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An Agenda for Gender Politics

Wandana Sonalkar

Patriarchy in India starts with the control of women or men in the family but works in such a way as to perpetuate caste hierarchies; and the preservation of caste is the basis for the functioning of this patriarchy. Will the passage of the Women's Reservation Bill as it is, as a first measure, without a wide-ranging discussion of the underlying caste issues really empower women in the struggle against patriarchy in the social and political specificity of present-day India?

TWO issues of gender politics which are currently being debated are, firstly, reservations for women in parliament and state legislatures, and secondly, the ongoing debate over the Uniform Civil Code. Feminists have taken up a nearly unanimous position supporting the proposed 81st Amendment to the Constitution, which seeks to reserve seats for women in the said bodies. On the second issue also, after a considerable amount of controversy and disagreement, a kind of consensus has been reached on giving priority to fighting for women's rights within the framework of existing personal laws, rather than pushing for a Uniform Civil Code at present.

Both the consensus in one case and the unanimity in the other are, I feel, very problematic: they have become possible only because the scope of the debate has been limited in two ways. Firstly, the perception of the history of the issues being debated is usually narrow; with the assumption that feminist politics in India really began after 1975, events predating this are mentioned only cursorily. This leads us to the other question of who are the feminists, whom are we speaking for and by what authority? In general, this means that in arguing for a greater concern with feminist issues in contemporary politics (and to argue thus is of course an urgent need), the broader political context within which we operate is often forgotten. This paper tries to explore some of the questions that should be addressed in this regard.

Both the specific issues mentioned above: reservations for women, and the Uniform Civil Code, are concerned with the very nature of Indian democracy, and its functioning in today's context. It is significant that the women's movement is today debating these issues, as it means that we have reached a stage of maturity which makes such an intervention in the

broader democratic process both possible and necessary. But then we must remember that our history is not only the history of the post-1975 women's movement in India. One important series of events in that history is Ambedkar's motion in parliament for a Hindu Code Bill (HCB) when he was law minister, the defeat of the motion and his subsequent resignation. Ambedkar's insistence on a codification of Hindu personal laws has a double significance which is relevant to the current controversies. One, the Constitution which outlined a concept of citizenship and basic human rights did not touch on the religious life of the majority of Indians, while religion (that is, for the majority, Hinduism) was nevertheless a site for the preservation and reproduction of inequalities among Indian citizens. So, side by side with the Constitution which deals with the political and economic rights of citizens, a specific codification of Hindu personal laws which targeted the inequalities in the religious practice of citizens was essential. Secondly, such a codification should, in Ambedkar's opinion, precede the movement towards a 'secular', Uniform Civil Code. Later on, some of the laws contained in the proposed Bill were passed as separate acts.

Since some of the opponents of the proposed 81st constitutional amendment have brought up the issue of reservations for non-upper caste women within the reservations for women in parliament and state legislatures, the question of caste and gender as aspects of the citizen-subject has been brought to the fore. Most of the feminists arguing for reservations have attacked or dismissed this argument (epitomised in the statements of Sharad Yadav) as patriarchal and motivated – and they are not entirely wrong in this, if one looks at the records of the parliamentary debates that took place during 1997 after prime minister I K Gujral put the issue of reservations for women on the agenda of

the Common Minimum Programme.¹ But in fact the point raised here touches on the fundamental question of the constitution of the citizen-subject, and here the considerations that weighed with Ambedkar in his moving the Hindu Code Bill are still relevant, even if the political context is different now; because they have something to do with the essential nature of Indian society. If we look at Ambedkar's concerns in this light, we can take issue with the arguments put forward by most of the feminist pro-reservationists. In the process, we may be able to reach a clearer idea of our priorities in today's political context.

