

DISRUPTING THE POSTCOLONIAL SEXUAL CONTRACT—THE 81ST AMENDMENT TO INDIA'S CONSTITUTION

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The Indian Lok Sabha (Parliament) recently debated the passage of the 81st Amendment to the Constitution Bill, a bill that would reserve 33% of the seats in parliament for women, raising the possibility of the entrance of an unprecedented number of women representatives to the forefront of Indian politics. This legislation follows on the heels of the passage of similar legislation in 1993 that reserved 33% representation for women in the *panchayats*, the village level legislative bodies in India. It is similar to legislation ensuring a minimum number of women in local legislative bodies that has been passed in Argentina, Belgium, Bolivia, Brazil, Ecuador, Italy and Peru in the past five years and is under serious consideration in Colombia, Costa Rica, the Dominican Republic, Panama, Uruguay, and Venezuela. The 81st Constitutional Amendment to the Constitution Bill was tabled in 1997 after fierce debate but still remains alive as an issue, given that all the major national political parties have stated their commitment to the principle of 33% representation for women in their election manifestos, and the President of India has recently reaffirmed his support for the measure in his Republic Day address to the nation.

Besides being a potentially important tool in facilitating women's participation in governance, the move to institute reservations for women in the Indian parliament has provoked debates that could have unsettling effects on discourses concerning the two constituencies women political leaders are called on to represent: the nation and other women. The anxieties produced by the spectre of large-scale female participation in legislative institutions can serve to bring to crisis the figuration of woman as representative of the nation as well as the figuration of women as a homogeneous group. Ironically, it is the anticipated failure of women politicians to represent the nation and other women that destabilizes the binaries upon which what I will call the "postcolonial sexual contract" rests. Such a destabilization could open the door for different imaginings of the nation and of political involvement for groups that have been denied the promises of decolonization.

The Postcolonial Sexual Contract

In the Sexual Contract, Carole Pateman argues that the prototypical agreement in western liberal democratic theory the contract is a sexual contract as well as a social contract. She explains that although the contract disrupted the patriarchal rule of the father in political life in western political theory, it reaffirmed the rule of their sons the brothers over women and thus heralded a new specifically fraternal patriarchal order. The foundation of this order is an understanding of the public sphere as distinct from the private sphere with women's lives firmly embedded in the private sphere (Pateman 1988).

Several scholars have noted a similarly gendered division in nationalist literature: the division between the state and the nation. In this literature, Rick Wilford explains, "the state is often gendered male and the nation female" (Wilford and Miller 1998, 1). In *The Nation and Its Fragments*, Partha Chatterjee posits that this gendered differentiation of nation and state in anti-colonialist nationalism was built on a distinction between the material and the spiritual or the home and the world that emerged in part as a reaction to colonial domination in the public realm. Indian nationalists, he explains, held that "the home in its essence must remain unaffected by the profane activities of the material world—and the woman is its representation" (Chatterjee 1993, 120). Chatterjee argues that this differentiation served as an effective means of asserting cultural sovereignty in the face of British domination when "to allow the intimate domain of the family to become amenable to the discursive regulations of the political domain [would have] meant a surrender of autonomy" (120). Locating women within the private sphere of the home, however, did not mean that notions of womanhood were left untouched and unchanged in nationalist thought. Indeed, women were mobilized for anti-colonialist struggles—a mobilization that often spurred the development of feminist movements—and what were considered outmoded traditional practices were re-examined (Chatterjee, 6). Within Indian nationalism, this led to the celebration of the "new woman" of the middle class who could be educated yet still retain her "essentially spiritual (that is feminine) virtues" (Chatterjee, 127). This configuration, according to Chatterjee, served to relegate poor and lower-caste women to the sidelines of the nationalist imaginary. It also, however, allowed middle-class women to move outside the home without being sullied by the material world because "the image of woman as goddess or mother served to erase her sexuality in the world outside the home" (131).

