

From Gender to Nation

Edited by
Rada Ivekovic and Julie Mostov

Ritu Menon

DO WOMEN HAVE A COUNTRY?

Own country? Of what feather is that bird? And tell me, good people, where does one find it? The place one is born in, that soil which has nurtured us, if that is not our country, can an abode of a few days hope to be it? And then, who knows, we could be pushed out of there, too, and told to find a new home, a new country. I'm at the end of my life. One last flutter and there'll be no more quarreling about countries. And then, all this uprooting and resettling doesn't even amuse any more. Time was, the Mughals left their country and came to create a new one here. Now you want to pick up and start again. Is it a country or an uncomfortable shoe? If it pinches, exchange it for another!

Ismat Chughtai, *Roots*

This chapter is set against the background of the partition of India in 1947, the creation of Pakistan, and the ensuing turmoil as both countries struggled to cope with the aftermath of division. Two nations were born on August 14 and 15, 1947, and it was thought that the issue of who belonged where had finally, though bloodily, been laid to rest. Fifty years later there are still 1,100 "displaced persons" in what are called "permanent liability homes" in India. Refugees from Bihar and Bangladesh are to be found not only in Sind and West Bengal but in Haryana and Madhya Pradesh as well. A steady stream of migration from East Pakistan continued right up to 1958, and again in 1964 after trouble in Kashmir led to riots in Dhaka and Khulna, and later in 1971, following the war of liberation for Bangladesh. A third new nation was born.

New nations, it seems, create their own refugees, or so it has been in the subcontinent. "For the last 50 years I have traveled from one place to another", says Ghafoor, a Bihari in Karachi, "from Bihar to Madras to Calcutta, then to Dhaka and now Karachi. I have been traveling all my life and at 75 I am still not settled" (Abbas, 1997)¹. In 1947 and again in 1971 there were those who gained a nation and those who lost a country - and, as one woman said to us, there were those who became "permanent refugees". For the last majority, "country" was something they had always thought of as the place where they were born and where they would like to die. Now, suddenly, their place of birth was horribly at odds with their nationality; had nothing to do with it, in fact. And the place now

¹ A. Abbas, The Twice Displaced, in *Outlook*, Special Issue on Partition, Delhi, 28 May 1997.

called country, to which they felt little attachment. Quite unexpectedly, and certainly unwillingly, they were violently uprooted and relocated in places and among communities they could not identify with, people they thought of as strangers. "Own country" "Now there is no country", said Somavanti to us, "This is not ours, that is no more ours"

Partition made for a realignment of borders and of national and community identities, but not necessarily of loyalties. Thousands who opted for Pakistan returned a little later, an equal number, here and there, forsook allegiance to their families and never left at all. Some were unaware of Pakistan as a separate country till some years after its creation, even though they themselves had migrated to it. And any number failed to quite absorb the fact that there were borders now that couldn't be crossed. "My real home'?" said one woman to us in Delhi, "the one at Sutar Mandi, Phullan Wall Gall, Lahore". Large numbers of people chose fidelity to place rather than to religious community; they conveyed and remained where they were. The choice may have been expedient or not - and, indeed, often there was little choice in the matter, what it suggested is that "country" is an elusive entity.

The story of 1947, while being one of the successful attainment of independence, is also a gendered narrative of displacement and dispossession, of large-scale and widespread communal violence, and of the realignment of family, community and national identities as people were forced to accommodate the dramatically altered reality that now prevailed. In this chapter we propose to examine the response of the Indian state and government² to this altered reality: we examine its contrastive policies toward two groups of women for whom it assumed responsibility in the wake of Partition. The first are the women who were dislocated, impoverished, widowed - these were collectively described in policy terms as "unattached". The second were those who had been separated from their families, picked up while fleeing to safety, taken hostage or kidnapped - these women were called "abducted". Both groups of women were obvious subjects for government intervention and beneficiaries of rehabilitation programs, but their significance transcends this simple humanitarian concern: in an uncial way their very condition, which became their identity - "abducted" or "unattached" - in turn became the touchstone by which the government formulated and implemented policies with regard to their "recovery" and "resettlement". For both groups, the common factor now was the rupture of normal familial arrangements and the absence of male kin, necessitating the state's stepping-in as the surrogate paterfamilias and inheriting the mantle of protector.

²I make a distinction here between the Indian state and the government: the former a secular democratic entity; the latter a government formed by the Congress party, professedly secular but subject to the pulls and pressures of parties and communities.

As protector, one of the state's principal concerns was with the sexuality of the women. This concern was quite explicitly manifested in the case of abducted women, whose sexuality was perceived as available for exploitation by any transgressor, and had to be zealously guarded; it was implicit in the case of widows (the majority of "unattached" women) who were now assumed to be sexually inactive, but in need of rehabilitation, social and economic, for they were now without families or menfolk who would vouch for them. As abducted women, they were sexual property but also upholders of honor, symbols of sacred motherhood, definers of community and national identity. As widows, they had to be liberated from the traditional stigma of widowhood and its consequent social death and activated as economic beings, part of the mainstream of national life.

Through its policies and programs for both categories of women the government not only undertook its first major welfare and legislative responsibility as an independent state, it revealed the complexity of its relationship to gender and community, and to secularism and democracy. In those early post-Partition years when the Indian state was defining its own political character and priorities, drawing up an egalitarian constitution and safeguarding pluralism through a modified secularism, the intersection of gender, community and state acquired particular importance.

in mediating gender and community rights in moments of political crisis, as well as the differential approximations to citizenship of its male and female members. It exposed the tremendous internal dissonances in terms of how women were categorized and dealt with. Finally, it demonstrated the state's ambivalence regarding its own identity as secular and democratic. Even if it had been zealous in pursuit of such goals, it was very nearly impossible for it to be free of patriarchal, communal and cultural biases.

1 "Widowed"

The dislocation of roughly twelve million people that took place in 1947-48 as a result of the massive exchange of populations in the border states of India and Pakistan, also made for a phenomenon without precedent: mass widowhood. As families got separated in the upheaval, as the foot-caravans, trams, and road convoys were ambushed and men slaughtered, by all communities, thousands of women were made destitute and widowed. Many did get reunited with their families eventually, and were claimed by their next-of-kin from camps and homes, but several thousands lived and worked for years in ashrams and rehabilitation centers, where they brought up their children and strove to attain some kind of social and economic equilibrium.