AMBEDKAR AND HINDU CODE BILL

Ambedkar has gone on record as saying that he considered his work on the Hindu Code Bill to be as important as his participation in the formulation of the Indian Constitution. The Constitution views the citizen as a secular subject, and the rights of citizenship are restricted to the spheres of public politics and economic activity. But he insisted that it was not sufficient to recognise the right to political and economic equality in a 'secular' space defined in the Constitution, as long as inequalities among citizens, especially and particularly on the basis of caste, continued to be entrenched in the religious life of the Hindu majority. We must remember that at this time Ambedkar had not yet moved to the point of embracing Buddhism, although he had considered this option. He saw the Hindu Code Bill as a basis for the reform of Hindu society. Although he certainly did not believe that this reform could be carried out through legislative fiat alone, he sought to lay down some minimum principles within the legislative framework of personal laws. For this purpose he made a study of the Mitakshara and Dayabliaga systems of Hindu laws governing marriage, divorce and inheritance, as well as looking at the practices of smaller communities within the Hindu fold. He considered that the most progressive principles in the existing Hindu codes should be incorporated into the 'modern' Hindu Code Bill.

Ambedkar insisted on enshrining in the Hindu Code Bill some basic tenets on which there should be no compromise: the right to divorce for the woman, the outlawing of polygamy for those married under Hindu law, and the granting of some unconditional rights of inheritance for widows and daughters were among these.

He also insisted on the recognition of intercaste marriages as valid under Hindu law. Although a Special Marriage Act which contained such rights and freedoms for those wishing to enter into a civil marriage contract was already in existence before 1947, only a small minority of persons actually opted for this. Ambedkar's concern was that these minimum tenets be put into the Code for Hindu personal laws, so that women entering into marriage based on religious practice should have the benefit of these rights.

The record of the debates on the Hindu Code Bill in the Lok Sabha between 1947 when the motion was tabled, and the time of Ambedkar's resignation as law minister, shows the violence of the opposition of orthodox forces to these proposals. It is interesting to note that these forces articulated their reactionary positions on the question of caste as well as gender: it was of course said that giving the woman the right to divorce would destroy the traditional family, etc. In addition, Ambedkar was subjected to sarcastic attacks for trying to be a modern 'Manu'.² Underlying this was a reference to his caste. Although Nehru supported Ambedkar in the beginning, he gave in under pressure from the reactionary forces as general elections drew near. Among Ambedkar's supporters were some eminent women MPs. When the women took issue with Ambedkar over the scope of inheritance rights granted to women under the bill, his reply was that he did not see the Hindu Code Bill as a final answer to the question of women's rights: it would be the task of future political movements to extend the scope of these rights and to push for the enactment of new laws.³

This cursory account of some of the central aspects of Ambedkar's motion of the Hindu Code Bill and some of the reactions to it should be adequate for us to understand the relevance of that debate to the current one. What is important is that behind Ambedkar's efforts to put the bill through parliament is his vision that women are central to the fight against the caste system, that the subjugation of women is central to the functioning of the caste system, that women are, in his words, the gateway to the caste system. Thus the brahminical forces that uphold caste must take control of these gateways in order to perpetuate the system of caste hierarchy and caste oppression. The need to enact a juridical code that provides for emancipation of women in the areas of marriage, divorce and inheritance is essential because side by side with a Constitution giving political and economic rights to citizens,

there must be a progressive Code which allows for revolutionary change in Hindu society, in religious practice. To put it differently, he saw the need for a reform of Hindu civil society – an essential characteristic of which is that it is divided on the basis of caste – side by side with a Constitution that established a 'modern' and 'secular' political society. And he saw the emancipation of women as central to that reform.

The point here is not whether the adoption of the Hindu Code Bill as proposed by Ambedkar would have been sufficient to bring about the emancipation of women. But we may ask why the bill was opposed with such virulence when he moved it, whereas most of the laws contained in it were, just a few years later, passed without any such bitter opposition? Could it be that the proposal of a reformist Hindu Code was seen as a direct challenge to the patriarchal and caste-based Hindu order, while separate laws were not seen as such a challenge? (Of course, even where such laws have been adopted, their violation is the norm: take, for example, the issue of intercaste marriage.⁴) There would have been a different juridical history if such a Code had been adopted. Lawyers fighting cases for women against a patriarchal Hindu social order would have been able to appeal to certain progressive principles on which the Code was based. One underlying implication of this would have been that the distinction between the public and private spheres of life would have been defined differently. That is, instead of relegating religious life to a private sphere, and allowing religion-based personal laws to govern those areas of the private that are recognised as encroaching on the public sphere – on the occasions of marriage, divorce and inheritance – there would have been a recognition that certain principles of social reform are to be applied to the private sphere as well. Let us not forget in this context one of the most powerful slogans of the early years of the contemporary feminist movement: "the personal is political".