Several feminist scholars have characterized the use of traditional notions of womanhood as symbols of nationhood and the concurrent push to educate and to mobilize individual women as deeply contradictory impulses within nationalist thought, a contradiction that has been too often resolved to the detriment of feminist movements after independence struggles have been won. Kumari Jayawardena, for example, writes that "once independence had been achieved, male politicians, who had consciously mobilized women in the struggle, pushed them back in their 'accustomed place' (Jayawardena 1986, 259). Madhu Kishwar explains that "the decades following independence witnessed a remarkable decline in women's participation in politics... for instance in the first Lok Sabha women constituted no more than 4.4% of the total... This was at a time when there were thousands of women all over the country with the experience of the freedom movement behind them (Kishwar

1996, 2868). In several accounts, the de-mobilization of women in the transition to independence is seen as the resolution of the contradictory nationalist stand on women in favor of its traditionalizing impulse. Pateman's description of the sexual contract at the heart of the liberal democratic theory, however, suggests another reading of this transition.

That anti-colonialist nationalist movements in India had to invoke the public-private distinction in order to assert sovereignty suggests that the transition to independence can be thought of as a "postcolonial sexual contract" in which nationalist struggles against European colonialism reconfigured the patriarchal fraternal order so as to include men in the former colonies. In the transition, public control of the nation—symbolically and materially linked to women—shifted hands from the colonialists to the nationalists who themselves adopted the terms and benefits of the liberal democratic sexual contract. In this reading, that women were "pushed back into their accustomed places" in the transition to independence is not illustrative of the victory of anti-colonialist nationalism's traditionalizing impulse over its modernizing impulse or its more radicalizing impulse, rather it is the result of the adoption of the colonizer's terms of democratic governance that facilitated the re-subordination of women.

In the *Disorder of Women*, Carole Pateman again explores the role of the public-private distinction in the western democratic imaginary. She writes that "women's bodies symbolize everything opposed to political order... so [they] must be excluded from public life" (Pateman 1989, 17). She adds that "although women have now been granted citizenship in the liberal democracies, it is still widely believed that they are unfit for public life and it would be very dangerous if the state were in their hands" (17). Given that the identification of women/nation/private sphere has been so crucial to the production of the postcolonial state, it seems that the figure of the woman politician is a potentially pivotal one. How might the large-scale entrance of women in politics alter, disrupt, or reinforce the terms of the postcolonial sexual contract? How might women's increasing participation in politics signal a different understanding of the nation and/or a different imagining of womanhood? After a brief description of the terms of the 81st Amendment to the Constitution Bill, I will examine the debate over the bill's passages for ways it might point to a reconfiguration of the fraternal political order.

The Woman Political Leader as Representative of the Nation

The 81st Amendment to the Constitution would reserve 33% of the seats in the Lok Sabha and the state legislatures for women representatives. It would do so by reserving certain constituencies, determined by a lottery system and rotated in each election, for women candidates. The amendment would also reserve 33% of the seats within the quota of seats reserved for Scheduled Castes and Scheduled Tribes for women of those communities. Currently, women hold 6% of the seats in the Lok Sabha; Madhu Kishwar notes that "by reserving one-third of the seats in legislatures, India will be ensuring a quantum leap... the very presence of 181 women in the

Lok Sabha will make them much more visible, a drastic difference from their miniscule presence today" (Kishwar 1996, 22).

The prospect of the presence of these women in the Indian parliament has provoked both hopeful and anxious responses. Interestingly, both supporters and opponents of the reservations bill draw upon the symbolic equation of woman and nation to argue for their positions. Supporters of the bill, for example, argue that the presence of women in representational bodies would serve to bring "home" into public spaces and purify them. The President of India, K. R. Narayanan, for example, maintains that:

increased female representation would lead to heightened social sensitivity in legislative institutions. It would foster a greater sense of decorum and curtail the irksome tendency for aggressive and obstreperous behavior (*Frontline*, 10/1/97:44).

In this projection of the advantages of gender-based representation, the woman representative would treat the nation as she cares for the family: with a focus on the well-being of its members. Janata Dal MP (Member of Parliament) Pramila Dandavate writes that because women "naturally think more about our families and our children," if they are given greater chance to participate in parliament, "education, child welfare, and health will become priorities. Unnecessary conflicts that are a drain on our resources will stop" (Nash 1996, 15).

In this argument, the figure of woman simultaneously acts as a critique of the existing state of affairs of the nation and stands as the figure of its redemption. Ensuring places for women in parliament is an opportunity for the nation to, in the words of MP Maneka Gandhi, "instill meaning into what has degenerated into a purposeless institution" (Gandhi 1996, 19). The focus on the potential role of women politicians as caretakers does not threaten the linkage between women and the home, but rather expands the notion of home itself and thus extends women's responsibilities. Women's role as mother is maintained, but the number of her children increases exponentially.

