law or had no access to it; as in the case of the woman who was sentenced to life imprisonment for killing her drunkard husband who had continually harassed and beaten her up for a number of years. In desperation she hit and cut him up with the kitchen knife (manna). She either did not know that divorce is possible or did not know how to go about getting one. She served her sentence in prison, while her children were left to fend for themselves.

Laws in general are also rarely subjected to change, the excuse being that it is cumbersome to change laws especially those dealing with the Family and Marriage, in effect those concerning women.

Today, several systems of law regarding the family is applied in Sri Lanka further complicating the lay woman's / man's understanding of the application of the Family Law. What we are most familiar with and what we hear about most is the General Law ie, the system based on the Roman Dutch and the English Common Law. Several centuries of Colonial rule (Sri Lanka was colonised from the 16th century 1505 up to the 20th century 1948 by three colonial powers, Portugese, Dutch and British) has been successful in not only

imposing on us a system of law based on Christian ethics but also has been able to successfully stamp out indigenous legal systems from certain areas of Sri Lanka altogether ie, Maritime provinces. However, due to its particular colonial history, indigenous law is practiced in certain areas among certain peoples.

The legal system is one clear area which reflects Sri Lanka's multi-ethnic and multi-religious character. The majority Sinhala people are governed by the General law except the Kandyan people living within the Kandyan provinces who have retained the ancient Sinhala legal system in matters of the family. The Kandyan provinces were the last to be conquered by the British. In 1815 the kingdom of Kandy fell into the hands of the British and the last king of Sri Lanka was exiled to die alone in a foreign land. The Tamils in the North were governed by the Customary law of Thesawalamai and the Muslims by the Muslim religious law. These indigenous laws, also called Personal laws, are customary / religious laws. These were directly in conflict with the foreign systems due to the polarity of their values and cultural differences.

The Kandyan law originally recognized polygamy, the right of one woman to have several husbands. Traditionally it was legal for a woman to cohabit with two brothers and in the Kandyan areas this custom is still practised, although not commonly. It was prohibited and made penal among the Kandyans in 1859. Under the ancient Sinhala law, marriage did not have the strict puritanical monogamous binding laws of today that Protestant ethic imposed on it. From historical records, it is evident

that Sinhalese laws of marriage or cohabiting among man and woman were related and did not have the legal connections it has today. Robert Knox, an Englishman who was a prisoner in the Kandyan kingdom from 1660 to 1679 records "but their marriages are of little force or validity. For if thy disagree and dislike one the other; they part without disgrace ... both men and women do commonly wed four or five times before they can settle themselves to their contentment. And if they have children, when they part the Common law is the males for the man, the females for the woman..." (*Robert Knox, an Historical Relation of Ceylon 1958 edition*). During this time there were over 1,000 English, Dutch and other foreign men imprisoned in the kingdom of Kandy, most of whom cohabited with Sinhala women. They integrated into Sinhala society and did not leave the country even after they attained their freedom.

In 1815 when the Kandy provinces came under the British rule, the provisions and the applications of Kandyan law became controversial for the simple reason that this law was beyond the white man's comprehension. Not only could the British comprehend the law, but they were shocked by the 'heathen' practice of living together with more than one man at the same time.

What we now term as "Kandyan law" can be said to have been the General law practised by the majority Sinhala people throughout the country before the 16th century. The Portugese who conquered the Maritime provinces of Sri Lanka in the early 16th century began the process of change of the law..

Later, Kandyan law was judicially decided to be applicable to personal law to the Kandyan Sinhalese, ie, those who domiciled in Kandy from 1815. Although over the centuries there has been an influx of people into the Kandyan areas, those who can prove residence for generations are today given the facility to be governed by the Kandyan law.

In the Kandyan law, a lawful marriage is classified as either 'Diga' or 'Binna' both of which could be dissolved easily by mutual consent. In a Diga marriage the bride is taken to the husband's residence to live, while in a 'Binna' marriage the husband is absorbed into the wife's family. In a 'Diga' marriage husband / father had more authority over the children than in a 'Binna' marriage. In both types of marriage, however, the status of the woman did not suffer. The husband or father did not have 'marital' power over the wife, her right to separate property was recognized and in the death of her husband she as head of the family had important rights in management of property. These were the most salient aspects of Kandyan family law. The woman was treated as an individual, as one of the most important persons within the family unit. Illegitimate children born into a non-legal family could be acknowledged by the father and absorbed into the legal family and inherit property. This liberal attitude towards 'illegitimate' children helped create the parent-child relationship as well as obtain an heir to succeed to family property.