The scale and incidence of this widowhood was so immense - as was the related task of resettling and rehabilitating refugees - that it resulted in the Indian government setting up what was to be almost its first major welfare activity as

an independent state: the rehabilitation of what it called "unattached" women. Never before in the country's experience had a *sarkar* (ruler, "government"), either feudal or colonial, been called upon to take social and economic responsibility for a circumstance as problematic as widowhood: a condition ritually inauspicious, socially stigmatized, traditionally shunned. It is true that throughout the nineteenth century the colonial state had been compelled, by social reformers, to address the issue of widow remarriage and child widows, and so intervene in social and cultural practice, but that exercise was qualitatively different from what the Indian state was now called upon to do. Rather than return them to the community or family to deal with as they thought appropriate, the government now assumed direct responsibility for what it conceded were victims of a national disaster. They were deserving of government intervention much as flood or war or famine victims would be.

In a note dated December 1949, Rameshwari Nehru stated that the number of "unattached" women looked after by the government in October 1948 was 45,374³. Although not all of these women were widows, a very large percentage was; indeed, it was the very size of this category that persuaded the government to set up a special section within the Ministry of Relief and Rehabilitation to administer to their needs. Rameshwari Nehru, who had been looking after the evacuation of women and children from West Punjab during the worst disturbances, took over as honorary director of the Women's Section in November 1947, responsible for the "care, maintenance, and rehabilitation of uprooted women and children from Pakistan".

In a sense, the Women's Section of 1947 can be seen as a forerunner of the many government agencies that now exist for the welfare of women and children, for the disabled, for disaster victims, and for the destitute. But had an added, and important, dimension as part of the government's program of resettlement. Apart from being an immediate and urgent necessity in the aftermath of Partition, this rehabilitation was a crucial aspect of the state's *perception* of itself as benign and paternalistic, and in its *definition* of itself as socialist, democratic, welfarist - and secular. Stephen Keller, who did extensive field-work among Punjab's refugees in the seventies, has observed, "in Punjab and other areas of north India government has always been characterized as *mai-baap* (mother-father). As (such) it is duty bound to provide a rich, warm, nurturing relationship (the *mai* part) as well as paternal protection from the dangers of life (the *baap* part)". In times of national disaster, particularly, the more maternal aspect is emphasized (Keller, 1975). It was obviously such an event that galvanized the government into responding. But having said that, it is worth examining both the

³Rameshwari Nehru, *Private Papers of Rameshwari Nehru*, Delhi, Nehru Memorial Museum and Library. N D.

conceptual dimension of the project of rehabilitating widows and its implementation, to arrive at some understanding of how, through government intervention, their status underwent some change.

The critical shift that took place was that the widows of 1947 became the responsibility of the state. In acknowledging this, and by stepping in to mediate their reabsorption into the social and economic life of the country, it had, simultaneously, to perform two functions: that of custodian and guardian - *parens patriae* - in the absence of actual kinsmen; and of an apparently benign, neutral and secular agency which could not be seen to be subscribing to or reinforcing traditional biases against widowhood. The tensions between the two functions of the state resulted in a historically unusual, if not unprecedented, situation where widows were in a direct relationship with state authority. However distant that authority may have seemed in relation to the women, it was nevertheless a decisive one.

Since the widows of 1947 were, ironically, widowed by history - or, as the government put it, "victims of a struggle that might well be regarded as a war" - it was proposed by the government that they be classed as war widows and treated as such. This particular definition of widows, and of the circumstances of Partition, enabled the government to deal with the crisis as a national emergency and, more importantly, to look upon the widows not as *individual women* inviting social ostracism, but as a *community* of hapless survivors to be accorded the same status as other refugees.

However, important distinctions were made within this newly formed community of survivors. In addition to being classified as "war widows" they were further classified as (a) those whose husbands and sons and other breadwinners were killed during the riots, and (b) those who - though "unattached" - had relatives alive who, having lost their jobs and possessions, were unable to maintain them. These two categories were to be treated differently: the responsibility for the first had to be shouldered by the government for the rest of their lives, while that for the second could extend either until the time they became self-supporting or till their relatives were able to maintain them. Further, those in the first category who were not willing to lead the regulated (read: restricted) life of the ashrams should be given allowances *sufficient to maintain themselves* because, it was thought, there would be very few of them.

In a report on the work done by the Women's Section from 1947 to 1949, Rameshwari Nehru noted:

At the very outset the Section realized that rehabilitation is an intricate process and can be achieved only if adequate attention is paid to the psychological, educational and emotional needs of the women. It is of utmost importance to make them self-reliant and self-supporting and restore their sense of dignity and worth (Nehru).

The best way to do this, in the view of the Women's Section, was to treat

them to a course of occupational therapy, to pay attention not only to their physical needs but also to "their intellectual and vocational development"

Despite the many shortcomings in the actual workings of the rehabilitation program, the formal recognition of the fact that "the care and maintenance of destitute women *is a task in social reconstruction*" indicates another critical post-Partition shift in perception, namely, that the rehabilitation of widows was as much an economic, as it was a social or "welfare", activity

The first endeavor of the Women's Section was to free the widows from economic dependence. It was hoped that, in the long term, specially planned women's settlements would develop, embracing not only the refugees of Partition but other categories of destitute women as well. State and central governments were therefore requested to make available suitable land, open and extensive, near the large cities, for this "new experiment" — it was a matter of some conviction that, with proper facilities, the women could be prepared for any farming and agriculture and for those "advanced industries which require meticulous training and skill in execution". Underlying this conviction, or experiment, was the hope that they would be absorbed into the economic reconstruction of the country. Renuka Ray, member from West Bengal, made the point in the Legislative Assembly thus

I want to note some specific points with regard to the rehabilitation of women. I do not think (hat the establishment of homes where some little occupation is given [] is enough. In this country there is a very great dearth of women who come forward to be trained in different fields of nation building [] This great tragedy) has left thousands of women homeless and alone [] The opportunity) should be taken to train (them) to become useful and purposeful citizens. Tinkering with the problem by doing a little here and there will not be sufficient. What is required is a properly planned scheme of vocational training on a long term basis (Constituent Assembly of India 1948)⁴