Critics of the bill, however, argue that the entrance of women will not improve the political sphere. For example, according to one critic:

the actual experience with most states has confirmed the apprehension that reservation of seats for women has resulted in the womenfolk of the established leaders parading themselves as representative of women with no improvement in performance and no reduction in corruption (Kannabiran 1997:197).

Here it is women's potential failure in their task of purifying the public sphere—making that sphere a home—that is most threatening because it results in unseemly, unwomanlike behavior such as "parading about." From this perspective, women themselves, and thus the "inner core" of the nation will be sullied by "the profane activities of the material world" (Chatterjee, 120). Opponent of the Bill, MP Sharad Yadav went further in his assertion of the danger of the bill to womanhood. Implying that women who involve themselves in politics would be able to be distinguished by their

short haircuts, he argued that "Ball kati mahila nahin hai" (A woman who has her hair cut is not a woman at all). This statement reveals that, in the eyes of some of the bill's detractors, those women who fall outside the national imaginary of womanhood might not be considered women at all (*The Hindu*, 28/5/97).

Both sides of this argument retain the equation of woman as signifier of the inner life of the nation. In this formulation, women's entrance into politics signifies a confrontation between the inner and outer spheres of the nation. In this confrontation there must be a victor: if the inner emerges victorious politics will become more pure, if the outer emerges the private sphere will become corrupted. The logic of this argument, then, is one that is based on the possibilities of inversion of the dichotomies of inner-outer and masculine-feminine in the day-to-day workings of national government. This logic leaves intact the identification of woman with the home; in this formulation either the woman politician is able to recreate the public sphere as her home or she is not, in which case as a politician her own status of woman is put into question.

There is another strand of the argument, however, that often runs alongside the above argument, one that has possibilities of disrupting the postcolonial sexual contract by exposing the power relations that go into maintaining it. This argument seems to cross party lines and does not preclude criticism of the party's practices of its proponents. Congress (I) MP Margaret Alva, for example, argues that underneath their rhetoric, "the greatest fear among male MP [opponents to the bill is] that they will lose their seats" (Nash, Interview with Margaret Alva, 7). Janata Dal MP Pramila Dandavate concurs, writing that:

I feel that our party wants women to be decorative pieces, like *achar* (pickle) with food or a flower pot. They do not want to share power in the real sense of the word. The male members joke about the issue but basically they feel threatened... [they] ask in jest: Who will make our food? (Nash, Interview with Pramila Dandavate, 12).

BJP MP Uma Bharati adds that "women rarely manage to come forward and when they try to do so, their own colleagues brand them as loose" (Nash, Interview with Uma Bharati, 9).

These arguments have disruptive potential because they draw attention to the interests at stake in the maintenance of the links between women and the home. Such arguments challenge the fraternal order in that they underscore that the price of representing the "inner sphere" for women has been subordination in both the spiritual and material realms. These critiques call attention to nationalism's failure to ensure political equality for the inhabitants of the nation precisely because of its figuration of woman in the national imaginary. Chatterjee writes that "the new patriarchy advocated by nationalism... combined coercive authority with the subtle force of persuasion" (133). The private sphere in these critiques is not idealized but instead is portrayed as a deeply conflict-ridden place, a locus of woman's subordination. By underscoring the less than benign motivations and effects of the separation between the public and private spheres, such critiques open up possibilities for unsettling the terms of the postcolonial sexual contract.

The Female Political Leader as Representative of Women

If differing evaluations of the potential effects of women's entrance into the political sphere has evoked passionate responses for and against the 81st Amendment to the Constitution Bill, it has been the question of whether women could—or would—represent other women that has most influenced the bill's fate in parliament. The bill has been frequently stalled and votes have been blocked by questions of just whom women politicians would represent. Proponents of the bill argue that these moves are "diversionary tactics." While the motivations for this mode of questioning certainly might be tactical on one level, on another level the invocation of the possibilities of women's failure to represent other women raises provocative questions.