The above paragraph is not intended as an exercise in 'what might have been'. It aims to bring out the radical nature of Ambedkar's attempt to get the Hindu Code Bill passed in parliament. That bill recognised the intrinsic link between caste and patriarchy in Indian society, and aimed to lay down a juridical basis for a future struggle against both. The granting of full adult franchise to women at the time of national independence – radical though this was in comparison to the late dates

at which many European nations granted votes to women – and the inclusion of the principle of equal pay for equal work for men and women in the Directive Principles of the Constitution are inadequate from the point of view of this struggle and have indeed been shown to be inadequate by subsequent developments.

The point that Ambedkar recognised was that the caste system is perpetuated by endogamy; at one point he advocated intercaste marriage as the only programme of action that could lead to the elimination of caste. Later on, it seems that he saw the inadequacy of this line of action taken on its own; yet even today it is an act that is perceived by the forces upholding the caste system as a threat to the prevailing order and invites the severest punishment. The imposition of the rule of caste endogamy entails the control of women's sexual behaviour and in fact all aspects of their social behaviour by the patriarchal caste panchayat. The Hindu Code Bill entailed a clear declaration that the law of the panchayat would be limited in independent India, that this Code for the Hindu majority would hold precedence over patriarchal caste panchayats or undeclared caste authorities. It is no wonder that it invited such bitter opposition from the defenders of the traditional Hindu social order.

CASTE AND GENDER IN INDIAN SOCIETY

Caste is perpetuated through endogamy, but then it operates through a number of social and economic institutions and ensures, first and foremost, that the domination of the upper castes and the subservience of the lowest castes is preserved. Women of the lower castes remain at the bottom of the hierarchical order, they have no right to privacy or decision-making and no right of protection against sexual exploitation. This can be seen in the question put by a judge to Bhanwari Devi when she went to court against her upper caste rapists: "How far apart were your legs when the rape took place?" The practice of caste builds up what Pierre Bourdieu calls a 'doxa', a set of shared beliefs and norms within a community which condition the behaviour of its members without being openly declared. A member violating the rules of the doxa invites social sanctions of various kinds, including the most violent. But the doxa operates on an unarticulated level apart from one's consciously declared beliefs. This level is different from the Freudian concept of the unconscious which refers to the formation of the individual personality in the European context. Perhaps the concept of 'neniv' as opposed

to 'janiv' as used by Sharad Patil⁵ (and borrowed by him from Buddhist philosophy) comes closer to what we need to analyse this situation. For the doxa or the *neniv* is social in content: in Indian society it incorporates all the aspects of caste identity, caste prejudice, hierarchy, and submission to a patriarchal order which are so much a part of the lived life of constitutionally equal Indian citizens.

Fifty years after independence and after the defeat of the Hindu Code Bill, these realities of Indian society are pushing themselves into the political arena. The result is a disruption of the consensus on the secular and democratic basis of Indian political life, which existed for some decades after 1947; the disruption makes room for the coming to power of the BJP by default, so to speak. Nivedita Menon (1997), for example, voicing what she calls her ambivalence on the question of reservations for women in parliament, says "We may need to think in terms of quotas within quotas – OBC within women's quotas, woman's quotas within all others and so on – and most certainly of how to ensure the possibility that newer groups can always present themselves to be recognised." The need for a pluralist approach is important when we are seeking to extend the scope of our democracy, as Menon implies in the quoted passage. Those who see themselves as a group seeking political representation should have the chance to do so, the openings for this should be built into our political institutions. But do 'women' really constitute such a group in reality? Don't caste groups have more claim to being marginalised categories with a social cohesiveness and common modes of being oppressed, which entitles them to seek political recognition as a group?

