

# Lineage, Law and Gender: A Comparative Socio-Legal Study of Patrilineal and Matrilineal Family Systems

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**Abstract-** This study provides a comparative socio-legal analysis of patrilineal and matrilineal family systems, focusing on their historical evolution, structural characteristics, and legal implications in India and across the world. Drawing from sociological theory, anthropological evidence, and legal doctrine, the paper examines how lineage, descent, and property rights are distributed within patriarchal and matriarchal social configurations. It explores the cultural underpinnings of gendered authority, tracing patriarchy's emergence from socio-economic and biological frameworks and counterposing matrilineal societies that emphasize maternal descent and female agency. The research highlights examples from the Khasi and Garo tribes of India, as well as global instances such as the Mosuo of China and Nubian queens of Sudan, to assess the intersection of gender, kinship, and governance. Further, the paper analyzes Indian constitutional provisions, judicial interpretations, and succession laws to understand how legal structures perpetuate or challenge patriarchal dominance. Findings suggest that while true matriarchies are rare, matrilineal and matrilineal systems foster greater gender equity, social cohesion, and women's health outcomes. The study concludes that dismantling patriarchal hierarchies within family and legal systems is essential to achieving substantive gender justice and that socio-legal reform must integrate indigenous models of female-inclusive governance to ensure equality in both lineage and law.

**Keywords:** Patrilineal and matrilineal family systems, Patriarchy and matriarchy, Gender and, kinship, Property rights and inheritance, Socio-legal analysis, Comparative family law, Indigenous governance models, Gender justice

## I. INTRODUCTION

“Family is a socially perceived group (usually linked by blood, marriage, living together, or reception) that forms a strong bond among its members and serves as a financial unit of society. FAMILY is derived from the Roman word *famulus*, which means servant, and the Latin word *familia*, which means home. A co-private gathering that makes up a family may share common enduring goals and a home, but it may not meet the varied and sometimes dubious requirements for the definition of a family. One of a society's most significant institutions is the family.”<sup>1</sup>

"Family is a social group characterised by common residence, economic collaboration, and reproduction," says Murdock<sup>2</sup>. A family is composed of those individuals who depend on each other for financial and mental support. In a culture, the family is the most significant primary group. It is the most basic and fundamental type of society. The family is a worldwide institution. It is the longest-lasting and most widespread of all social institutions. In the west, a family is understood as a social and economic unit. Family is a cultural religious entity in India, China, and Japan.

“In many countries, the family was largely man-centered or male-dominated. The image of the family in the Hebrew Bible (or an Old Testament), where the male rulers of the households were authorised to have a few concubines, is perhaps the most striking illustration of the male-ruled family. Ladies had a low position when it came to being judged”.<sup>3</sup> “The family

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<sup>1</sup> S R Myneni, sociology, (Allahabad law agency, 2nd edition 2006) pg346, para7.

<sup>2</sup> Ibid

<sup>3</sup> Barnard, Alan John. "family", (Encyclopaedia Britannica, 6 May. 2021),

was still centred on men in Roman times, but polygamy was not practised, and the position with women was generally improved over that proposed in the Hebrew Bible, despite the fact that they were not permitted to manage their own affairs. The Roman family was long and winding. In archaic Europe, the family was primarily male-dominated and broadened”.

Different sorts or forms of family have been discussed by sociologists. Different sociologists classify families in different ways. In sociology, there are various types of families.

Families of several types on the basis of marriage: Families can be divided into three categories based on their marital status:

1. Monogamous family - A monogamous family is one in which one woman and one husband live together with their children. This is the most justified family on the planet.

2. Polygamous family - A polygamous family is one in which two or more men and women marry and leave together. This family was split into two sections:

- Polygamous - When a man marries two or more women and starts a family, this is known as a polygamous household. Polygamous families are common among Muslims and Naga tribes.
- Polyandrous - A polyandrous household is one in which a woman marries two or more men and starts a family.

This type of family can be found in the Indian states of Dehradun and Shimla.

Families can be classified into the following categories based on the type of their residence:

The three basic categories of dwelling families can be classified based on the nature of the residence:

1. Matrilocal – In this type of household, a boy is required to live at either her husband's or her in-law-home. Many Indian tribes, such as the Khasi, Garo, and Nayar, have this sort of family.

2. Patrilocal—A Patrilocal family is the polar opposite of a Matrilocal family in that a female must live with her husband or in-law. Family is a concept that may be found practically anywhere.

3. Resident-changing family — There are no residence boundaries in this family. A man or a woman can live anywhere they want, in whatever residence they like.

Various family types based on heritage or descent

Families can be divided into two types based on their ancestry or descent:

1. Matrilineal - The right to property in this family is held by the mother. She is the property's honour, and this type of family can be found among the Khasi and Garo tribes.

2. Patrilineal - The father has the right to property in this family. He is the honour of the entire estate. A family like these may be seen practically anywhere.

Families are classified according to the nature of their authority.