Feminist theorist Rajeswari Sunder Rajan writes that representation is "a concept that is rendered problematic in the case of women leaders." She argues that this is so because women political leaders have often been profoundly unrepresentative of women in several ways. First, female political leaders have failed to represent women demographically because they themselves have been, for the most part, from elite backgrounds. Secondly, all but a few female leaders have distanced themselves from women's movements and these movements' goals. Thirdly, Rajan argues, women themselves do not "necessarily cast a female vote at election time: instead votes are shaped by the factors of caste, class, and ethnicity." Female leaders, she argues, embody a "sharp disjunction from the collectivity of the women of their nation, in terms of both status and solidarity" (Rajan 1993, 116).

In her book *Engendering Democracy* Anne Phillips argues that the fact that women elected officials have failed to pursue "women's issues" should not stop feminists from advocating measures to increase women's participation in politics such as reservations for women in parliament. She argues that such policies should be pursued because of the mirror principle—the notion that the composition of elected bodies should reflect the composition of the population—not because women will or can represent other women once they are in office (Phillips 1991).

While accepting the importance of the mirror principle, it is also important to pay particular attention to the specifics of women's failures to represent other women. Among other things, such failures can call attention to the power relations in play and at stake in the postcolonial sexual contract. In the case of the debate over reserving seats for women in the Lok Sabha, what seems to be at stake is the power of political party leaders, husbands, and the upper class in Indian political life. For example, arguments on both sides of the debate have taken up questions of whether women have the ability to represent themselves in parliament. Opponents, reports Congress MP Margaret Alva, argue that it would be exceedingly difficult to "find women who will seek election in the rural areas... they are too conservative, mostly living in *purdah*" (Nash, Interview with Margaret Alva, 7). Proponents counter that, on the local level, "they have even exceeded the quota for example, in Karnataka, women constitute 47 percent of the elected *panchayat* members"

(Nash, 7). Other opponents argue that even if women could be found to run for office, they could not perform the duties required of them as parliamentarians. Pramila Dandavate reports that in the parliamentary debate, opponents "asked so many questions" about women's ability to participate in electoral politics:

Will she open her mouth? Will she be articulate? Will she understand? Do women have the time? Where will they come from? How will they come? They are so illiterate! (Nash, Interview with Pramila Dandavate, 12).

Such questions, exclaimed Dandavate, when "there are so many *mauni babas* (meditative saints) in the parliament who never open their mouths!" (Nash, 12). Others locate the source of the difficulties women might have in representing women in the hierarchies of party politics: "Will not a top-down approach, such as reserving seats in parliament for women, be distorted to suit their [political party leaders'] needs and plans as they ensure that they continue to hold the reins of power?" (*The Hindu*, 5/11/97).

Critics of the bill also question the willingness of women parliamentarians to represent other women. Instead of creating a cadre of women representatives who are attuned and responsive to the needs and concerns of women, some argue that reservations for women will lead to "*biwi-beti* brigades" (wife and daughter brigades) in which women politicians would represent their male relatives' interests. To exemplify this phenomenon, Madhu Kishwar writes of her meeting with a woman Minister of State for Coal, Kanti Singh:

The Minister sat through the meeting and asked a few questions. But every time she would say something, her eyes would swivel to Mr. Kanti Singh, who sat beside her for the entire seventy-five minutes. His manner was unintrusive, but the message was clear: in this ministry, it was the Minister's husband who wore the pants....The net result is, India has a woman Minister of State for Coal, but the decisions are all taken in consultation with: Laloo Yadav and Mr. Kanti Singh. Those who can see things going wrong keep quiet. After all, isn't Kanti Singh the embodiment of woman power? (Kishwar, 1996, 52).

Others invoke examples of this phenomenon in local level politics:

In many rural areas the husband of an elected woman automatically begins to act as if he is a member of the *panchayat*. He even manages to sit alongside her, and he keeps signaling to her what he wants her to do. Everyone knows what is going on... when people have proposals they even go to the extent of contacting the husband directly (Nash, Interview with Uma Bharti, 9).

Proponents of the Bill criticize this characterization of women as necessarily tied to their male relatives as unfair. Though they often note that these accounts have some truth in them, supporters of the bill argue that women's experience as participants in politics will transform the relations of power in the household that undergird that dynamic:

A woman whose decision has so much importance outside is gradually given recognition even within her family. Her position in the family changes due to her position outside. It is not the other way around (Nash, Interview with Pramila Dandavate, 14).

Dandavate, for example, explains that "in the beginning, even in the rural areas, women listen to their husbands. But slowly they realize that their own opinion and their own power matters, and they begin to assert it" (Nash, 15).

