



THINKING BEYOND GENDER IN INDIA*

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Nowhere is patriarchy's iron fist as naked as in the oppression of animals, which serves as the model and training ground for all other forms of oppression.¹

The words 'man' and 'woman' are universally translatable into most known languages. There are and have always been many humans who do not fit into either of those categories; some are born biologically intersexed and others, though biologically male or female, feel that they belong to the other gender or to both genders. Many cultures also acknowledge a third and even a fourth or fifth sex.

Notwithstanding all of this, 'man' and 'woman' are primary categories in most known societies. Although there are important differences in the ways the man-woman relationship is structured in different societies, these differences are less important than the basic similarity of the relationship, premised upon a normative heterosexuality, geared towards reproduction of men as a dominant group and women as a subordinate group.

The similarity is fairly evident cross-culturally even between societies that are very different in many respects. For example, wife-murder in India is often projected as a unique cultural phenomenon, often termed 'dowry death' even when it has little to do with dowry. The similarity between wife-murder in India and in the US

* This essays, first presented as a paper at a conference on Indian women organised by the South Asia Program at Cornell University in 1995, articulates some of my reflections on women's situation and women's movements, based on 13 years of working as founding co-editor of *Manushi*, and as a feminist activist involved in many campaigns relating to violence against women and also to civil rights. In the years since this essay was written, Indian women's movements, largely under pressure from lesbian and gay movements, activists and writers, have become somewhat more open to discussing questions of gender and sexuality. However, my overall argument still remains pertinent. [Editor's note: this text was originally published in R. Vanita, *Gandhi's Tiger and Sita's Smile: Essays on Gender, Sexuality and Culture*, New Delhi, Yoda Press, 2005, pp. 3-13.]

¹ Cantor, A., "The Club, the Yoke, and the Leash: What We Can Learn from the Way a Culture Treats Animals", *Ms* (August 1983), p. 27.



was startlingly captured in the story of Nicole Simpson whose history of enduring violence at the hands of her husband, concealing its extent from the public gaze, suffering pressure from her family to stay with her husband, is so similar to most cases of wife beating escalating into wife-murder that occur in India. That more Indian than American women may end up dead in such situations has much to do with the greater affluence of American society, which makes it possible for American women to more easily find employment and housing, and to leave violent domestic situations before they get killed.

Focusing on so-called dowry deaths or widow murders in India or, conversely, on the high rate of male abandonment of women and children in the US, tends to foster a syndrome of what might be called 'Our patriarchy is better than yours'.² This syndrome functions both at the collective and at the individual level, and within society at large as well as, more insidiously, within women's movements. Furthermore, focusing on atrocities, as the media tend to do both in India and the West, functions both to threaten and to reassure most women. The average woman is subliminally persuaded that she should be grateful if her husband does not beat or kill her, while she is also reminded that he might have the power to treat her in these ways.

The atrocity, as a spectacular text constructed by the media, laws, and protestors, works to legitimise rather than to undermine the normative structures of male-female relationships. For every one reported police rape taken up by women's groups in India, there are hundreds of unreported routine marital rapes, and for every one case of severe wife beating there are hundreds of cases of more routine, less severe violence in marriage.

² For the idea that wife-murder is the consequence of women's social and economic powerlessness, in which dowry is sometimes but not always a factor, that dowry rarely is the only factor, and that, in the absence of inheritance, dowry often empowers women, being the only form of inheritance available to them, see Kishwar, M., "Rethinking Dowry Boycott", *Manushi*, 48 (1988), and "Towards More Just Norms for Marriages", *Manushi*, 53 (1989); Kishwar, M., and Vanita, R., "Inheritance Rights for Women", *Manushi*, 57 (1990); and Oldenburg, V. T., *Dowry Murder*, New York, Oxford University Press, 2002.



Indian Women's Movements and Marriage

In the late 1970s, one of the main theoretical differences between women's organisations affiliated with political parties and autonomous women's groups was supposed to be that the former emphasised economic rather than gender issues and the latter gender over economic issues. Twenty years later, the differences seemed far less important because in actual practice all of us were doing very similar work – what might be called firefighting and band-aid application. We were constantly responding to three kinds of requests: first, requests to help a woman change a violent marriage into a routinely unhappy one; second, less frequent requests to change an unhappy marriage into a happy one; and third, to help a woman and/or her natal family take revenge on her husband and in-laws who had frustrated, neglected, injured or killed the woman.