Women with some educational qualifications were offered training in "useful professions", like nursing, midwifery, teaching, stenography, accounts and office management. Those with very little or no literacy could take up the usual embroidery, tailoring, minor handicrafts, and so on, although it was well understood that the scope for economic independence through such skills was quite limited: the market was already glutted with fancy leather-work and luxury articles. This excess of produce opened the way to exploitation of women's labor and they were paid ridiculously low wages for their work. But the women's own inclination had also to be considered and, as the report notes, "despite our best efforts

⁴ Constituent Assembly of India: Debates, Vol. 3, No. 5, Delhi: Nehru Memorial Museum and Library, March 1948.

it was not possible to enlist women's interest in any other work" (Nehru)

Women who were able-bodied and able to do some physical labor were to be settled in what were called "agro industrial" settlements. It was proposed that they be built up on a few acres of land outside towns and cities and women be trained in vegetable and any fanning, oil pressing, etc. Giving sixty acres of land near Kilokhen to the Kasturba Seva Mandir was a beginning. In all the work of training and vocationalizing, the Women's Section worked with a range of training centers, academic institutions, voluntary and social work organizations including the Tata Institute of Social Sciences, the vocational training centers of the Ministry of Labour in Bombay and Delhi, the Kasturba Gandhi Memorial Trust, and Lady Hardinge Medical College in Delhi. An employment bureau was setup, in cooperation with the Employment Exchange of the Labour Ministry, for placing women once they were trained. In March 1949, the report noted that 500 women had secured employment through the employment bureau.

The disruption of life and livelihood, post-Partition, made for another more traumatic disruption as far as the women who were widowed were concerned: loss of family, of residence, of community, of social and economic status. But this very disruption meant that ritual and customary sanctions against widows were temporarily suspended in the absence of family and social constraints and even though the state stepped in as guardian and paterfamilias so to speak, the nature and scale of rehabilitation compelled it to facilitate the assimilation of widows into the economic and social mainstream as expeditiously as possible.

2 Abducted

In the aftermath of Partition and during the huge exodus of people from one country to another, very large numbers of women were kidnapped or "abducted" by men or families of the "other" community. This "kidnapping" could have taken place by force or deceit, while families were fleeing and women or young girls got separated, or in the confusion of the refugee camps, or simply by promising safe transit to distressed families in exchange for their women. The incidence of such abductions was so great that the governments of India and Pakistan were swamped with complaints of "missing" women by relatives seeking to recover them through government, military or voluntary effort. The official estimate of the number of abducted women was placed at 50,000 Muslim women in India and 33,000 non-Muslim women in Pakistan.

On 6 December 1947 an Intel Dominion Conference was held in Lahore (Pakistan) at which the two countries agreed upon steps to be taken for the implementation of recovery and restoration. Between December 1947 and July 1948 the number of women recovered in both countries was 9,362 in India and 5,510 in Pakistan (about a fifth and a sixth of the number abducted respectively in each country). Recoveries dropped rather drastically after this date and it was

felt that a more binding arrangement was necessary for satisfactory progress. Accordingly an agreement was reached between India and Pakistan on 11 November 1948 that set out the terms for recovery in each dominion"

Until December 1949 the number of recoveries in both countries was roughly 12,000 for India and 6,000 for Pakistan. At the Constituent Assembly (Legislative) session held in Delhi in December 1949, considerable dissatisfaction was expressed by members at the low rate and slow pace of recovery in Pakistan, especially from Sind, Baluchistan, Azad Kashmir and the "closed" districts of Gujrat, Jhelum, Rawalpindi and Campbellpur. To facilitate recovery and because the 1947 ordinance in India expired on 31 December 1949, Gopaldaswami Ayyangar Minister in charge, moved a Bill in Parliament on 15 December, called the Abducted Persons' (Recovery and Restoration) Bill, for the consideration of the House. It extended to the United Provinces of East Punjab and Delhi, the Patiala and East Punjab States Union (PEPSU), and the United State of Rajasthan, and consisted of ten operative clauses, which the minister termed "short, simple, straightforward - and innocent"

A brief summary of its main clauses is in order, for three reasons. First, the Act was one of the first pieces of legislation attempted by the independent Indian government, preceding even the Constitution and raising important questions on the rights and responsibilities of the state and its citizens. Second, it was remarkable for the sweeping powers and immunity from legal action that it conferred on its police officers and inspectors. Third, the terms and context in which it defined "abducted persons" saw them solely as missing members of naturalized communities of families or religious groups, never as citizens.

The Act defined "abducted person" as "a male child under the age of sixteen years or a female of whatever age who is [] or was [] a Muslim [] and who had become separated from his or her family and is found to be living with or under the control of any other individual or family, and in the latter case, includes a child born to any such female" (clause 2 (a)). It empowered any police officer, not below the rank of an Assistant Sub-Inspector, "on mere suspicion of the presence of an abducted person in any place" to enter without warrant, search and take into custody any person who "in his opinion" is an abducted person. Should a dispute arise on whether such a person was in fact abducted, the case would be referred to a (police) tribunal, constituted by the central government for this purpose. The decision of the tribunal would be final. The detention of abducted persons in a camp till such time as they were handed over to their relatives could not be "called in question in any Court" and "no suit, pros-

ecution or other legal proceeding whatsoever shall lie against the Central Government, the Provincial government or any officer or authority for, or in respect to, any act which is in good faith done or intended to be done in pursuance of this Act" (clause 8). All the above provisions were made "notwithstanding anything contained in any other law for the time being in force"

Elsewhere I have elaborated on the implications of the Bill in terms of the actual recovery work and on its harrowing consequences for women (Menon, 1997, pp 15-32). Here I would like to focus on the need for the Bill itself and its ramifications, both as policy and practice. It is important to note that, in India at least the concern with abducted women. One person went hand in hand with alarm at "forcible conversions". This preoccupation continued throughout the Debates and, in fact, underlined another important factor in India's relationship with Pakistan: the loss of Hindus to Islam through such conversions, in addition to the loss of territory. Abduction and conversion were the double blow dealt to the Hindu "community", so that the recovery of "their" women, if not of land, became a powerful assertion of Hindu manhood, at the same time as it demonstrated the moral high ground occupied by the Indian state. Nothing like this concern was evident with regard to the abduction of Hindu women by Hindu men, or Muslim women by Muslim men, leading one to conclude that this was so because in this case no offence against community or religion had been committed, 1101 anyone's "honor" compromised.