- Family with a Matriarchy:

Mother centred or mother dominated families are matriarchal families. The lady, or mother, is the family's leader. She is in charge of the property and exercises authority over it. It is matrilineal in ancestry since it may be traced down to the mother. The property of the mother is passed on to the daughters. The status of the children is determined by the mother's position. In terms of habitation, a matriarchal family is matrilocal. The wife returns to her mother's house after the marriage. The husband pays the wife's house a visit every now and again. In a matriarchal household, the mother, in theory, has control and influence. She is the family's leader, and her decisions are binding. In practice, however, some family members, particularly her brother, exercise control in the family. The maternal family pulls the kinsmen together and binds them into a formidable alliance.

- Patriarchal family:

The patriarchal joint family is dominated by the father, whereas the matriarchal joint family is dominated by

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<https://www.britannica.com/topic/family-kinship>. Accessed 21 December 2021.

the mother. The Nambudaris of Malabar, the Mundus of Chotanagpur, and the Angami Nagas of Assam are patriarchal joint families. The Nambudaris joint family is classified as *illom* in general. The matriarchal joint families can be found among the Malabar Nairs, the Khasis, and the Garos of Assam's Garo highlands. Tarawad is the name given to the Nair combined family.

In this paper, the Patriarchal and Matriarchal families are be discussed at large.

## II. ETYMOLOGY

“Patriarchy literally means "father's rule," and is derived from the Greek (*patriarkhs*), "father or chief of a race," which is a combination of (*patria*), "lineage, descent, family, fatherland" (from *patr*, "father") and (*arkh*), "domination, authority, sovereignty." Historically, the term patriarchy has been used to describe authoritarian rule by a family's male head; but, since the late twentieth century, it has also been used to describe social institutions in which adult men hold the majority of authority. The word was popularised by writers connected with second-wave feminism, such as Kate Millett, who aimed to liberate women from male dominance through an understanding of patriarchal social relations. The term patriarchy was coined to describe male domination as a social rather than a biological phenomenon.”<sup>4</sup>

“It comes from the Latin *mter* (genitive *mtris*), which means "mother," and the Greek *arkhein*, which means "to reign." Joseph-François Lafitau (1681–1746) coined the term "*ginécocratie*" to describe the concept of matriarchy. According to the Oxford English Dictionary, the word matriarchy was first recorded in 1885. Gynecocracy, on the other hand, has been in use since the 17th century, and is based on the Greek term *o*, which may be found in Aristotle and Plutarch.”<sup>5</sup>

“In the social sciences and humanities, terms with comparable etymologies are also employed to characterise matriarchal or matriological aspects of social, cultural, and political processes. The adjective matriological originates from the noun matriology, which is derived from the Latin word *mter* (mother) and the Greek word *oikos* (*oil*) (*logos*, teaching about). The term matriology was coined in theology and religious history to describe the study of diverse female goddesses' motherly qualities. Other social sciences and humanities borrowed the word, and its meaning was broadened to describe and characterise certain female-dominated and female-centered aspects of cultural and social life. Patriology is the masculine alternative to matriarchy, with patriarchy being the male alternative to matriarchy.”<sup>6</sup>

## III. ORIGIN

### PATRIARCHY:

“Patriarchy is a social system in which men dominate responsibilities such as political leadership, moral authority, social privilege, and property control. Some patriarchal societies are patrilineal, meaning the male bloodline inherits property and titles. Patriarchy is connected with a collection of views, a patriarchal ideology, that aims to explain and justify male domination by blaming it on innate male-female differences.”<sup>7</sup>

“Whether patriarchy is a social product or the result of fundamental gender distinctions is a point of contention among sociologists. According to sociologists, the roots of inequality may be traced back to the dawn of humanity and are primarily attributable to genetic and reproductive inequalities between men and women. Gender disparity is an intrinsic element of human social systems, according to this idea, which is strongly aligned with evolutionary psychology.”<sup>8</sup>

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<sup>4</sup> Liddell, Henry George; Scott, Robert; A Greek–English Lexicon at the Perseus Project. Accessed 25<sup>TH</sup> December 2021.

<sup>5</sup> Liddell, Henry George, & Robert Scott, An Intermediate Greek–English Lexicon, Accessed 25<sup>th</sup> December 2021.

<sup>6</sup> Grafton, Anthony (2013). *The Classical Tradition*. Cambridge: Harvard University Press, Accessed 25<sup>th</sup> December.