Although different organisations had started out with different agendas and political positions and although these differences remained in theory, women activists in general, to different degrees, ended up functioning as marriage counsellors, retrievers of dowries, and legal aid providers. Families frequently demanded of the organisation in which I worked that we function like a macabre wedding or divorce band by showing up at the husband's home to noisily protest the demise of a marriage. Some families grew quite belligerent when we resisted such pressure, and criticised us for not performing our function as a women's organisation. We were also, from time to time, required to provide shelter to women in distress, mostly battered wives, but occasionally unwed mothers or harassed daughters.

Significantly, unless they themselves were the targets of protest, most families and most men who came in contact with our women's organisation, as also most government agencies and officers including the police, applauded our work and thought of us as social workers doing useful work, as indeed we were. We were keeping heterosexual structures in repair by functioning as unpaid relief workers, welfare workers and counsellors of the kind that the government does not provide free of cost, and that most people cannot afford to pay. In a society where women suffer so much pain,



such relief work certainly needs to be done, and perhaps everyone should contribute a certain number of years of their life to doing it, like a sort of tithe or tax.

However, it was clear that by doing this work we were not getting any closer to ending violence against women. To work for the preservation and strengthening of the institution of heterosexual monogamy as the only viable partnership model, and simultaneously aspire to end violence against women is to be under a delusion, much like the wife who appeals to activists to reform her husband. With the exception of a few small groups and individuals, most people share the basic assumption that, although there are many abuses within heterosexual monogamy, this system is nevertheless the best available and no alternatives to it need to be developed.

For example, two young Hindu women in Chandrapur, Maharashtra, went to the Registrar of Marriages and declared their intention to marry. At this time, national women's organisations were drafting proposals for changes in the Hindu Marriage Act and the Special Marriage Act. It so happens that the Hindu Marriage Act (no doubt inadvertently) does not, in its initial definition of the parameters of the Act, specify the sex of the partners involved. Local officials and the police pressured the younger of the two women to give up the idea of marrying her woman lover. But women's organisations did not take cognizance of the possibility of another type of marriage or press to have it legalised.

Nor have national women's organisations undertaken any thoroughgoing discussion of compulsory monogamy. While monogamy is no doubt the choice of many and a viable option, there is no reason why it should be compulsory for everyone and the only form of marriage available. Different communities in India have practised polygamy and polyandry, practices now outlawed for most communities. We tend to confuse the undesirable economic and other inequalities built into these practices with the practices themselves. A residual puritanism also induces us to focus more on the inequalities of polygamy or polyandry than on the sharp inequalities often prevailing in heterosexual monogamous marriages.

For instance, those who wish to abolish verbal *talaq* often confuse the inequality at present built into it (whereby the husband can unilaterally divorce the wife) with the practice itself, which, if stripped of gender inequality, would be merely no-fault divorce on



the basis of incompatibility. That either partner should be able to end the marriage unilaterally without citing reasons is based on the idea that no one should be forced to live with someone they do not want to live with. A person should not have to vilify his/her spouse in order to end the marriage.

What is undesirable about verbal *talaq* is that under Indian Muslim law only men have this right to end a marriage. In fact, Islamic law has a provision called *khula*, which is in operation in some Muslim countries, whereby a woman can exercise a similar right. She can leave her husband even if he does not wish to leave her, merely by making a payment; this is parallel to the way a husband who gives his wife *talaq* is supposed to pay her *mehr*.

Introducing *khula* and building economic safeguards into *talaq*, which can be done because Muslim marriage is a contract and any kind of safeguard or provision can be written into the marriage contract, could transform Muslim divorce law into the most progressive divorce law in the country.³ Unlike the law in most other democracies, Indian marriage laws do not allow an individual to divorce his or her spouse on grounds of irretrievable breakdown or incompatibility, if that spouse does not agree to the divorce. This breeds huge quantities of unnecessary acrimonious litigation, since a person who wants to leave her/his spouse (if that spouse does not agree to a divorce) has to prove that the said spouse is somehow at fault, rather than alleging simple incompatibility.

Why does the idea of abolishing *talaq* have an emotional appeal that the idea of introducing *khula* does not? Because the near-universal assumption that heterosexual monogamy is the best practice makes it easier for people to accept the idea of imprisoning men in monogamous marriage in the way most women already are imprisoned, but difficult to accept the idea of providing both women and men with easy escape routes from unhappy marriages.

Many women's organisations oppose the idea of allowing divorce on grounds of incompatibility, arguing that many men will take advantage of it to abandon their wives and remarry, while few women will have the resources to opt out of unhappy marriages. The fact that men who wish to do so already abandon their wives without

³ Some Muslim families build enabling provisions into their daughters' marriage contracts, and some women's organisations and lawyers have begun to discuss and advocate this possibility.



divorcing them, and that women need economic safeguards built into the divorce law rather than provisions that prevent their husbands from getting a legal divorce, does not cut much ice with these organisations. Some of them are invested in claiming the higher ground for Indian culture and society, arguing that the ease with which people can legally divorce and remarry in Western democracies has led to a breakdown of the family.