3 Security, sexuality and the state

The single most important point about the Abducted Persons' (Recovery and Restoration) Bill was that it needed to be legislated at all, since the maximum number of recoveries had already been made between 1947 and 1949, before the Bill was introduced in Parliament. Why then was the Indian government so anxious to reclaim women, sometimes several years after their abduction? Why should the matter of national honor have been so closely bound up with the bodies of women, and with children born of "wrong" unions? The experience of Pakistan suggests that recovery there was neither so charged with significance nor as zealous in its effort to restore moral order. Indeed, informal discussions with those involved in this work there indicate that pressure from India, rather than their own social or political compulsions, was responsible for the majority of recoveries made. There is also the possibility that the community stepped in and took over much of the daily work of rehabilitation, evidenced by findings that the level of destitution of women was appreciably lower in Pakistan. We were told that both the Muslim League and the All Pakistan Women's Association were active in arranging the marriage of all unattached women, so that "no woman left the camp single". Preliminary interviews conducted there also hint at relatively less preoccupation with the question of moral sanction and "acceptability", al-

* For a detailed description and analysis of Recovery Operation see, «Borders and Bodies Recovering Women in the Interest of the Nation» in Ritu Menon and Kamla Bhasin Bowers & Boindandct *Women in India* Partition* Delhi New Jersey Kali for Women and Rutgers University Press 1998 pp 67-129

though this must remain only a speculation

Notwithstanding the above, some tentative hypotheses may be put forward. For India, a country that was still reeling from Partition and painfully reconciling itself to its altered status, reclaiming what was by right its "own" became imperative in order to establish its credentials as a responsible and civilized state, one that fulfilled its duties toward its citizens both in the matter of securing what was their due and in confirming itself as their protector. To some extent, this was mirrored in the refugees' own dependency in turning to the *sarkar* as its *mai-baap* (protector and provider) at this time of acute crisis. But the notion of "recovery" itself as it came to be articulated cannot really be seen as having sprung full-blown in the post-Partition period, as a consequence of events that had taken place during and after the violence that accompanied the exchange of populations.

If we pause to look at what had been happening in the Punjab from the mid-nineteenth century onwards, with the inception and consolidation of the Arya Samaj and the formation of a Punjabi Hindu consciousness, we might begin to discern some elements of its anxiety regarding Muslim and Christian inroads into Hinduness and the erosion of Hindu *dharma*, values and lifestyle through steady conversions to these two faiths by Hindus. With the creation of Pakistan, this anxiety found a new focus, for not only had it been unable to stem conversions to Islam it had actually lost one part of itself to the creation of a Muslim homeland. Just as earlier, the Shuddhi program of the Arya Samaj (even if it resulted in bringing only one convert back into the Hindu fold) served to remind the Hindu community that losing its members to Islam or Christianity was not irreversible so now, recovery became a symbolically significant activity. Recovering women who had been abducted and, moreover, forcibly converted, restoring them both to their own and the larger Hindu family, and ensuring that a generation of newly-born Hindu children was not lost to Islam through their repatriation to Pakistan with their mothers, can be seen as part of this concern. Because, in fact, such a recovery or return might not be voluntary, necessary legal measures had to be taken to accomplish the mission. In one sense, it would seem that the only answer to forcible conversion was forcible recovery.

I have explored elsewhere the particular anxiety surrounding the matter of the children of abducted women (Menon and Bhasin, 1998, pp 67-129). I have argued that the key to understanding this anxiety lies in the importance regarding the question of legitimate membership - of a family, a community and, ultimately, a nation. The sanctity of all three lay in keeping community boundaries intact and in maintaining difference. Once nations become associated with ethnic purity, then women become the first Other within a community. As Rada Ivekovic (Ivekovic, 1993, pp 113-26) argues, women come to represent the very principle of mixture. Inter-ethnic violence displays a preoccupation with women as harboring a dangerous potential for a dilution of the "pure", making their appropria-

tion and control by their community and by the competing ethnic community, appear imperative. This was why the forced alliances resulting from abduction during Partition could neither be socially acknowledged nor legally sanctioned, and why the children born of them would forever be "illegitimate." And so the "faked" family had to be dismembered by physically removing the woman/wife/mother from its offending embrace and relocating her in the "real" one, where her sexuality could be suitably supervised.

4 *The Slate, the Community and Gendered Citizenship*

Unraveling the complexity of the question of citizenship, Helga Maria Hernes says

(II) relates to the bonds between state and individual citizens as well as the bonds among individual citizens. These bonds are circumscribed by law [] by custom [] and by the material resources available to individual citizens [] They are, in addition, circumscribed by the political situation prevailing at any point in time. All the dimensions are gendered in a variety of ways, and states differ along all three dimensions: the nature of legal, social and material bonds among citizens, the nature of the institutions which define and defend these bonds, and then capability of handling political crises (Leech 1974 pp 7991)

The historical material introduced in this chapter requires careful consideration of the con-

by widowed and abducted women in such a moment of political crisis. In other discussions, we have elaborated the dynamic of gender, community and state in post-Partition India, and the importance of maintaining the purity of the "legitimate" religious community (Menon and Bhasin, 1998). Our concluding comments in this chapter explore how problematic the very notion of citizenship was with regard to both categories of women, and how it was "negotiated" by them, by the state, and by those responsible for their rehabilitation or recovery.

As with sexuality, the debates around citizenship, too, were explicit in the case of abducted women, implicit - or, shall we say, assumed - in the case of widows. Both were citizens of a secular democracy, but the exercise of the rights of such citizenship was far less contested where widows were concerned. The state as protector and provider (*mai-baap*) acted on behalf of both widows and abducted women, but with the latter it, in fact, *denied them the possibility of asserting their political and civil rights* through an Act of Parliament, while ensuring that their civil rights were realized through the state's redistributive agencies. Because widows' political and civil rights were not in conflict with perceived community "rights" or claims, they were never put to the test in the same way as those of abducted women.