<sup>7</sup> Lerner, Gerda (1986), *The creation of patriarchy*, New York: Oxford University Press, (Sage Publications, JSTOR), <https://www.jstor.org/stable/4194683>, Accessed 25<sup>th</sup> December 2021

<sup>8</sup> Hunnicutt, Gwen, *Violence Against Women "Varieties of Patriarchy and Violence Against*

“The concept of gender roles, or the collection of social and behavioural norms that are regarded socially suitable for individuals of a certain sex, is strongly tied to the origins of patriarchy. Many studies have been conducted to determine why women are expected to fulfil a domestic role while men are encouraged to seek professional fulfilment outside of the home. This division of labour is frequently mapped onto a social hierarchy in which males' freedom to leave the house and assumed authority over women are viewed as superior and domineering. As a result, rather than attempting to undermine the historical notion of patriarchy, much literature examines the origins of patriarchy, or a social system in which the male gender role serves as the primary authority figure central to social organisation, and in which fathers have authority over women, children, and property.”<sup>9</sup>

“A traditional search for biological explanations of gender roles has existed, however it is less common in modern academic circles. Prior to the nineteenth century, this debate was essentially theological, with patriarchy being regarded as the "natural order." With Charles Darwin's concepts about evolution in *The Origin of Species*, this became a biology cliché. Darwin discussed evolution from a biological perspective that is now accepted scientific theory in this essay. Alfred Russel Wallace, a biologist, rapidly applied his idea to humanity.”<sup>10</sup>

To be clear, Darwin never advocated for the line of thinking known as Social Darwinism, or the application of evolutionary concepts to the development of humans and our social activities. What had previously been explained as a "natural order" for the world changed into a "biological order" with the popularisation of the idea of human evolution.

“Sociobiology is the current term for applying biological theories to explain social phenomena.

Genetics is used by sociobiologists to explain social life, particularly gender roles. Patriarchy, according to sociobiologists, is more a function of underlying biology than of societal training. Steven Goldberg, a sociologist at City College of New York until his retirement, is one such contemporary sociobiologist. “*The Inevitability of Patriarchy*”, published in 1973, proposed a biological understanding of male domination. Male dominance is a human universal, according to Goldberg, because of our biological structure. Females almost always expend more energy in creating offspring than males, and as a result, females are a resource over which males compete, according to one evolutionary sociobiological theory for the emergence of patriarchy”<sup>11</sup>.

Bateman's principle is the name of this hypothesis. One factor that females consider when choosing a mate is which men have greater resources to help her and her progeny. As a result, men are under pressure to be competitive and successful in acquiring riches in order to compete with other men.

“The origins of Patriarchy in the West can be traced back to Biblical times, but as ontological considerations are not a focus of this course, I will avoid discussing the historical creation of Patriarchy in the West. Language, being an important aspect of civilisation, can occasionally reflect social reality in shocking ways. Consider the following words that are frequently used to defame a woman's image in today's world.”<sup>12</sup>

“Patriarchy is defined as "a system of social structures and practises in which men rule, oppress, and exploit women," according to sociologist Sylvia Walby. In most countries, social stratification along gender lines has been observed, with men holding the majority of authority.”<sup>13</sup>

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Women: Resurrecting "Patriarchy" as a Theoretical Tool". (1 May 2009), Accessed 25th December 2021.

<sup>9</sup> The origin of Patriarchy, (Lumen learning), Introduction to sociology, <https://courses.lumenlearning.com/cochise-sociology-os/chapter/the-origins-of-patriarchy/>, Accessed 25<sup>th</sup> December 2021.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Neeta Khurana, Evaluating the evaluation of patriarchy and the west, (*International Journal of gender and women's studies*, December 26, 2018), [https://www.researchgate.net/publication/331672976\\_Evaluating\\_the\\_Evolution\\_of\\_Patriarchy\\_in\\_India\\_and\\_the\\_West](https://www.researchgate.net/publication/331672976_Evaluating_the_Evolution_of_Patriarchy_in_India_and_the_West), Accessed 25<sup>th</sup> December 2021.

<sup>13</sup> Lockard, Craig (2015). *Societies, Networks, and Transitions: A Global History* (3rd ed.). Stamford,

Pre historic- "Most prehistoric societies were relatively egalitarian, according to anthropological, archaeological, and evolutionary psychological evidence, and patriarchal social structures did not emerge until many years after the end of the Pleistocene epoch, following social and technological developments such as agriculture and domestication."<sup>14</sup> According to some scholars, the arrival of the Hebrews coincided with "the exclusion of woman from the God-humanity covenant."

“REASON FOR DEVELOPMENT OF PATRIARCHAL FAMILIES: According to sociological studies, six variables impacted the emergence of human gender disparity, according to an evolutionary examination of patriarchy:

1. The number of female allies has decreased.
2. Elaboration of male-male partnerships
3. Increased male dominance over resources
3. Increased male dominance over resources
4. Men are forming more hierarchies.
5. Female strategies that strengthen male dominance over women
6. Language's evolution and its ability to produce ideology.”<sup>15</sup>

MATRIARCHAL FAMILY:

“According to the majority of anthropologists, there are no known societies that are unambiguously matriarchal. No true matriarchy is known to have existed, according to J. M. Adovasio, Olga Soffer, and Jake Page. Joan Bamberger, an anthropologist, claimed that there are no primary sources on any society in which women ruled. Men being the "dominant element" in public political affairs, according to anthropologist Donald Brown's list of

human cultural universals (i.e., qualities shared by nearly all extant human societies), is the "current opinion" of mainstream anthropology. There are a few points of contention and probable exclusions.”<sup>16</sup>