While the above critics of the bill attribute the potential failure of women to represent other women to the persistence of gendered structures of authority in the home and in political life, others link this potential failure to internal hierarchies within the category woman. These critics argue that if given access to legislative power, women will not adequately represent the nations other "others." Though the Bill ensures reservations for women from the Scheduled Castes and the Scheduled Tribes, the Bill does not specify reservations for the Other Backward Castes (OBCs) or Muslims. Opponents of the bill have attacked it for not providing for these groups, arguing that:

there must be a separate quota for women belonging to the OBCs and the backward castes... otherwise the measure [will] end up as a mere political gimmick and benefit only women from upper classes (*The Hindu*, 17/4/97).

One counter to these charges by the bill's proponents is to uphold the validity of the claim for the need for representation for women of the OBCs, but argue that this issue can be considered after the bill in its present form is passed (Kannabiran 1997, 197). This is the response, however, even progressive members of parliament find alarming. Minister and Samajwadi Party chief Mulayam Singh Yadav, for example, worried that amending the constitution in the name of providing reservation to women is bound to open a Pandora's box as various sections of society like the backward classes and Dalits would also clamour for increasing the percentage of reservation in proportion to their population.

Anxiety over women's potential failure to represent other women destabilizes the notion of women as members of an undifferentiated, singular category that can be clearly distinguished from its binary opposite category, men. This anxiety calls attention to those women who were sidelined in the national imaginary of womanhood, those who became, in Chatterjee's words, the nation's "fragments." Insofar as the postcolonial sexual contract rests on this fiction of a singular womanhood, threats to that singularity are threats to the terms of the contract.

Conclusion

Gayatri Spivak explains that while the extension of equitable political, social, and economic relations through electoral means is the promise of liberal democracy, the structures of authority that undergird the mechanisms of that democracy in decolonized India keep intact "the line between those who run and those who give chase" (Spivak 1992:106). These structures of authority rest, in part, on a postcolonial sexual contract that established the post-independence public sphere as a male domain. Current threats to the masculinist public sphere, in the form of legislation ensuring (not quite) proportional representation for women in parliament provoke anxieties that potentially trouble the reinforcing binaries of public-

private, nation-state, and man-woman upon which that contract rests.

In *The Disorder of Women*, Carole Pateman anticipated that women's entrance into political life would be disruptive because of their symbolic embodiment of the private sphere. Yet, in contrast to Pateman's prediction, the above analysis of the debates over the 81st Amendment to the Constitution seems to indicate that it is women's failure to represent the private sphere (the nation and other women) that most unsettles the terms of the postcolonial sexual contract. It is attention to these failures that opens up the possibilities for underscoring and undermining gendered structures of authority in modern political life.

In a recent article, Noeleen Heyzer, the director of United Nations Development Fund for Women, asserts that the legislation reserving representation for women in the *panchayats* is "one of the best innovations in grass-roots democracy in the world" (*New York Times*, 3/5/99). While both the *panchayat* legislation and the proposed 81st Amendment to the Constitution are hopeful developments, the above analysis emphasizes that in order to unsettle "the line between those who run and those who give chase," these new strategies to enhance representation must be accompanied by a critical examination of the bases of authority from which the claims to represent are made.

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The New Buddhism in Sri Lanka

A recent issue of *India Today* (26 June, 2000) has a article by Jairam Ramesh called "The Killing of Buddha" which discusses a new book by Prof. H.L.Seneviratne, an anthropologist teaching at the University of Virginia, USA. The book is *The Work of Kings: The New Buddhism in Sri Lanka*, published by the University of Chicago Press. Ramesh states that Seneviratne's book is "stunningly brilliant" and "takes off from two all-time classics" - *Buddhism Betrayed?* by S.J.Tambiah and *Buddhism Transformed* by Gananath Obeyesekere and Richard Gombrich. In fact, the book is dedicated to Tambiah and Obeyesekere, as well as Bryce Ryan and Murray Strauss - and to the memory of Ralph Pieris. Seneviratne who wrote an article "Tambiah Betrayed" (*Lanka Guardian* No. 1, 1997) returns to the theme and says that "this book caused hysteria in Sinhala extremists, both lay and monastic", and adds that its banning by the government of Sri Lanka paradoxically proves Tambiah's point about Buddhist theory and practice.

A more detailed review of Seneviratne's timely book will appear in *Pravada*.