The extended debate on forcible recovery as violating the constitutional and

fundamental rights of abducted women, as *citizens*, was evidence of this conflict⁶, the insistence by abducted women themselves further demonstrates their attempt to realize citizenship by acting independently and autonomously - of community, state *and* family. Their attempt was thwarted through a consensus reached by all three on the desirability and necessity of women preserving community and national honor, by subordinating their rights as individuals and citizens to the lights of the community and the will of the state. The freezing of boundaries, communal and national, calls for what Kristeva (1993) terms "sexual, nationalist and religious protectionism", reducing men and women, but especially women, to the "identification needs of their ordinary groups", imprisoning them in the "impregnable aloofness of a weird primal paradise - family, ethnicity, nation, race". The state cannot absent itself while these negotiations are taking place, for, as Kristeva continues

Beyond the origins that have assigned to us biological identity papers and a linguistic, religious, social, political, historical place, the freedom of contemporary individuals may be gauged according to their ability to choose their membership, while the democratic capability of a nation and social group is revealed by the light it affords individuals to exercise that choice (Kristeva, 1993, p. 16)

Free choice, freely exercised, is what neither nation nor community could allow the abducted woman in post-Partition India, so much so that it was legislated out.

With widows, on the contrary, the endeavor was to facilitate their entry into the social and economic mainstream of the country as productive members of the citizenry, contributing to what Renuka Ray called the process of "nation-building". The oppressive bind of conventional widowhood was thus loosened sufficiently to enable women to emerge into, and assume, citizenship with all its rights and responsibilities. This category of citizenship simply collapsed in relation to the abducted woman, the woman-out-of-place. The process of recovery, of putting abducted women back into place, was not conceived by the state as a relationship to women as *missing citizens* of the new state (if so, it would have endowed them with civil rights). Rather, it chose to treat them as *missing members of religious and cultural communities*, on whose behalf choices had to be made. Widows were redefined as victims of a national disaster, requiring a direct

⁶ Pandit Thakur Das Bhargava said: "Sir [] yesterday when we were discussing clause 8 it is that detention should not be questioned in any court. I submitted that that provision is against the spirit of the Constitution [] I do submit that there is no reason why these girls who are citizens of India if they want to live here, should be forced to go away." He added: "I further submit that this (clause 8) is opposed to the fundamental rights guaranteed in the Constitution and is opposed to section 491 of the Criminal Procedure Code. The writ of *habeas corpus* is always open (Constituent Assembly of India, 1949)

form of intervention, which did not end simply by restoring them to the communities to which they belonged. Instead, they were made viable as their own community, economically independent, and rehabilitated as citizens. In both cases, the state was acting as custodian and guardian on behalf of missing or wronged men - in the case of widows, the men were permanently absent or missing, in abduction, it was the women who were "missing" - and the patriarchal bias of its intervention and ideology were evident in both, as is clear from much of the material quoted above.

The post-Partition conjuncture was one of unusual flux and formative capacity, and made for some unprecedented relationships between women and the state, some of these continue, others have been closed off.

A comparison of the state's relationship with widows and abducted women sheds some light on the nature of this relationship and its implications for women. To begin with, it illuminates the workings of a state-in-transition as it negotiates both postcolonial independence and partition at the same time, and tries to put in place a relatively progressive political and social program. What is clear from our analysis is that, for women, the state functions in interaction with at least two other major institutions - community and family - and that, together, they constitute the contesting arenas for gender issues.

We have seen that the relationship between gender and state may be cooperative or conflictual, generally speaking there can be cooperation on issues of welfare, and conflict on issues of rights as is borne out by the experience of widows and abducted women. In the post-Partition period, the state itself was a complex confluence - redefining itself as secular, democratic and socialist, but operating in a politically charged atmosphere, keeping communal considerations in balance, incorporating a benign paternalism (or *mai-baapism*) while simultaneously upholding patriarchal codes and practices, ensuring the realization of social rights, while withholding civil and political rights, even while it deliberated on fundamental rights and guarantees.

5 Belonging

The question of where people "belong" when countries are divided along religious or ethnic lines has bedeviled this century more than any other. Hindu, Muslim, Sikh, India, Pakistan, Kazakhstan, Bangladesh - redrawn borders, newfound countries and old communities forming and reforming each other through bitter contest. The play of identity politics in South Asia has become so volatile over the last few decades (almost since independence, in fact) that it begs the question: is there a stable national or regional identity in the subcontinent today?⁹ The definition of nationality has seen so many changes during this period that it defies any "lowest common denominator" basis. In the post-Independence period, for example, India and Pakistan both proclaimed secular national identities, even

though the national movement itself was made up of two competing "nationalisms" which eventually made for the division of India. Twenty-five years later a nationalism born of linguistic difference resulted in an earlier religion-based nationalism being replaced by a linguistic one. Bangladesh came into being. Since then, we have seen many nascent regional identities challenging the notion of a homogenous national identity as Sindh, Baluchistan and the North West Frontier Province in Pakistan, and Punjab, Assam and Kashmir in India have come to the fore. In Sri Lanka, a Sinhala "nationalism" has resulted in a ten-year civil war and a demand for a separate Tamil *eelam* (state), and a syndicated Hinduism in India is threatening to "re-unite" the country around "culture" and "civilization". Meanwhile, both the Pakistani and Bangladeshi states have moved towards consolidating their Islamic character, Pakistan now as a highly militarized Islamic state, Bangladesh as an Islamic republic. The identity of the nation-state itself is thus continually redefined.