“According to Haviland, "many nineteenth-century intellectuals" believed that women's authority came before men. The concept was popular in the twentieth century, especially in the context of feminism, particularly second-wave feminism, but it is now widely debunked, with most experts claiming that it was never accurate. Matriarchs do exist, according to Peoples and Bailey; "individual matriarchs of families and kin groups" exist.”<sup>17</sup>

“Mother Right: An Investigation of the Religious and Juridical Character of Matriarchy in the Ancient World, published by Bachofen in 1861, sparked a debate on prehistoric or "primal" matriarchy. His pseudo-evolutionary notion of archaic matriarchy influenced several generations of ethnologists. Following him and Jane Ellen Harrison, several generations of scholars suggested that many ancient societies were matriarchal, or even that there existed a wide-ranging matriarchal society prior to the ancient cultures we are aware of, usually arguing from known myths or oral traditions and examination of Neolithic female cult-figures. Bachofen's myth interpretations, according to Uwe Wesel, have shown to be unworkable.”<sup>18</sup>

“Friedrich Engels claimed in 1884 that there was group marriage in the earliest stages of human social development, and that paternity was disputable, whereas maternity was not, so that a family could only be traced through the female line, and that this was

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Conn.: Cengage Learning. p. 88, Accessed 21<sup>st</sup> December 2021.

<sup>14</sup> Hughes, Sarah Shaver & Hughes Brady (2001). "Women in Ancient Civilizations". In Adas, Michael (ed.). *Agricultural and pastoral societies in ancient and classical history*. Temple University Press. pp. 118–119, Accessed 25<sup>th</sup> December 2021.

<sup>15</sup> Neeta Khurana, Evaluating the evaluation of patriarchy and the west, (*International Journal of gender and women's studies*, December 26, 2018), [https://www.researchgate.net/publication/331672976\\_Evaluating\\_the\\_Evolution\\_of\\_Patriarchy\\_in\\_India\\_and\\_the\\_West](https://www.researchgate.net/publication/331672976_Evaluating_the_Evolution_of_Patriarchy_in_India_and_the_West), Accessed 25<sup>th</sup> December 2021.

Smuts, “The evolutionary origins of patriarchy”, Accessed 25<sup>th</sup> December 2021.

<sup>16</sup> Goldberg, Steven, *The Inevitability of Patriarchy* (William Morrow & Co., 1973), Accessed 25<sup>th</sup> December 2021.

<sup>17</sup> " Encyclopaedia Britannica (2007), entry Matriarchy, Accessed 25<sup>th</sup> December 2021.

<sup>18</sup> Wesel, Uwe, *Der Mythos vom Matriarchat. Über Bachofens Mutterrecht und die Stellung von Frauen in frühen Gesellschaften* (Frankfurt/M.: Suhrkamp, 1980, Accessed 21<sup>st</sup> December 2021.

connected with women's dominance over men, or a Mutterrecht, which notion Engels took from Bachofen, who claimed that myths reflected a memory of a time, based on his interpretations of myths.”<sup>19</sup>

"Some are matriarchal and matrilineal" "and thus have been known to be more egalitarian" in India's Scheduled Tribes, according to the national Constitution. Manipur, India, "has a matriarchal society," according to interviewer Anuj Kumar, but this may not be accurate. Nairs, Thiyyas, Payyannoor village Brahmins, and Muslims of North Malabar in Kerala, and Bunts and Billavas in Karnataka, were matrilineal but patriarchal.”<sup>20</sup>

“The Khasi people dwell in Meghalaya, a state in northeast India. Roopleena Banerjee, a women's studies scholar, considers the Khasi to be matriarchal, despite the fact that it is mainly considered matrilineal. cBanerjee claims that "it would be inappropriate to judge and account for a matriarchal culture through patriarchal standards," and that "we should avoid looking at history exclusively through colonizer/colonized lines." The Khasi people are divided into several clans, each of which may trace its genealogy back to the matriarchs of the households.”<sup>21</sup>

#### IV.FEATURES

##### PATRIARCHAL:

- Protecting the authority of men: “Men's authority is protected by the patriarchal structure of the Palestinian family and society, which provides men a lot of power and protects them. Palestinian society, in my opinion, gives men control in the family as well as in the public realm, and utilises many measures to protect it. Males are seen to have a resource advantage and to have superior personal attributes, as well as talents and abilities that are apparently only held by men, such as intelligence, wisdom, prudence, knowledge,