The issue is not just one of identity politics, a term now used without much clarity to describe the contemporary phenomenon of the political assertion of various marginalised social groups which identify themselves on the basis of caste or community (dalits, Muslims, adivasis, OBCs). Ambedkar's concern here is with the social inequalities that perpetuate themselves in spite of legislation to the contrary, in spite of the declared 'secular' politics of the major political parties – even those on the left.⁴ Feminists are, or should be, familiar with this. It is the feminist movement that coined the slogan "the personal is political". Ambedkar wanted, through the HCB, to redefine the sphere of the private in a systematic way, to put progressive values into the sphere of religious practice and establish a basis

for changing the exploitative social practices that, in fact, from a part of the Hindu's religious life. This could not be achieved by the stray laws that we now have banning untouchability or legitimising the right of temple entry to dalits. The HCB was an attempt to assert that the personal is political.

Politics always involves an assertion of rights and the demand for their legitimisation in social practice. These rights may appear at times insubstantial in content, but the process of assertion is a challenge to the prevailing doxa, and therefore important. In recent years we have been witnessing an upsurge of political activity on the part of oppressed social groups in India. Two examples from the recent history of Maharashtra may illustrate this point. One is the movement for the renaming of the Marathwada University in Aurangabad, Maharashtra as Dr Babasaheb Ambedkar Marathwada University, which spurred a mobilisation of dalit youth and in 1978 called forth a series of violent attacks on dalits in villages throughout Maharashtra. The other is the demand being posed by some dalit women and later taken up by the RPI under the leadership of Prakash Ambedkar, that December 25, the day on which Ambedkar publicly burned the *Manu Smriti* in 1927, be declared as Indian Women's Liberation Day. A woman activist from one of the communist parties responded to the latter demand by saying, "How long will we go on fighting on issues of identity politics? We have to address the real economic issues." The two examples cited above clearly represent challenges to the prevailing doxa: this is evidenced by the reaction of the defenders of the traditional order. Though the demands are symbolic in nature, as long as the doxa is real, the struggles to achieve them are also real.

Another example: we can recall the near-unanimity of the press in condemning the V P Singh government when it sought to put the recommendations of the Mandal Commission into practice. One would have thought that the Mandal Commission had committed the sin of creating caste divisions where none existed. While reservations in government and semi-government jobs have a definite role for members of the backward castes in creating a bit of space for upward mobility, the violent passions that appeared to agitate the anti-reservationists were surely wildly out of proportion to the actual threat to the job opportunities of upper-caste students, especially at a time when the total number of jobs in the public sector was stagnant and expected to dwindle in the future.

Here too, what was being threatened was an unstated right, a part of the doxa: the right of the upper castes to dominate in the administration and in education. On the other hand, the BJP faces no such problem when it takes up the issue of women's reservations. The opposition to the bill is now taking shape around a different set of issues, with the demand for reservations for OBC women within the reservations for women in parliament.

Let us turn at this point to the arguments and the logic used by feminists to support the demand for reservations for women in parliament. Kiran Moghe, member of the CPI(M) and an active functionary of the party's women's wing in Maharashtra, says in her Marathi pamphlet quoted above, "There is definitely a difference between a *caste woman of the landlord class* and a *dalit woman agricultural labourer* (emphasis mine). But on the other hand her exploitation as a woman at the hands of men is something that cuts across all castes and classes. That is to say, the oppression suffered by a woman zamindar or a woman agricultural labourer at the hands of men (of her community) in the family or in society is one and the same: on that level their sufferings are the same. Hence the debate over whether all women are equal or not is meaningless and unnecessary (pamphlet written by Kiran Moghe published by CPI(M), Maharashtra, 1997).

There are at least two problems in this argument. One is that the categories of class and caste are conflated and the implication is that whatever difference there is between the dalit woman agricultural labourer and the caste Hindu woman from a zamindar family exists only, or 'fundamentally', because one is labourer and the other a landowner. It ignores entirely, for example, the sexual exploitation suffered by a dalit woman because of her position in the village caste hierarchy. For example, Muktabai Sarvagod (1983), in her book *Mittleli Kawade* recounts how a young widow of the (non-dalit) mali caste could live her life in her village with dignity even though she had no land and three children; she received help and moral support from members of her caste. A dalit woman in the same position would not have had this freedom.