How and when women enter this redefinition is, of course, a question of religious, ethnic or linguistic affiliation but, as we have seen, it is also contingent on their status within religious and ethnic communities and their relationship with national processes. "Belonging" for women is also - and uniquely - linked to sexuality, honor, chastity, family, community and country must agree on both then acceptability and legitimacy, and then membership within the (old)⁷

The question 'do women have a country?' is often followed by 'are they full-citizens of their countries?' Recent feminist research⁸ has demonstrated how 'citizen' and 'state subject' are gendered categories, by examining how men and women are treated unequally by most states - but especially post-colonial states - despite constitutional guarantees of equality (Yuval-Davis and Anthias, 1989, p. 6)

⁷ Retelling writing and analysis by Indian feminists on the issue of the dalit (low caste) woman's unequal relationship to caste, community and citizenship has introduced the critical dimension of caste into discussion in important ways. In my view their experience of inequality as dalits and women undermines (rather than undermines) the case for gender just secular laws. See V. Geetha and T. V. Jayanti «Woman, Hindutva and the Politics of Caste in Tamil Nadu» in Tanika Sarkar and Urvashi Butalia (eds), *Women and the Hindu Right: A Collection of Essays* Delhi: Kali for Women, 1995, pp. 245-69. Anveshi «Is Gender Justice Only a Legal Issue?» Political Struggles in the UCC Debate» in *Economic and Political Weekly*, 8 March 1997, and V. Geetha *Peonies and an Iron of Circinip*, unpublished paper, n.d.

⁸ See especially Nira Yuval-Davis and Floya Anthias (eds), *Women, Nation, State* London: Macmillan, 1989; Marilyn Lake «Personality, Individuality, Nationality: Feminist Conceptions of Citizenship, 1902-40» in *Australian Feminist Studies*, Vol. 19, Autumn 1994, pp. 25-38; Mane Leech «Women, the State and Citizenship» in *Ibidem*, pp. 79-91; Demz Kandiyoti «Identity and Its Discontents: Women and the Nation» in *Millennium: Journal of International Studies*, Vol. 20, No. 3, 1991, pp. 429-43; Rian Voet «Women as Citizens: A Feminist Debate» in *Australian Feminist Studies*, Vol. 19, Autumn 1994, pp. 61-77.

The integration of women into modern "nationhood" epitomized by citizenship in a sovereign nation state somehow follows a different trajectory from that of men (Kandiyoti, 1991, p. 429)

The sources of this difference, she continues, are various and may have to do with the representation of nation-as-woman or nation-as-mother (Bharat Mata, for example) to be protected by her male citizens, they may have to do with the separation of the public-civil sphere (usually male) from the private-conjugal one (usually female), or with women as symbols of community/male honor and upholders of "cultural values", and most crucially, with their role as biological reproducers of religious and ethnic groups. Nira Yuval-Davis and Floya Anthias identify three other ways in which women's relationship to state and ethnicity can be seen as different from men's: as reproducers of the boundaries of ethnic or national groups, as participating in the ideological reproduction of the community, and as signifiers of ethnic or national difference. They point out that while feminist literature on reproduction has dealt extensively with biological reproduction and the reproduction of labor, it has "generally failed to consider the reproduction of national, ethnic and racial categories" (Yuval-Davis and Anthias, p. 7)

State policies with regard to population, for instance, are a clear example of its active intervention in the reproduction of race of community. Yuval-Davis and Anthias demonstrate how (ears of a "demographic holocaust" have influenced population policies in Israel through extending maternal and child benefits to those Jewish women who bear more children. Similarly, the Malaysian government offers attractive incentives to Muslim women graduates, urging them to play their part in maintaining ethnic superiority in multiracial Malaysia (Chee Heng Leng, 1988; Gaitskell and Unterhalter, 1989, pp. 58-76). Periodic calls to women to produce more sons as warriors and defenders of the nation also form part of this scenario. Our discussion on the recovery of Hindu and Muslim women, post-Partition, and the role of the Indian state in both reinforcing ethnic difference and reaffirming the necessity of regulating women's sexuality in the interests of national honor, underlined the significance of women as reproducers of ethnic and national boundaries (Menon and Bhasm, 1998). It also indicated how the state participates in maintaining patriarchal control in the private and conjugal domain, and demonstrated how its anxiety regarding sexual trespass mirrors that of the male brotherhood, whether familial or communitarian. Thus is Anderson's "deep comradeship of men" reaffirmed, and patriarchal privilege reinforced.

The intense preoccupation of the Indian state with women's appropriate sexual conduct finds legal articulation in the form of personal laws - Hindu, Muslim, Sikh, Christian, Parsi - which govern marriage, divorce, inheritance, custody and guardianship of children and adoption.⁹ The simultaneous and parallel operation

⁹ The Pakistani State's preoccupation with it led to the promulgation of the Hudood and Zina

of civil, criminal and religious laws is in paradoxical relationship to the secular nationalism of the Indian state, and it brings us back to the question of women's equality, as citizens, before the laws of a secular country. Legal intimation of how women's individual rights as citizens can be abrogated in the interests of national honor was found in the Abducted Persons (Recovery and Restoration) Act of 1949. The passing of the Bill without modification, despite legislators' reservations, proves that such an interest takes precedence over the fundamental rights of (female) citizens. (The suspension of the civil and democratic rights of citizens in the interests of national security is a familiar case, but here the issue is different.) Thirty-seven years later, in 1986, the state once again acted to demonstrate how women's rights could be suspended in the interests of the community when it enacted the Muslim Women's (Protection of Rights in Divorce) Bill. This Act specifically excluded Muslim women from the purview of Section 125 of the Criminal Procedure Code, a provision that enables a person to claim maintenance on grounds of indigence.¹⁰ The law is secular and available to all citizens of India regardless of caste, creed, sex or race. Orthodox sections of the Muslim community claimed immunity from the law in question, saying it violated the Shariat or Muslim Personal Law under which a divorced Muslim man has no obligation to provide for his ex-wife. Pressure from this section, as well as a fair amount of political calculation resulted in the enactment of the Muslim Women's Bill, and the right of Muslim women to social and economic security was thus subordinated to the community's right to freedom of religious practice. Two constitutional guarantees - the equality of all citizens, and the freedom to practice and propagate one's religion - were in contest, and the latter prevailed.