professional reputation, the ability to make a living, and so on.”<sup>22</sup>

- “Compulsive masculinity: Palestinian society in Israel, like other patriarchal communities across the world, encourages compulsive masculinity through socialisation and education. Boys are taught from a young age to maintain their masculinity and to feel ashamed of behaviour that society considers feminine or infantile. As a result, guys acquire animosity toward girls and women, and they learn to cling to their masculinity excessively. Their animosity for women is fueled by a desire to subjugate and humiliate them, to regard them as inferiors, and to treat them harshly. These assumptions frequently underpin societal attitudes toward assaulted women.”<sup>23</sup>
- “Economic constraints and discrimination against women: Women are subjected to economic restraints and prejudice, which are typically placed on them to a larger extent than men, both within and without the household. Women in patriarchal societies, especially Palestinian society in Israel, have few options due to their inequitable economic and occupational structures.”<sup>24</sup>
- “Women shoulder the responsibility of child rearing: In Palestinian society, women are usually, if not always, the ones who are responsible for parenting their children. Neither society nor the state supports women in coping with this burden, offering them only very minimal financial assistance and child childcare programmes.”
- “The myth of the single-parent family and the anti-divorce attitude: Another cultural standard that supports women's submissiveness and inferiority is the belief that children cannot be nurtured in a suitable and healthy manner by a single parent, especially if the mother raises them

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<sup>19</sup> Engels 1984.

<sup>20</sup> Kumar, Anuj, Let's Anger Her! (sic), (The Hindu, July 25, 2012), Accessed 25<sup>th</sup> December 2021.

<sup>21</sup> Roopleena, anerjee (2015). "Contemporary Khasi Society and 'Matriarchy'." The Indian History Congress has published its proceedings, Accessed 25<sup>th</sup> December 2021.

<sup>22</sup> Muhammad M. Haj-Yahia, On the Characteristics of Patriarchal Societies, Gender Inequality, and Wife Abuse: The Case of Palestinian Society, (January 2005), Accessed 21<sup>st</sup> December 2021.

<sup>23</sup> Walby 1990, Accessed 25<sup>th</sup> December 2021.

<sup>24</sup> Gerber 1995, Accessed 25<sup>th</sup> December 2021.

alone, without the presence of a father. It is common knowledge that children in divorced and single-parent families generally live with the mother rather than the father.”

- In a patriarchal society, obedience is one of the most important virtues. Every wish and order of the husband or man of the house must be strictly followed, and the man must be treated with humility, restraint, respect, and obedience at all times. Women and children are not supposed to question the patriarch's actions or words.
- Identification as a man: Men are obsessed with defining what makes someone "manly" because of their superior authority in society. Control, strength, forcefulness, reason, a strong work ethic, and competition become norms for male identification as a result.
- Role thinking that is dualistic and gendered: In addition to the foregoing, patriarchy requires men and women to play distinct roles in society (e.g., men leading and women supporting).
- Obsession with masculine dominance: In a patriarchal culture or system, men must maintain dominance at all times. This entails commanding all social and family circumstances, as well as making all financial and educational decisions.

#### V.MATRIARCHAL

- Central roles of political leadership: Women will be given central roles in political part of administration along with all those leaderships required to rule the kingdom or country. This would give a helping hand in better administration for the women leaders.
- Moral authority: Women will play an important role in ruling the place. They would prove their presence in moral standards. They take decisions well on moral grounds. They also understand the pain of other mothers, girls and women and take better decisions.
- Social privilege
- Control of property: This makes them financially independent and live a life of happiness. Example of Gautami, the queen of matriarchal kingdom.
- Traditional views on a woman's role as a wife and mother include: In Palestinian society, as in other traditional and patriarchal communities around the world, the most prominent responsibilities

allocated to women are those of wife and mother. A woman cannot be "complete, authentic, and successful" unless she is married, according to this view. Men, on the other hand, have the option of deciding how much time and effort they want to devote to the roles of husband and parent.

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- Matriarchy was frequently confused with anthropological words and notions defining specific arrangements in the realm of family relationships and the organisation of family life, such as matrilineality and matrilocality, by those seeking evidence for the existence of a matriarchy. These phrases refer to intergenerational relationships (as matriarchy does), but they don't differentiate between males and females in the sense that they apply to unique arrangements for sons and daughters from the perspective of their mother's relatives. As a result, these conceptions do not depict matriarchy as "women's control over men."

#### VI.MATRIARCHAL FAMILIES THROUGH OUT HISTORY

The idea of matriarchies becomes salient at a time when women's communities seem to be strengthening more than ever, or at least the debate around women's contribution to society and the numerous ways women come to power and empower the world around us.

Nubia (kush), Sudan:

“In her book *Neither Goddesses nor Doormats: The Role of Women in Nubia*, Tara L. Kneller states, "The Nubians [had] an unusually high number of governing queens, especially during the golden age of the Meroitic Kingdom [or modern-day Sudan]." "Although ruling queens are not uncommon in and of themselves, the portrayal of the Nubian queen is remarkable." Kneller discusses a panel depicting a

queen smiting her foes that was on display at the 1993 exhibit Nubia: Egypt's Rival in Africa, and observes that women in Nubia exerted tremendous authority over society. Nubian warrior queens battled for the Nubian/Kushite Empire's interests, and many Nubians revered Isis, the goddess of all goddesses."<sup>25</sup>