Secondly, Moghe refers to exploitation of the woman by men of her own community, in the family and in society, as if her relations with men of other communities don't matter. This is a serious mistake in understanding the nature of oppression suffered by women of different classes, and especially castes, under a

patriarchal system. In fact Moghe betrays ignorance of the concept of patriarchy, which is linked up to the way in which power over women is articulated in the family first, and then in society at large, through the hierarchical structuring of that society. The reality is that the upper caste zamindar woman will have women and men servants to lighten her work in the home, an economically deprived woman from the middle castes will have the support of caste kin in better circumstances (see above); whereas the dalit woman has no social defence against sexual and other exploitation from upper caste men in her village. And although each of these women may live within a patriarchal family structure, that structure also serves to reproduce her position in the caste hierarchy.

We have been arguing that the nature of patriarchy in India is intimately bound up with the institution of caste, and that Ambedkar was always sensitive to this. All this has a bearing on the demand for reservations for women in parliament in the present political conjuncture. If the issue of reservations for women is seen as a demand empowering women against domination by men *per se*, this amounts to abstracting the citizen-subject both from the reality of the social space that he/she inhabits, and also from the present articulation of our democracy. If, on the other hand, we are sensitive to both these, we can easily see that the demand for quotas within quotas, and the demand that the details of these be worked out before reservations are granted to women is more than a delaying tactic being used by chauvinist men of the not-so-badly-off middle castes.

There is, therefore, an attempt by the spokespersons of the 'women's movement' (within and outside left political parties) to use this issue as a rallying point for women as a category on a national scale. However, as Madhu Kishwar points out (In discussion with Jaya Jaitly in 'Samvad', *The Times of India*, August 15, 1998),⁵ they have not been successful in mobilising the support, in any appreciable number, of the women they claim to speak for. Also, we find, during the debates on this question, in the argument that OBC men are insincere in bringing up the issue of reservations for 'their' women, the idea that oppression of women by men of their own community is the fundamental reality of women's oppression in India, cutting across classes and castes.

I have argued above that this line of thinking stems from an essentially incorrect understanding of how patriarchy operates in Indian society. Patriarchy in India starts

with the control of women by men in the family but works in such a way as to perpetuate caste hierarchies; and the preservation of caste is the basis for the functioning of this patriarchy. Will the pushing through of the bill as it is, as a first measure (as it is said), without a wide-ranging discussion of the underlying caste issues, really empower women in the struggle against patriarchy in the social and political specificity of present-day India? Or would it not be better to use this occasion as the starting point of a debate on caste, gender and the nature of political representation? Yadav had to apologise publicly for the patriarchal tone of his comments in parliament; this is a positive outcome. We are also currently witnessing a critical juncture in the dynamics of political representation, with the caste non-elite in various regions of the country attempting to find new modes of political articulation. The resulting instability in the functioning of parliamentary institutions cannot merely be dismissed or deplored as a deterioration of the political climate. The women's movement must try and engage with these realities and relate to them in the context of its past gains and its programme for the future. The debate on reservations has not till now given them much thought, but it is a welcome development that some debate on the issue of reservations within reservations has now been initiated.⁶ A certain delay in the implementation of a bill providing more seats for women in parliament appears to be tolerable, if we are going to give serious attention to a long-neglected set of political issues.

If we remember the political context in which the bill emerged in the first place: the earlier (73rd and 74th) constitutional amendments which made it mandatory to reserve at least one-third of the seats for women in local elected bodies, had been introduced as a move towards decentralisation of power. This was the broader perspective within which women actually living and working in villages, towns and cities were given the opportunity to act as political representatives on the local level. Women's organisations have welcomed this as a potentially empowering provision, and have worked to give support to women elected in this set-up. The entry of women into local political bodies has at times been manipulated by the male-dominated political parties, and in some situations the elected women have been neutralised or even sexually humiliated. But this is only to be expected, since these amendments have made it possible for the first time for women from the lower strata of society,

women of all castes, to participate in large numbers in a political process from which they have hitherto been excluded.