Women, then, simultaneously but oppositionally, "belong" to community and country to the former as far as the regulation of the personal domain is con-

Ordinances in 1979, the most dramatic examples of state intervention in the personal domain in the subcontinent. For discussions on women/gender and Islamization generally, and the Shariat in particular, see Shahla Zia, «Women, Islamization and Justice», and Fauzia Gardezi «Islam, Feminism and the Women's Movement in Pakistan» in Kamla Bhasin, Nighat Said Khan and Ritu Menon (eds.) *Aqaim! All Odih: Cvvay on Women Religion & Development from India and Pakistan*. Delhi: Kali for Women, 1994, pp. 70-81 and 51-8. Also, Hina Jilam «Law as an Instrument of Social Control» in Nighat Said Khan, Rubina Saigo and Atiya Shehrbano Zia (eds.) *Locating the Self: Perspectives on Women and Multiple Identities*, Lahore: ASR Publications, 1994, pp. 96-107.

¹⁰ The Bill was enacted after the Supreme Court of India upheld a high court judgement that awarded Shah Bano, a poor 68-year-old Muslim woman who had been divorced by her husband, maintenance of Rs. 5000 a month. Her husband appealed the judgment on the grounds that it violated Muslim Personal Law by which he and his ex-wife were governed. The case became a cause célèbre in many ways and was taken up by the Muslim clergy and religious fundamentalists under the rallying cry of 'Islam in danger'. The then Congress I government buckled under and passed the Bill in 1986.

cerned, to the latter in all other civil and criminal matters. The state's willingness to "enter" the private domain in order to demonstrate its sensitivity to the question of community identity and rights is in direct contrast to its reluctance to "interfere" with the same domain by legislating in favor of women's equality within it. It does not require much analysis to see that, in effect, both responses are the same. So, all attempts by the women's and democratic rights' movements to gain gender justice in personal matters from a secular state have come to nought. Stiff opposition from religious conservatives in all communities, as well as vociferous campaigning for a uniform civil code by extremist right-wing Hindu political parties have ensured that women's status as citizens in India's secular national polity is fundamentally unequal. As Deniz Kandiyoti puts it:

The regulation of gender is central to the articulation of cultural identity and difference. The identification of women as privileged bearers of identity and boundary markers of their communities has had a deleterious effect on their emergence as full-fledged citizens [] evidenced by the fact that women's hard-won civil rights become the most immediate casualty of the break-down of secular projects. (Kandiyoti, p. 443)

The rise of religious or cultural nationalism in all the countries of South Asia is cause for concern, in general, but especially for women because of its tendency to impose an idealized notion of womanhood on them. Such ideals are usually derived from an uncorrupted, mythical past or from religious prescriptions, and almost always circumscribe women's rights and mobility. When the question of ethnic or communal identity comes to the fore, women are often the first to be targeted, the regulation of their sexuality is critical to establishing difference and claiming distinction on that basis. Then the question of where women "belong", of whether they emerge as full-fledged citizens or remain "wards of their immediate communities" (Kandiyoti, p. 443) is contingent upon how the politics of identity are played out, and how their resolution takes place between community and state.

The preceding discussions and life-stories are an attempt at a gendered read-

¹¹ There is a vast body of writing available on this subject and the debate once more came to the fore with the Bhaiatiya Janta Party picssurizing the United Front government at the Centre in 1997 to fulfill the promise of the Constitution by enacting a Uniform Civil Code. Women's organizations and political parties have participated in the debate and presented their views which are by no means unanimous. For a fuller discussion see among others Anveshi «Is Gender Justice Only a Legil Issue? op til Kumkum Sangin «Politics of Diversity: Religions, Communities and Multiple Patriarchies» in *Economic and Political Weekly*, 23 December and 10 December 1995. Working Group on Women's Rights «Reversing the Option: Civil Codes and Personal Laws» in *Economic and Political Weekly*, 18 May 1996. «Draft Resolution of the All India Democratic Women's Association» in *Equal Rights, Equal Law*, Delhi: December 1995. «Visions of Gender Justice» in *Report of the Women's Group Meeting*, Bombay: December 1995.

ing of Partition through the experiences of women. In their recall, the predominant memory is of confusion, of the severing of roots as they were forced to reckon with the twin aspect of freedom - the bewildering loss of place and property, of settled community, of a network of more or less stable relationships, and of a coherent identity. Overriding all these was a violence that was horrifying in its intensity, one which knew no boundaries, for many women it was not only miscreants, outsiders or marauding mobs they needed to fear - husbands, fathers, brothers and even sons could turn killers. That terrible stunning violence and the silencing pall that descended like a shroud over it have always just hovered at the edges of history, breaking the silence has exposed not only the cracks in family mythologies about honor and sacrifice, but also the implicit consensus that prevails around permissible violence against women during periods of highly charged communal conflict.

Family, community and state emerge as the three mediating and interlocking forces determining women's individual and collective destinies, and religious identity and sexuality as determining factors in their realization of citizenship and experience of secularism. Partition caused such a major upheaval that it disrupted all normal relationships on a huge scale and placed women in a relationship with the state that was as infinitive as that with family and community, and as patriarchal. It once again recast them as keepers of national honor and markers of boundaries between communities, and between women and who their rightful claimants were so compromised their status as to deny them every fundamental right as adult citizens. Each of their multiple identities - as women, as wives and mothers, as members of families and communities, and as citizens - was set up against the other making any honorable resolution of their predicament, impossible. Only an arbitrary and basically communalized response won the day, this, in turn, made for women's quite different experience of citizenship, for their identity was defined primarily as that of members of religious communities, rather than as subjects of a secular state.

Today, fifty years later, the growing conservatism that is at work everywhere is evident in the resurgence of right-wing politics and the consolidation of right-wing economics across the region. The promise of an illusory "democratization and liberation" that the free market is said to encourage has gone hand-in-hand with the decline of the Left, the rise of religious fundamentalism and cultural nationalism, and the shrinking of civil and secular space. Right-wing economics and right-wing politics often work against women's democratic and secular rights and their access to resources and mobility, while at the same time reinforcing patriarchal attitudes, patriarchal practice - and patriarchal privilege. Over the last few years, every country in South Asia has become more militaristic and aggressive in its posture, with "Islamic" Pakistan and "Hindu" India relapsing into pre- and post- Partition hostility. Battle-lines are being drawn, citizens are being asked to "prove" their patriotism, to die for their countries. Once more

community identities are being sharpened like knives and women, who know that the weapons of war are not very different from the weapons of peace, will wonder whether, if ever, they will be able to exit their communities and claim their countries.