"Papua New Guinea Trobrianders

"Annette Weiner's 1976 re-examination of the Trobrianders of Papua New Guinea looked at the people described in Bronislaw Malinowski's early twentieth-century anthropological study through a more balanced lens, emphasising women's work and wealth. She claims that because Malinowski was focused with mainly male-dominated politics and traditional power structures, he overlooked crucial ways in which Trobriand women contributed to their society. While Trobriand men moved from island to island in search of political power, matrilineal institutions provided value and autonomy to Trobriand women, according to Weiner. "The fact that Trobriand women have authority and enact roles that are symbolically, structurally, and functionally crucial to the ordering of Trobriand society and the roles that men play should give us, as anthropologists, cause for concern," Weiner says."<sup>26</sup>

Satakarni is a title given to various Satavahana rulers. "Gautamiputra" literally means "son of Gautami." Other Satavahana monarchs' names also contain matronymics, such as Vasishthiputra Pulumavi ("Pulumavi, son of Vasishthi"). There is no indication of a matriarchy or a matrilineal descent system from them. The underlying reason for matronymics appears to be that because monarchs married a variety of spouses from various royal lines, a prince's mother was the easiest way to identify him.

"Philippines, Palawan

In 2015, photographer Pierre de Vallombreuse captured photographs of today's Southeast Asian tribes, where gender equality outnumbers that of the West and women share power. The Palawan society,

"a non-hierarchical community in the Philippines where men and women have been traditionally equal," was one of the societies he documented on film."<sup>27</sup>

"India's Khasi

The Khasi society, which de Vallombreuse describes as "a matrilineal and matrilineal culture in the northeastern part of India, in which children primarily bear the name of their mother and inheritance is bestowed upon the daughters in a family," is another matriarchal society captured by de Vallombreuse. If the parents split, this tradition of matrilocality—children remaining with the mother's family—ensures that there would be no economic downturn or painful transition. Patricia Mukhim, a Khasi and editor of The Shillong Times, says in Dame Magazine that "no matter how many times a woman marries, her children would always remain with her." "Even if a guy abandons a woman with whom he has had a child, the children are never regarded as 'illegitimate.'"

Mosuo in China:

The Mosuo ladies are China's last matriarchy to survive. According to The Independent, there are roughly 40,000 of them who practise Tibetan Buddhism. The family's lineage is tracked through the women. This is also a matrilineal society, which means that property is passed down through the female line. Mosuo women do not marry either. If they wish to have a partner, they do not live together and the mother is in charge of the children's upbringing.

WE ARE VICTIMS OF PATRIARCHY:

Men are not allowed to cry, while women are expected to look attractive.

We've been subjected to a lot of stereotyping like this since we were children. Boys aren't known for crying. Girls are expected to be attractive. We are constantly bombarded with untold amounts of normalised misogyny. 'Girls run like a girl,' for example. That is, we are unable to flee. We are all given some burdens to carry from childhood onwards. Men and women, boys and girls. The shame of being 'poor,' or 'fat,' or

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<sup>25</sup> Dicy knight, A look at 5 matriarchal societies through out history, <https://www.brides.com/matriarchal-societies-throughout-history-5112024>, Accessed 25<sup>th</sup> December 2021.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

'unsuccessful,' or 'coloured,' for example, is a social weight of oppression. I once overheard a woman with an ideal body shape referring to herself as overweight. And a man from the middle class who considers himself destitute. Because she couldn't fit into a certain dress and he couldn't afford the luxury car he desired.

'It's in the nature of things,' says an all-encompassing propaganda campaign.

When people have desired others to be obedient throughout history, they have used the nature card. It is natural for poor individuals to have a difficult existence. They accept things as they are. This categorization and privilege enjoyed by the upper castes were also portrayed to the lower castes as something god-given and natural. A certain percentage of the population once believed that persons with blue eyes and blond hair were a superior race destined to control the world. Inequality between men and women works in a similar way.

It isn't simply women who are affected. It works so well that millions of women starve themselves in order to seem skinny and attractive. Aggression, dominance, stubbornness, and even avarice are praised, while empathy, caring, and forethought are condemned. Men claim that they strive to bear all of the responsibilities on their shoulders. They are expected to be 'manly' and 'strong,' and they suffer greatly if they do not satisfy these social expectations. And as a result of these absurd stereotypes, untold thousands of women in many nations are suffering horribly.

Occupation systems are hierarchical, and the further up on the ladder you are, the more privilege you have. The highest rung on the ladder is occupied by a white European male from a wealthy family. A poor, coloured woman from a low-income country stands on the ground and can only look at the ladder.

In our own unique ways, we are all victims of repressive systems of injustice. However, because they prey on human differences and weaknesses, not everyone suffers equally. Inequality is the lifeblood of these systems. Finally, the basic causes of sexism,

racism, and structural poverty are all the same: organised inequality.

Equality is a mindset.

Equality will never be achieved unless we all believe we are on the same level. Regardless of ethnicity, gender, sexuality, background, mental and physical abilities, everyone can be equal. Differences do not imply that one person is superior than another. Particularly when the comparison criteria are highly skewed, subjective, incorrect, and purposely contrived.