In fact, no society practises only heterosexual monogamy. Indian society certainly does not. Since most Indians marry, separate and remarry without necessarily informing the state and since many people, especially men, maintain long-term extramarital liaisons, the Indian government does not have reliable statistics regarding marriage, divorce, and single parents.

It is no longer possible to argue for monogamy as an absolute principle since legal divorce and remarriage for both men and women now prevail in all the communities that make this argument. The principle actually dominant in modern society is serial monogamy, which was always available to many men and is now available to some women too. Once we accept that monogamy can only be relative, not absolute, then expressions of shock at polygamy or polyandry are out of place.

Fostering Possibilities

At some point in its development, any women's movement must take one of two directions both at the level of thought and of action, or, more likely, must work out a combination of both directions: (a) repairing the structures of heterosexual marriage and family, making them somewhat more equitable, and (b) rethinking gender and sexuality to liberate humans into developing different kinds of family and living arrangements. People in any society always work out a range of forms of familial living. What a movement can do is foreground and validate the less dominant, more liberatory, forms.

Women's movements in India have, by and large, taken the first direction – that of reforming marriage or rather the laws and social codes associated with it. An overall concentration on people, espe-



cially women, as victims rather than agents, and a reluctance to question gender and sexuality categories has fostered a stress on equity rather than liberation.

Most people are dissatisfied, to different degrees, with being men or women. As philosopher Monique Wittig points out, the word 'woman' is no more redeemable than the word 'nigger', or, we might add, the word '*choora*', and the word 'man' than the word 'white'. The categories 'woman' and 'man' are illogical categories based on certain parts of the body, which may or may not be used to certain predefined ends. We might as well divide all humans into big-eared and small-eared people, and hope to work out a sane society based on such a division (what would happen to medium-eared people or earless people?!).

In all societies, persons who are dissatisfied with the heterosexual system to the point of not wishing to gain the rewards of fitting into it, have devised different ways of opting out, individually and/or collectively. In Wittig's words, 'The refusal to become (or to remain) heterosexual always meant to refuse to become a man or a woman, consciously or not.'⁴

In India, *hijras* function as one visible model of difference. More than one older woman friend has told me, half playfully, half seriously, 'I'm a *hijra*', a statement reminiscent of Virginia Woolf's claim that she was neither a man nor a woman. As an experiment I have asked many non-feminist women friends of differing class, age and marital status whether they would like to be reborn as men or women, and have received the answer, 'Not as a woman.' Some have said they would like to be birds.

Unfortunately, the articulation of such feelings has often been silenced in feminist circles, by ascribing it to low self-esteem or even self-hatred. On the contrary, I would argue that it is related to high self-esteem, based on to the perception of oneself as not the complementary of a man, not wishing to play roles vis-à-vis men that could be defined as womanly, and therefore, not being, for any practical or social purpose, a woman. Conversely, overemphasising one's womanhood when opting out of an incompatible marriage produces the kind of feminist victim narrative which so many modern Indian women writers of fiction in different languages have

⁴ Wittig, M., "One is Not Born a Woman", in Wittig, M., *The Straight Mind and other Essays*, Boston, Beacon Press, 1992, p. 13.



endlessly repeated, where the body of the text is taken up with the struggle to get out and the text ends as soon as the heroine does get out, because there is logically nowhere for her to go except another marriage, suicide or lonely depression.

Persons who opted out of heterosexual structures in the past produced other kinds of narrative, and a few modern Indian writers have claimed these narrative traditions. The lives of mystics, both in India and in Europe, follow a trajectory of critique, protest and opting out of the social system, followed by the formation of alternative community and friendship networks. Many inheritors of such patterns exist today, for example, throughout the period of terrorism and police brutality in Punjab, the Radhaswami Satsang continued to function as a mass forum where Hindus and Sikhs met and worshipped together.

One feature common to the legends of almost all medieval *bhaktas* and *sants*, men and women, is that they refused to be good spouses and good parents. Many women refused to marry, and those who were married left their husbands. This feature is also found in the lives of medieval mystics in Europe. Some women chose to be nuns or anchoresses rather than wives. Frideswide in tenth-century England is supposed to have called upon her patron saints, who performed a miracle that blinded her prospective husband and ended his pursuit of her; she then went on to found and head a double abbey (for men and women) which later evolved into Oxford University. Another medieval saint, Wigelfortis, miraculously grew a beard to discourage a suitor. Women worshipped her with offerings of oats, and gave her the name 'Uncumber', because they hoped she would unencumber them of their husbands. Avvaiyyar in medieval Tamil Nadu is supposed to have performed a miracle which turned her into an old woman so that her prospective husband gave up pursuing her.