Thesawalamai is a customary law applicable to the Tamils living in the North of Sri Lanka. Here too, polygamy was recognized, and although the husband / father had authority over the children and family he had no marital power over his wife. Her status in the family was recognized, and on her husband's death she obtained special rights as head of the household. She had separate property rights and the husband could exercise control over only a small

fragment of it. He also had no power in relation to minor children. The practice of adoption is recognized by Thesawalamai, but illegitimacy is not made provision for.

The Muslims in Sri Lanka who came here as traders prior to the Portugese are governed by Islamic religious laws which ensure in theory that the rights of women are protected. Under the Koranic law women can chose their own husbands and divorce them when necessary. However, the practice of the law is entirely different keeping women in a position of inferiority, ignorance and seclusion. Polygamy is recognized by law and practiced and the husband / father has sweeping authority over his wife, wives and children. Illegitimacy is strictly not tolerated and such a child is treated as a child of no-one (*filius nullius*). Adoption, too, is not recognized. Under the Muslim law, however, women can administer property without the interference of husbands, they also can earn a living and do business for which they do not need to acquire permission from father / husband. In practice, however, these 'rights' are violated in some way or another. What is now passed off as Muslim law, therefore, is a distortion of Islamic law which is detrimental to the rights of women. Muslim law as it is practiced in Sri Lanka is really a combination of customary rules with principles of Islamic law. It is not uncommon to see women in *Purdah* in Sri Lanka today, which perhaps can be explained as a result of Islamic fundamentalism which we hope is not an attempt to push women back to the home to live in ignorance and fear.

These personal laws of Sinhala, Tamil and Muslim peoples apply only to family matters, a limited area of the law. Thus marriage, divorce, intestate succession and property rights of the spouses are matters governed by personal laws. In all other matters, ie, Commercial and Criminal law, tort, contract, etc, all inhabitant of the country are governed by the Gen

eral law. The General law as stated earlier is an amalgamation of the Roman Dutch law and the English law. Both systems reflect the values of the Cannon law which is directly derived from the religious values of the Christian Church. Our law, therefore, is a produce of a western legal system of a certain period in history which has successfully made inroads into the liberal indigenous laws of the country in areas such as marriage, illegitimacy and adoption.

In the English Cannon law a family is legally recognized as a nuclear family created within a legally valid monogamous marriage, (this was in direct opposition to the locally recognized unit of the extended or joint family that consists of several families living together), which has also been formally celebrated and solemnised. The Marriage Registration Ordinance of 1907 sets out the validity of a marriage and provides for the registration of marriages. However, the first legislation on marriage was brought in 1822 for the Maritime provinces where registration was made essential for a marriage to be valid. Due to the pluralism of laws draws a definite distinction between the registered marriage and customary (non-registered) marriage. The English considered a Customary marriage non-legal. This was perhaps because the Cannon law viewed illegitimacy with so much disapproval. The Roman Dutch law, however, was a bit more liberal and recognized the relationship between the mother and child. Although the British brought in legislation on registration of marriages in 1822 and by Statute in 1847 they found it difficult to enforce the law on people unused to such an idea. In 1863, therefore, we find it eliminated by Statute until the General Marriage Ordinance of 1907 which is currently in use.

In direct conflict with the indigenous laws, especially the Kandyan law, both the English and the Roman Dutch law considered that a woman once married should

come under the guardianship or 'protection' of her husband, giving the husband wide powers and control over her person and property. This authority of the husband extended to the children as well; as father he became the 'natural guardian' of minor children, had a right to their custody and was considered the lawful authority in controlling their affairs. Both the systems, however, did not recognize adoption as a legally valid institution. It is a tragedy that even in these backward areas of their law, they did not concede to accept the indigenous laws which were far more egalitarian towards the family and its children. Divorce was allowed only for matrimonial fault as English Canon law declared a solemnized marriage indissoluble. These 'moral' values were imposed on the indigenous population and inculcated into them over the centuries. The success that the colonizers had in eliminating indigenous laws from the provinces they ruled was due partly to missionary schools.