#### MATRIARCHAL SOCIETY'S IMPACT ON WOMEN HEALTH:

"The Mosuo women are a small ethnic minority in China that practises matriarchy. According to a survey, these women are happier and healthier than their counterparts in patriarchal societies. This may be related to women's increasing autonomy and excellent social support in this society, according to evidence. A better understanding of how our culture and its restrictions affect our health would be useful. Every discussion of what is innate in humans versus what is learnt from society runs into the issue of having to rely on humans who live in some type of society as a point of reference. Claims about human nature and vice versa can readily be repackaged as claims about persons from similar cultures."<sup>28</sup>

Children adopt the surname of their mother's family, with whom they will spend the rest of their life. Households are led by matriarchs, who are frequently grandmothers, and inheritance is passed down from mother to daughter. All significant household decisions, including financial ones, are made by the matriarch, and women perform tasks that would normally be assigned to men in other cultures. They are also known to perform a "walking marriage," which is a unique form of marriage. A couple decides to continue their relationship by mutual consent in this method. They do not live together, instead remaining in their separate families' houses. Instead, the male

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<sup>28</sup> <https://www.weforum.org/agenda/2021/02/women-matriarchal-society-improved-health-patriarchy>, Accessed 25<sup>th</sup> December 2021.

"walks" over to the woman's residence for a love encounter. Men must return home before sunrise.

The partnership can last as long as both people want it to, but there are no social or financial obligations. It can be easily terminated at any time. Many people mistake this for promiscuity, although most anthropologists describe it as a sort of serial monogamy, and many of these partnerships are long-term. The mother's family raises any children born from these marriages, while the father may take a role if all parties concerned agree. Typically, the uncles of the child will act as a father figure.

The majority of you are aware that women outlive males. Fewer of you will be aware that, despite this, women have a greater morbidity rate than men. Women have higher blood pressure than men after they reach post-reproductive age, and women of all ages experience more inflammation than males. Both of these factors are essential indicators of long-term health and are frequently linked to other major illnesses. While these problems are frequently attributed to biology, a group of researchers led by Adam Reynolds of the University of New Mexico set out to see if they were also present in Mosuo society. The researchers took health measurements in Mosuo people who lived in patrilineal or matrilineal societies and compared them with statistical methods. The research was reported in Proceedings of the National Academy of Sciences.

C-reactive protein (CRP) levels were evaluated in the blood of 371 Mosuo participants, a biomarker that can suggest the presence of inflammation. Only 3.6 percent of women in matriarchal settings were found to have significant levels of inflammation unrelated to other diseases. Chronic inflammation was shown to be prevalent in 8.3% of women in patrilineal societies. After over a thousand persons were checked, blood pressure tests revealed similar results. Only 25.6 percent of women living in matrilineal settings had hypertension. In the comparable areas, a third of the women had the disease. Not only do Mosuo women who live in locations where they have control over

their lives have lower incidences of these diseases than other women, but they are also healthier than their male counterparts.

Men in matriarchal settings were twice as likely as women to test positive for elevated levels of CRP. They also had a greater rate of hypertension; however, it was only marginally higher at 27.8%. Because they don't run everything, the men don't all have high blood pressure at the same time. They have a one percent higher rate of high blood pressure than those from patrilineal cultures. There isn't much of a negative health consequence for them as a result of living in a matriarchal society. It turns out that having your own space may be beneficial to you.

## VII.LAW

“The opening three words of the Indian Constitution, We, the People, encapsulate the Constitution's authors' vision of society. Every individual has a sense of entitlement as a result of the Constitution. The Constitution's Preamble declares social fairness to be one of the most essential elements and goals. Every person in India has the right to equality under the Constitution, which is incorporated in the Constitution. It performs the role of saviour of human dignity. Article 15 of the Constitution prevents the state from discriminating against citizens solely on the basis of religion, race, caste, sex, birthplace, or any combination of these factors. When drafting laws, the legislature cannot ignore this idea.”<sup>29</sup>

“For decades, patriarchy has been an affliction in our society. Unfortunately, it can be found in every part of our daily lives, whether it is in our personal or professional lives. People's perceptions of men as more competent than women are deeply ingrained. However, it is hoped that the court, as the guardian of our rights, particularly the right to equality, will uphold women's honour in the face of patriarchal. The age when wives were invisible to the law and subject to their husbands had long passed, as Justice Indu Malhotra stated, opines the liberal attitude that our courts have embraced when dealing with laws relating to women. In today's society, there isn't a

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<sup>29</sup> Vansh Bhatnagar, Law and patriarchy, (Legal service India), <https://www.legalserviceindia.com/legal/article-5043->

[law-and-patriarchy.html](https://www.legalserviceindia.com/legal/article-5043-law-and-patriarchy.html), Accessed 25<sup>th</sup> December 2021.