Both men and women altered gender categories by trying to strip them of meaning – by walking naked, by growing their hair long, and by rethinking the terms in which gender is socially defined. Thus, the twelfth-century Kannada Virashaiva poet Dasimayya writes:

Suppose you cut a tall bamboo in two;
make the bottom piece a woman, the headpiece a man;
rub them together till they kindle: tell me now



the fire that's born
is it male or female, o Ramanatha?⁵

Women mystics wrote narratives of power and creativity outside of the family and the formal educational system. They functioned as models for other women. Mahatma Gandhi cited Mirabai as a model for women. When a little girl was born to a follower, he said he hoped she would become a Mirabai. There are many such unconventional models to legitimise women's opting out. For instance, in the 1970s, a college friend's grandmother who did not get along with her husband joined the Brahmakumaris. Although she still lived at home, she spent most of her time at the centre, and was almost never in the house. Since she had taken a vow of celibacy she had no further conjugal relations with her husband, who went to live with another son. As the family found the special food she cooked unpalatable, she ended up cooking only for herself. While the family resented this behaviour, they found it hard to forbid it.

Similarly, another friend's aunt left her husband to join a Jaikishen Ashram in Maharashtra. In India today, as in pre-modern Europe, institutions of fasting and pilgrimages still provide many women with access to mobility and ways to devise lives not entirely constrained by familial responsibility.

Challenging Anthropomorphism

A new relation to the universe is often envisaged through the idea of being an animal. The last boundary to be crossed is that of the species. To acknowledge that we are animals and that that is the most important thing we have in common across class, caste, nation, race, and gender lines is perhaps a necessary first step towards dissolving those lines. Regardless of physical and mental abilities or disabilities, humans have in common with other animals, especially mammals, the capacity to suffer pain, to age and to die, and also the capacity for enjoyment, communication and play. Our basic irreducible needs for food, water, air, sex, shelter and companionship are

⁵ Translated by A.K. Ramanujan, *Speaking of Siva*, Harmondsworth, Penguin Books, 1985, p. 110.



also needs we share, to different degrees, with other animals, especially mammals.

I am increasingly convinced by the argument philosophers in many cultures, including many feminist philosophers, have made, over centuries, that it is not possible to significantly reduce human violence against other humans, including male violence against women, unless we also simultaneously reduce gratuitous human violence against other animals, the scale and enormity of which exceeds most of our imagination. A little thought would lead us to realise that human civilisation is based on mass torture and slaughter of living creatures, much of which is avoidable, and that cruelty to humans is only one dimension of this ongoing senseless cruelty.⁶ Women too are complicit in this violence: women's movements in India need to address this complicity and discuss strategies to redress it.⁷

The lives of non-human animals often demonstrate to us the relative unimportance of gender. In the writings of mystics, power and achievement is often ungendered, as in Nizamuddin's remark, quoted at the beginning of this chapter; conversely, small and weak creatures symbolise the powerless who become powerful. Thus thirteenth-century Varkari poet Sant Muktabai writes:

An ant flew to the sky
And swallowed the sun.
Another wonder –
A barren woman had a son.
A scorpion went to the underworld,
Set its foot on the Shesh Nag's head.
A fly gave birth to a kite.
Looking on, Muktabai laughed.⁸

⁶ For detailed evidence of how similar methods of exploitation, intimidation, restraint and languages of degradation have historically been applied and continue to be applied to both animals and humans, see Spiegel, M., *The Dreaded Comparison: Human and Animal Slavery*, New York, Mirror Books, 1996; for documentation of how torture and slaughter methods developed for animals have been applied to humans, see Patterson, C., *Eternal Treblinka: Our Treatment of Animals and the Holocaust*, New York, Lantern Books, 2002. See also Singer, P., *Animal Liberation*, New York, Avon Books, 1990, p. 1075.

⁷ See Adams, C., *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory*, New York, Continuum, 1991; Adams, C., and Donovan, J. (eds), *Animals and Women: Feminist Theoretical Explorations*, Durham, N.C., Duke University Press, 1995, and *Beyond Animal Rights: A Feminist Caring Ethic for the Treatment of Animals*, New York, Continuum, 1996.

⁸ Vanita, R., "Three Women Sants of Maharashtra", *Manushi*, 50 (January-June 1989).