REFERENCES

- A Abbas, «The Twice Displaced», in *Outlook*, Special Issue on Partition, Delhi, 28 May 1997
- Anveshi, «Is Gender Justice Only a Legal Issue¹⁷ Political Stakes in the UCC Debate», in *Economic and Political Weekly*, March 8, 1997
- Constituent Assembly of India, *Debates*, Vol 3, No 5, March, Delhi, Nehru Memorial Museum and Library, 1948
- R Ivekovic, «Women, Nationalism and War "Make Love not War"», in *Hypatia*, Vol 8, No 4, 1993, pp 113-26
- D Gaitskell and E Unterhalter, «Mothers of the Nation A Comparative Analysis of Nation, Race and Motherhood in African Nationalism and the African National Congress», in Yuval-Davis and Anthias, *Woman-Nation State*, London, Macmillan, 1989, pp 58-76
- F Gaidezi, «Islam, Feminism and the Women's Movement in Pakistan» in K Bhasin, NS Khan and R Menon (eds), *Against All Odds Essay on Women Religion & Development from India and Pakistan*, Delhi Kali for Women, 1994, pp 51-8
- V Geetha, *Periyar, Women and an Ethic of Citizenship* unpublished paper, n d
- V Geetha and T V Jayanti, «Woman, Hindutva and the Politics of Caste in Tamil Nadu» mT Sarkar and U Butalia (eds), *Women and the Hindu Right A Collection of Essays*, Delhi, Kali for Women, 1995 pp 245-69
- H Jilam, «Law as an Instrument of Social Control», in NS Khan R Saigo and AS Zia (eds), *Locating the Self Perspectives on Women and Multiple Identities* Lahore ASR Publications, 1994, pp 96-107
- D Kandiyoti, «Identity and Its Discontents Women and the Nation», in *Millennium Journal of International Studies*, 1991, Vol 20, No 3, pp 429-43
- S L Keller, *Uprooting and Social Change The Role of Refugee**, in *Development*, Delhi, Manohar Book Service, 1975
- J Knsteva, *Nations Without Nationalism*, (trans L S Roudie?), New York, Columbia University Press, 1993, p 16
- M Lake, "Personality, Individuality Nationality Feminist Conceptions of Citizenship 1902-40», in *Australian Feminist Studies* Vol 19, Autumn 1994, pp 25-38
- M Leech, «Women the State and Citizenship Arc Women in the Building or in a Separate Annex >», in *Australian Feminist Studies* Vol 19, Autumn 1994, pp 79-91
- CH Leng, «Babies to Older Recent Population Policies in Malaysia», in B Agarwal (ed) *Strictures of Patriotic State Community and Household in Modernizing Asia* Delhi Kali for Women 1988
- R Menon and K Bhasin, «Borders & Bodies», in *Borders & Boundaries Women in India \ Partition*, Delhi-New Jersey, Kali (or Women Rutgers University Press, 1998 pp 67-129

- R. Menon, «Reproducing the Legitimate Community: Secularity, Sexuality and the State in Post-Partition India», in P. Jeffrey and A. Basu (eds.), *Appropriating Gender: Women's Activism and Politicized Religion in South Asia*, New York, Routledge, 1997, pp. 15-32.
- R. Nehru, *Private Papers of Rameshwari Nehru*, Delhi, Nehru Memorial Museum and Library, N.D.
- K. Sangari, «Politics of Diversity: Religions, Communities and Multiple Patriarchies*», in *Economic and Political Weekly*, 23 December and 30 December 1995.
- Working Group on Women's Rights, «Draft Resolution of the All India Democratic Women's Association» in *Equal Rights, Equal Laws*, Delhi, December 1995.
- Working Group on Women's Rights, «Reversing the Option: Civil Codes and Personal Laws», in *Economic and Political Weekly*, 18 May 1996.
- Working Group on Women's Rights, «Visions of Gender Justice», in *Report of the Women's Group Meeting*, Bombay, December 1995.
- R. Voet, «Women as Citizens: A Feminist Debate», in *Australian Feminist Studies*, Vol. 19, Autumn 1994, pp. 61-77.
- N. Yuval-Davis and F. Anthias (eds.), *Woman-Nation-State*, London, Macmillan, 1989.
- S. Zia, «Women, Islamization and Justice», in K. Bhasin, N.S. Khan and R. Menon (eds.), *Against All Odds: Essay on Women, Religion & Development from India and Pakistan*, Delhi, Kali for Women, 1994, pp. 70-81.

Vesna Kesic*

GENDER AND ETHNIC IDENTITIES IN TRANSITION
THE FORMER YUGOSLAVIA - CROATIA

As most feminist writers about gender and ethnicity state: there is no unitary category of women; nor is there a unique way to discuss how women affect or are affected by national and ethnic processes. Women themselves are divided along class, race, ethnic and age lines; national and ethnic processes differ vastly along temporal-historic, spatial, socio-cultural and political lines. In this paper I will discuss research into the construction of womanhood, manhood, and ethnicity within the former Yugoslavia as well as within the Croatian nation-seeking and nation-building processes. I am referring to contemporary nation-seeking and -building processes, which - although they have had a "long history", as similar processes in nationalism - became actualized within the context of the collapse of Yugoslavia and the wars that followed¹.

Yugoslavia was politically defined as a socialist, multi-ethnic federation (SFRY). Its disintegration was accompanied by a series of wars from 1991 to 1999 (if we include the war in Kosova) and resulted in the formation of various political entities: three ethnically defined nation-states (Slovenia, Croatia, Macedonia), one ethnically defined confederation (Bosnia and Herzegovina²), and one fed-

*Vesna Kesic's research and writing was possible through grants from the Research and Writing Institute of the Program on Global Security and Sustainability and from the John D. and Catherine T. Mac Arthur Foundation?

¹ My paper relates to the whole of the former Yugoslavia, but most of my facts and insights are about Croatia because this is the case that I know best. However, to get the full picture, this research should be compared with similar work from other parts of the former Yugoslavia.

² Bosnia and Herzegovina's constitution is derived from the Dayton agreement, 1995. The state consists of three "entities": an ethnically defined Bosnian and Croatian Federation in which