INTIMATE SPACES OF STRUGGLE
Rethinking family and marriage in contemporary India

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Introduction

Justice Bhakthavatsala observed during a hearing in a domestic violence case that it was alright for a husband to beat up his wife as long he was taking good care of her. The woman had complained to the bench of Justice K Bhaktavatsala and Justice BS Indrakala that her husband beat her up regularly and had once thrown her out of their house.

Justice Bhaktavatsala told the 28-year-old woman that she has to adjust with the husband and that all women suffer in marriages.

‘Why are you still talking about his beatings? I know you have undergone pain. But that is nothing in front of what you undergo as a woman. I have not undergone such pain. But madam (Justice BS Indrakala) has,’ he observed.

But the woman told the court that she was unwilling to return to her husband.

Justice Bhaktavatsala asked the husband to take his wife and son out for a lunch and have a davanagere benne dose (a popular dish) and hoped it will be alright.

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Justice Bhaktavatsala’s remarks did not go unnoticed by women lawyers and feminist activists. The more pressing issue is, perhaps, not the eventual removal of all family court matters to another judge but, as Srimati Basu has argued, the popular belief (especially among the urban middle class) that law has weaponized marriage to break family units. Basu’s work puts the Indian women’s movement in front of the troubling question of the gap between the proverbial cup and the lip: the effective impact of reforms in family and marriage laws on everyday lives of Indian women. It is important to revisit the intimate spaces of struggle — familial and marital
– to rethink the parameters of measuring success. Such an attempt, however, does not evade the impasse confronted by the women’s movement, but rather seeks to underline the ‘move’ in women’s movement. Instead of becoming confined within mutually exclusive spheres of triumph and failure, it may be more rewarding to examine and appreciate the excess of legal reforms: in terms of new scholarship on family studies (Arunima 2003; Basu 1999, 2012; Chatterjee 2004; Dubes 1997; Ghosh 2006; Nair 1996; Sarkar 2003, 2009; Sen 1999; Sunder Rajan 1993, 2003; Uberoi 1994, 1996). The fascinatingly diverse sources of family studies, ranging from religious tracts (usually the basis of customary family laws), printed domestic manuals from the nineteenth century, ethnography of kinship systems, literary texts, pamphlets, autobiographies, to archival records of legislations and adjudications, unveil the complexity in discourses of family and marriage. Drawing from Rajeswari Sunder Rajan’s observation that feminist interventions in exploring questions of conjugalty, widowhood, sexual labour and nationalism have expanded the horizon of women’s movement, I argue that it is necessary to understand the social and cultural anxieties that motivate historical moments of encoding legal reforms rather than any simplistic resolution of legal debates (2010). A brief historiography of family studies can be a suitable point of beginning to elaborate this argument.

The study of family in India has travelled a chequered path since the 1950s. From the study of kinship systems and household patterns in Anthropology and later in Sociology (which often presumed the Hindu family as its principal protagonist), the modes of inquiry have gradually incorporated the issues of division of labour and structure of authority, networks of consumption and the political economy of marriage alliances, the position of women and patterns of intimacy, and the regulation of sexuality. The ideological deployment of an essentialized set of family values in the politics of nation building, in collective mobilizations, and in cultural representations have also come under academic scrutiny (Chatterjee 1995; Dwyer and Pinney 2002; Forbes 1996; John and Nair 1998; Liddle and Joshi 1986; Sarkar 2003; Stree Shakti Sangathan 1989). The shift in family studies since the 1980s marks a transformation from ‘rather sterile debates on the prevalence of joint versus nuclear families’, to a politicized field of raising questions regarding violence, discrimination, and resistance based on the unavoidable variables of class, caste, and religion (Sen et al. 2011: 4). Instead of focusing on the impact of modernity in challenging the traditional moral universe of ‘Indian family’, the discursive formation of such a dichotomy between tradition and modernity has become the centre of academic attention. The production of studies on family by the statist institutions and formulation of social policies affecting family are not so much interesting in terms of information, argues Patricia Uberoi, but rather ‘as an insight into official thinking on family’ (Uberoi 1996: 135). Uberoi refers to diverse sources like the policy documents produced after the International Year of Family in 1994 (following the United Nations declaration), and the cinematic text of Hum Apke Hain Kaun …! [Who Am I to You…] (1994), one of the most successful Hindi films to celebrate the ‘traditional’ Indian family, to articulate the connections between shrinking social welfare responsibilities of the state in post-liberalization India and an upsurge in iconizing family values. Uberoi’s claim substantiates the glamorizing of family and heterosexual marriage in the cultural rhetoric of globalization (exemplified in popular films, television series, and printed magazines) in the last two decades.

It does not come as a surprise that this shift coincides largely with the rise of the autonomous women’s movement in India. This chapter argues that reforms and backlashes, often in cyclical regularity, exist in the longer life of every movement and the women’s movement is no exception; and yet, newer thoughts and writings on these intimate spaces of struggle have helped the women’s movement to address the legal gridlock from new angles. Following Kalpana Kannabiran’s call for an interdisciplinary approach involving social sciences, humanities, and
legal studies to study the ‘three dimensional’ family, this chapter points at three interconnected intellectual trajectories of exploring family and marriage (2006).