The logic of decentralisation of power does not apply to the issue of reservations for women in the national and state level elected bodies. This demand has been taken up with enthusiasm by the left political parties, or the women (who are present in a minority) within them, and later on by the 'autonomous' women's organisations. Meanwhile the 81st Amendment became the 84th Amendment (without substantial change) and the BJP declared that it would get it passed through parliament. Almost all these pro-reservationists found a ready target when male OBC politicians brought up the issue of reservations for OBC women, expressing themselves in openly patriarchal language. So we have the major argument being pressed (exemplified in Kiran Moghe above) that oppression of women by their men cuts across all castes and classes.

To sum up this stage of the argument: the demand for reservations for women in parliament, as it is being argued by feminists (who suddenly find themselves in the company of the BJP), glosses over the fact that, in India, patriarchy operates through caste, reproduces caste hierarchies, and also uses caste divisions to perpetuate itself. We are merely saying that the category 'women' does not have sufficient unity to represent itself as a political group cutting across class, caste and community, though this may also be true in the present conjuncture. Rather, the point being made is that the mode of oppression of women in this society is so intimately bound up with caste that both issues have to be addressed together, especially when one is talking about reservations in parliament, an issue that will affect the functioning of politics on the national level and therefore touches on the nature of the citizen-subject. If the proposed constitutional amendment is directed towards expanding the rights of citizens to emancipation from social oppression – which is presumably what it intends to do – then let us recall how Ambedkar had understood the question more than 50 years ago. The defeat of his bill at that time has unfortunately meant that the questions he raised about the nature of citizenship in India have largely been neglected since then.

Recently there has also been a demand for reservations for Muslim women; this has been spearheaded by Shahabuddin and some educated Muslim women have supported it. However, there are constitutional problems involved in granting reservations to Muslim women, which do not

arise in the case of OBC women. Some are asking the question: why reservations for Muslim women or OBC women, when Muslim men and OBC men do not have reservations? It will not do to call these another set of 'delaying tactics'. The point I am making throughout is that much wider political and constitutional questions are involved in the issue than was realised at first, and that Ambedkar was sensitive to many of them. We need to take a second look at what he was saying, not necessarily to take his word as final. In fact, some innovative alternatives have also been proposed, such as the possibility of multiple-seat constituencies: why not elect one man and one woman from every constituency? In any case, the number of members in the Lok Sabha has remained constant since independence, while the population represented by them has increased several times.⁷

UNIFORM CIVIL CODE

Ambedkar's speeches and writings at the time of his moving the Hindu Code Bill also have a bearing on the debate over the Uniform Civil Code (UCC), especially among feminists. Even at that time the defenders of the brahminical Hindu social order cried against the reform of Hindu personal laws protesting that the Muslims should be forced to adopt a UCC. Ambedkar was strongly against this: he gave the highest priority to the reform and codification of Hindu personal laws which affected the majority of citizens, then, as now, Hindu fundamentalists tried to present the UCC as a necessity for the 'modernisation' of the Muslim community. But Ambedkar was very clear in saying that unless the Hindu community adopted a code that included a cohesive set of principles for reducing caste and gender-based inequalities in personal law, it had no right to insist on imposing a UCC on Muslims.

Talking about the concept of the secular state, he said: "(it) does not mean that we can abolish religion: it does not mean that we shall not *take into consideration* (my emphasis: he doesn't say 'respect') the religious sentiments of the people."⁸ But, taken together with his attempt to reform and limit the scope of Hindu religious authority, his statement is quite different from what secularism has come to mean today: a neutrality of the state *vis-a-vis* religion seen as the private concern of individuals. Besides the fact that this neutrality can be compromised, this conception of secularism can support the growth of religious fundamentalism in both the majority and minority com-

munities. Ambedkar, on the other hand, while arguing for the Hindu Code Bill in parliament, was questioning the division between public and private space which informs the Indian Constitution: it is because religious authority also has its oppressive social effects – going beyond the private sphere – very especially in relation to caste and gender, that he considered a codification of personal laws for the majority community to be essential as a supplement to the Constitution. If the Hindu Code Bill had been passed, the debate over the UCC would, 50 years later, have had a very different content.