single iota of question that woman is not a man's chattel.”<sup>30</sup>

“The Supreme Court, on the other hand, has rejected this liberal approach in a number of decisions. The Chief Justice of India's recent remarks in Mohit Subhash Chavan v State of Maharashtra, in which he asked the accused whether he would marry the girl he raped, supports the cruel idea of compelling the accused to marry the victim to settle a rape allegation. This remark implies that marriage grants husbands the right to have sexual relations with their wives without their consent. India is one of 36 countries where marital rape is not punishable by law. Sexual intercourse by a man with his own wife, who is not under the age of fifteen, is not rape, according to Section 375 of the Indian Penal Code, which criminalises the offence of rape.”<sup>31</sup>

“As a result of this loophole, marital rape is completely free from criminal prosecution. This exemption reinstates the assumption that women, particularly wives, are the property of their husbands. In Vinay Pratap Singh v State of Uttar Pradesh, the CJI rhetorically queried if sexual intercourse between husband and wife, however harsh, may be considered rape.”<sup>32</sup>

“In 2013, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) recommended that the Indian government ban marital rape. After the Nirbhaya Case in 2012, the Justice JS Verma Committee recommended the same. On the other hand, the Government's arguments in RIT Foundation v Union of India demonstrate that criminalising marital rape is still a long way off. Criminalizing marital rape, according to the government, would destabilise the institution of marriage.”<sup>33</sup>

“The Supreme Court ruled that in the application of Fundamental Rights, there can be no exception based on gender stereotypes. In several decisions, notably the Hadiya case, the Supreme Court has stated that the

right to marry the person of one's choice is a basic right. As a result, the Government's argument contradicts the Supreme Court's decisions. The government's arguments are based on the Special Marriages Act of 1954, which excludes LGBTQ couples from marriage.”<sup>34</sup>

“As stated in the case of State of Bombay v Narasu Appa Mali, un-codified personal laws are free from Fundamental Rights under the Constitution. They do not fall under Article 13's concept of "law." However, it might be claimed that same-sex marriage is not governed by personal laws because it is arguably not 'personal' to any religion and hence falls outside of their purview.”<sup>35</sup>

“Personal laws are constantly modified by a variety of societal circumstances. In India, matriarchy has influenced succession laws as well. In theory, matriliney was abolished on December 1, 1976, when the Kerala government signed the Kerala Joint Hindu Family System (Abolition) Act, which had been passed the year before. The act repealed 12 other pieces of law that had been approved in various units of what became the state of Kerala in 1956 and dated back to 1925. Despite the fact that matriliney had been demolished piecemeal since the early twentieth century, families that had not openly split themselves were still classified as joint-families and deemed to have joint family property as late as 1976. In the Hindu Succession Act of 1956, Matriliney got a surprising concession - one that is hardly recognised outside Kerala.”<sup>36</sup>

## VIII.CONCLUSION

“There lie many differences between patriarchal and matriarchal families in the society. Some of the areas as follows. Patriarchy and Matriarchy Definitions: Patriarchy: A patriarchal system is one in which the father is the household's leader. Matriarchy: A matriarchal system is one in which the mother is the primary breadwinner. Patriarchy and Matriarchy

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<sup>30</sup> Ibid.

<sup>31</sup> Mohit Subhash Chavan Vs. State of Maharashtra, 2021.

<sup>32</sup> Vinay Pratap Singh v. State of Uttar Pradesh, 2021.

<sup>33</sup> Ibid. Law and Patriarchy.

<sup>34</sup> Shafin Jahan v Asokan K.M. (2018) SCC OnLine SC 343.

<sup>35</sup> Ibid. Law and patriarchy.

<sup>36</sup> Pandey, Anutosh, Has Matriarchy Influenced Succession Laws in India? (October 13, 2012), <http://dx.doi.org/10.2139/ssrn.2161420>, Accessed 26<sup>th</sup> December 2021.

Characteristics: Head of the Family: Patriarchy: The father is the household's head. Mother is the head of the household in a matriarchal society. Power: Patriarchy: The father has more power and control over others in a patriarchal system. Matriarchy: In a matriarchal society, the mother wields more power and control over the other members of the family. Ownership of Real Estate: Property ownership is reserved for men in a patriarchal society. Females own property in a matriarchal society. Governance: Males rule the society in a patriarchal system. Females rule the society in a matriarchal system.”

“The nature of matriarchal cultures is often matrilineal. This indicates that the younger generations' ancestors can be traced back to their mother's side. This also means that children inherit their mother's title and that the mother's property is passed down to the daughter. The nature of patriarchal cultures is patrilineal. This means that rather than the mother, the descent is traced back to the father and his predecessors, and that the property is passed down from the father to the son. Unlike the matriarchal system, children inherit their father's title rather than their mother's.”<sup>37</sup>

Even thinkers like Aristotle believed that women were inferior to males in every way under patriarchal society. This underlined the idea that women's inferiority extended beyond biological differences to include intellectual differences. Feminist ideas on patriarchy, on the other hand, emphasise that it is simply another social institution designed to oppress women.

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<sup>37</sup> <https://sciencestruck.com/matriarchy-vs-patriarchy>, Accessed 25<sup>th</sup> December 2021.