It was also due to the fact of non-comprehension of local laws. They, in not understanding the laws, were arrogant in writing them off as 'heathen' or 'pagan' practices. After the British took over the administration of the Kingdom of Kandy, they also strived to change the legal system of this portion of their empire. They declared it necessary to register marriages, even those under the Kandyan law for their validity. Ordinance no. 13 of 1859 and no. 3 of 1870, and now the Kandyan Marriages Act of 1952 has brought in legislation regulating Kandyan marriages where an unregistered marriage is considered legally void. A customary Kandyan marriage is therefore not recognized, let alone a relationship of cohabiting between man and woman.

Thesawalamai (ancient Dravidian not Hindu law) does not make provision regarding the form and requirements of a valid marriage. They therefore come under the General Marriages Ordinance of 1907.

The Muslims alone in Sri Lanka can wed according to their religious law. The Muslim Marriage and Divorce Act No. 13 of 1951 states that a marriage can be registered under statute or be an unregistered marriage valid under the authorization of the Quazi or Registrar of Muslim Marriages. However, in the registration of a Muslim marriage there is no provision for the bride to sign the Register. It is signed by the Wali or her guardian and the bridegroom only. The consent to a marriage, too, is not given directly by her, but by the Wali. Thus even child marriages could be easily carried out by the Wali although it is prohibited both by General law and by Muslim law.

In a country where women are said to have the same rights as men, especially in the area of marriage and where marriage is only entered into with 'free and full consent of both partners' as stated in the '*Declaration on the Elimination of Discrimination of Women*' this is a disturbing state of affairs.

The minimum age of marriage is 16 for males and 12 for females. For those of European ancestry and Burghers, the minimum age for females is 14 and males 16. Under the General law it is necessary that both parties to a marriage fully understand the nature of the contract and consent to marry one another.

In Sri Lanka a woman can lawfully retain her own name after marriage. Most village women (over 75 per cent of the population live in villages) retain their own names and are even not aware of a custom of changing the name after marriage. On the other hand, the westernized women of the urban areas take their husband's name and are most often surprised that a custom of keeping one's own name after marriage prevails in Sri Lanka. This is an indication not only of the alienation of the elite from their own culture and values, but also shows how deeply the Christian ethical values of patriar-

chy and monogamy are entrenched in them; the tragedy being that they are looked upon as symbols of civilized living to be imitated by the rest of the country.

Patriarchy was not an institution introduced by the legal system of the colonizers. The General law based on the Roman Dutch law and English law merely served to strengthen it. The fact that man is legally recognized as head of household is a reiteration of the patriarchal values found in the value system of the colonizer as well as the colonized. Yet, in the society of the 16th century it did not mean a second rate position for the woman. Legally she enjoyed legal rights with the man in all family relations. In comparison, the political and legal systems based on Christian moral values of the colonizers sought to suppress the female to a non-entity. The fault lies with us for not attempting to reform the laws in the post-independence period to eliminate all forms of injustice towards the female from the currently prevailing legal system.

The fact that there is no uniformity with regard to the laws governing family affairs have also led to certain limitations in specific areas of law. For instance, Muslim women ruled by the Islamic religious law remain disadvantaged in the question of the age of competence to marry. This is an area needing urgent reform, but will run into difficulties if attempts are made to do so. To bring about uniformity of rights, privileges and responsibilities that women should enjoy within the family has become a laborious task due to the different personal laws in practice by the three communities. The British of the 18th and 19th centuries adopted a policy of non-interference with customary laws of the people for fear of political unrest, and in fact welcomed the diversity of the laws as a means of segregation of the communities.

Reproduced from Voice of Women, 1988, Vol 3 Issue 1



voice of women

March 1998 ♦ Vol. 5 ♦ Issue 1 ♦ ISSN 1319-0906 ♦ Rs. 20/-

Edwina

She is not the family
not the nuclear
and not the extended
imbedded down generations
patterned, shortened, abused and deformed,
she is plain

Edwina
but to get out in the approved way
mother must say yes
father must research geneology
and brothers show prowess
sisters must approve

Edwina asks
am I getting married
Or you?

I am in the family way
says Edwina softly

She is in the family way
mother, father, brother, sister
cry
IN THE FAMILY WAY

That in how plain Edwina flew out of the nest.