Among feminists, there is now a broadly accepted position that, instead of working towards a UCC at present, it is tactically more important to fight for justice for women within the scope of existing laws and also of existing customary practices, where they provide more protection to women, while working for a reform of different personal laws. It is recognised that Hindu personal laws are not necessarily more progressive than Muslim laws in this respect, but "all personal laws discriminate against women".⁹ Some feminist groups have attempted to formulate a 'gender-just' civil code as an ultimate goal to move towards in a longer perspective, even while they accept the tactical position outlined above. Nivedita Menon, in the article cited above summarises the content of these attempts.

We are not interested here in the differences between various groups on this issue. The question of putting on the feminist agenda even a 'longer perspective' of working towards a set of gender-just laws, it seems to me, suffers from the same faulty vision as the approach that has been taken to the issue of women's reservations. In regard to the minority religious communities (to quote Menon again),¹⁰ "reform within personal laws with the co-operation of community leaders is preferable to legislation by the state", in order to "negotiate the maximum possible space for women as individuals within their communities". This is a tactical position that admits, in effect, that 'the feminist movement' has not so far been able to mobilise large numbers of Muslim or Christian women within its fold. But has it really done so for the majority of Hindu women either? Does the attempt to work out a 'gender-just' civil code grapple at all with the realities of how patriarchal oppression functions in our society? It is striking that Ambedkar's position on the UCC is never cited in any of these discussions. If this attempt to work out a code is to become more than an academic exercise, it must

look at the history of the women's movement from a less self-centred angle. The defeat of the Hindu Code Bill was an important event in that history whose significance we must examine, before we can work out some politically correct and 'gender-just' code. Even today, adivasi women are not covered by Hindu personal laws, which leaves them without any legal defence against certain kinds of exploitation. It would, in fact, be more relevant at the present juncture for the feminists to re-open the question of a code of personal laws for Hindus, because that would really touch on the issue of the spheres of public and private, of caste discrimination and its relationship with the patriarchal oppression of women: issues which affect women of the minority communities as well.

This brings us back to the other question posed at the beginning of this paper: who are the feminists, and by what authority do we claim to speak for the majority of Indian women? The feminist movement in India in recent times began in the 1970s. Initially an offshoot of the movement in the west, it naturally first attracted English-speaking, urban women who more likely than not were middle class and upper caste. In fact, the women's liberation movement in the west also took a long time to spread beyond the limited world of white, middle-class women with higher education. In India, however, one could argue that social barriers are even more rigid and social inequalities even more stark in relation to caste than they are in relation to race in the developed world. Indian feminists from the very start tended to, say, yes, we are oppressed by patriarchy, but our poorer sisters from the working class and the villages are much more oppressed. Some women, motivated by such perceptions, actually went out to the villages, slums, forests and mines and organised different sections of women there in struggles for their economic and other rights. There are some such feminists who now have experience of this kind of work stretching back over 25 years. Also, there were lawyers, journalists, writers and academics who took up arms 'against patriarchy on many fronts. International Women's Year in 1975 sparked off a large number of research undertakings by the government and academic institutions where women were the explicit subject of research. Some women made their academic careers in this field. And then, over the last 15 years or so, has come a new crop of NGOs doing 'professional social work with a focus on gender issues. 'Gender' has – almost – become a universally accepted part of

academic and journalistic vocabularies.

Those of us who call ourselves feminists in India also carry on struggles with the men close to us for assertion of our rights, for an extension of freedoms. These struggles are real, they have their impact, they change the environment in which the next generation of women live their lives. But in themselves these struggles do not engage with the forces of patriarchy on a social scale. Educated upper caste women are granted freedom to work and move in society with relative ease, as long as they respect the broad rules of caste and class endogamy; minor violations on their part are also accepted. But the dalit or adivasi woman in the village is still seen as not having any rights. When upper caste, educated, middle class women participate in building organisations for asserting the rights of such women, they still carry their caste identity into the 'field'; they can deal with bureaucrats, judges and the police, while a dalit woman going to these officials with the same demands is still, in the India of 1998, in real danger of being raped. When the upper caste feminists venture into the villages and slums now with the additional backing of foreign funds, their organisations may become more sustainable; but is their intervention any longer radical or capable of challenging the status quo?

This is essentially a call for introspection. What we are saying is that the familiar kinds of feminist initiatives taken in such a fractured social context are often neutralised, their impact far less than what we have hoped. I have tried to show that the initiatives are themselves based on a fractured conception of what the women's movement is. I think that 'we' have to realise that this fractured social context also splits ourselves in some fundamental sense: to go beyond this split we have to engage with the social forces of caste and patriarchy in a much more explicit manner. Let's put this on our agenda.

Notes

- 1 See, e.g. Kiran Moghe's pamphlet (in Marathi: my translation) on the issue of reservations for women in parliament: "Firstly, the OBCs as a group have never until today demanded reserved seats in legislative bodies. This recommendation does not figure among the many points listed by the Mandal Commission in order to improve the situation of the OBCs in light of their many sufferings. Of course, it is possible that a certain section of society may make such a demand all of a sudden – but it is no coincidence that the demand is expressed only in the context of the Women's Reservations Bill."
- 2 Ambedkar saw the *Manu Smriti* as a brahminical text that embodied the subjugation of women through the caste system. According

to him, Manu represents the historical downfall of women from the higher status they enjoyed in ancient India. It has been argued [e.g. Lata Mani 1989] that this view of the brahminical scriptures, especially the *Manu Smriti*, as the juridical basis for the subjugation of women is itself the product of a discourse initiated in colonial times, when the British rulers took issue with certain Hindu practices like 'sati' and child marriage. That discourse, which comprises the arguments of the British and Indian pro-reformers, is itself historically situated and should not be left unquestioned. It is true that Ambedkar saw his HCB as a challenge to the law of Manu, but, as mentioned above, he did in his drafting of the bill draw on a multiplicity of Hindu texts and also on customary practices of smaller communities, looking for the most progressive elements therein. His objective was to incorporate into the code principles that were relatively emancipatory for women as well as being in some sense Hindu in their genealogy.

- 3 Although Ambedkar himself gave a central place to his work on the HCB, remarking that he had accepted the post of law minister in the Nehru government only for the purpose of bringing it into law, his efforts for the emancipation of women were not confined to this. From his burning of the *Manu Smriti* in 1927, to his address to dalit women at the time of the temple entry movement, we can see Ambedkar as a consistent champion of women's rights, and especially of the rights of dalit women who suffer the worst atrocities of patriarchy and the caste system. This too must be regarded as a part of the history of the women's movement in India [Pratima Pardeshi 1997].
- 4 The Hindu Marriage Act passed in 1955 does validate intercaste marriage and marriages violating customary bans on marriages between specific categories of kin in certain communities. But it is the 'law' of the caste panchayat that rules in most such cases. Violent punishments for couples infringing the caste norms are still common in north India, and do occur in other parts of the country also [Prem Chowdhury 1997].
- 5 See Kishwar (1997), however, Madhu Kishwar's position on the issue includes repeating that the major obstacle to OBC women entering politics is the attitude of their men.
- 6 For example, the National Association of Women's Organisations held a debate in Hyderabad on September 16 and 17, which attracted a much larger attendance than the organisers had anticipated. No consensus emerged, but there was a significant number of women demanding that caste aspects be

given much more serious thought, and that they are relevant even in the case of Muslim women.

- 7 Gail Omvedt has made this suggestion in a recent newspaper article.
- 8 Ambedkar, collected works, Volume 14.
- 9 Nivedita Menon (1997) mentions how a journalist who takes a totally anti-feminist position on another issue (the accusation of sexual harassment made by IAS officer Rupan Deol Bajaj against her senior IPS colleague KPS Gill) can, however, quite easily come out in favour of reservations for women.
- 10 Nivedita Menon (1998) surveys a wide field and brings out some of the problems in producing "accounts of 'human rights' or 'citizens's rights', or, indeed, 'feminist or progressive narratives... at this historical juncture'; but her own position on the 'feminist consensus' on the UCC remains unclear. She tells us that this consensus talks about "working on setting up a comprehensive gender-just framework of rights covering not just areas already covered by personal laws, but also the 'public' domain of work (creches, equal wages, maternity benefits, etc) which should be available to all citizens. Where these laws do not conflict with personal laws, they should be automatically applicable, and where they do conflict, it should be open to individual citizens to make the choice."

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