**Women’s history and the history of Indian family**

An important aspect of this shift in family studies concerns the fluidity between the boundaries of private and public spheres, whereby family is destabilized from its location in the private domain. Following the Foucauldian concept of governmentality, Sarah Hodges shows how the ‘modern’ reproductive family is central to the techniques of governance in India. Hodges urges historians to ‘intervene in these debates and point out the conceptual ruptures and rough edges which characterize the history of population as an object of knowledge in India’ (2004: 1157). Women’s history, however, had already begun such interventions: research on the intertwining relations of power between discourses of nationalism and family fashioned a new history of the Indian family. Tanika Sarkar’s insights into the world of domestic relations towards the end of the nineteenth century revisits Foucault’s analysis of the continuity of governmentality between family and state in eighteenth-century Europe through the lens of colonial modernity. Sarkar explains how ‘the household was likened to an enterprise to be administered, an army to be led, a state to be governed – all metaphors rather poignantly derived from activities that excluded colonized Bengalis’ (2003: 197), and confirms that ‘unlike Victorian middle-class situations, then, the family was not a refuge after work for the man. It was their real place of work’ (2003: 197).

If the family space turned into the first realm of ‘modern’ governance for the colonized Indians in the nineteenth century, situating the family in the early modern period concerns covering a more meandering track cross-cutting public and private domains. Through the ‘snapshot’ method this section freezes two frames of the history of family, and the cumulative effects of such details are expected to provide the comparable contexts for the postcolonial situation. It is, consequently, important to remember that this recounting of history is not merely a backdrop for contemporary family studies, but rather, a more nuanced genealogy.

The beguiling strength of kinship terms, which are much detailed and broader in Persian, Arabic, or vernacular languages than English, in constructing a ‘family’ in the early modern period is perhaps most effectively demonstrated in the life of Begum Sombre of Sardhana (1741/53–1836). Michael H. Fisher gives us a snapshot of her life and her family and with this single instance a range of kinship terms – their official status and the informal privileges, obligations and authority, their limitations, their unconventional deployment – are unfolded into a captivating story of survival. Fisher (2004) alerts us in the beginning that the Begum led an atypical life where the power dynamics varied considerably over time. Let me quote from Fisher’s essay to give a glimpse of the Begum’s ‘familial’ relations,

A woman evidently sold as a slave in her youth, she built an elaborate and complex court and households around herself, attaining near sovereignty over a substantial territory during highly unstable political and military conditions. After leaving her apparently patriarchic and patrilinmal natal family, this woman, later known as Begum Sombre, seems to have lived sequentially as a Muslim (or at least Islamicised) courtesan or a domestic slave, as the purchased mistress/consort of a Catholic Christian European mercenary, as a virtually independent female ruler of a princely state, as a Catholic convert, as the wife of a European mercenary in her service, and as the adoptive mother of several generations of relatives of her first master/consort.

_Fisher 2004: 96_
It is important to note that her sexual relations with her master/consort/husband at different periods of her life enhanced her ability to gain a family even though she never bore a child (as far as historical records ascertain). Her religious conversion, political allegiance, or, economic support consolidated this constructed family, and her gender was crucial for the success of establishing these relations — as a ‘daughter’ in the Mughal imperial family and in the Catholic Church; as a ‘sister’ or ‘daughter’ of leading officials of the East India Company; as a ‘mother’ in her adopted family and among the larger number of her dependants. Begum Sombre’s ingenuity lies in rising from a state of complete dependency and sustaining her status as an independent woman through forming familial relations on her own terms and enjoying the deference of her adopted son and several godchildren in exchange of appropriate gifts as long as she lived. The political economy of affect in the Begum’s family functioned around her. With deft use of kinship terms, language in her court, her personal attire and bearing, and lavish hospitality Begum Sombre made Sardhana one of the most prosperous areas of north India. Her achievements set her as an exemplar of survival during one of the most volatile periods modern Indian history.

In contrast to Begum Sombre, Maharani Sunity Devee presents a different kind of connection between the politics of private and public domains. In 1878 Nripendra Narayan Bhup Bahadur (1863–1911), king of the princely state of Coochbihar married Sunity Devee (1864–1932), daughter of Keshab Chandra Sen, a renowned leader of Brahmo-Samaj – the reformist religious sect founded by Rammohun Roy. In the annals of the Brahmo movement, the 1878 marriage is usually referred as ‘the embarrassing Coochbihar marriage’ since Sunity Devi was an under-age bride according to the Native Marriage Act III of 1872. It is especially perplexing because Keshab Chandra Sen had been instrumental in passing the 1872 Act. David Kopf’s history of the Brahmo movement analyses the Coochbihar marriage as a manifestation of the ambivalence inherent in Keshab Chandra Sen’s charismatic personality (1979). This marriage alliance, however, was more than a reflection of the conflicts and uneasy negotiations between religious and social reform movements. Major Dalton, the British Resident in Coochbihar in 1878, was the principal architect of the marriage alliance. Keshab Chandra Sen, a well-known loyalist to the British crown, accepted Dalton’s proposal of marriage. He stated in a letter to his friend Miss Cobb on 29 April 1878,

The British Government sought me and my daughter; a Christian Government that knew me thoroughly to be a Brahmo leader, proposed the alliance and the weighty interests of a State were pressed on me with a view to induce me to accept the proposal and make the needful concessions. I found such arguments as these placed before me: ‘Here is the Cooch Behar State, a den of ignorance and superstition, with a corrupt court given to dissipation, polygamy, intrigue and oppression. The young Rajah has been saved by the British Government acting as his guardian. The women of the Raj family have been mostly removed to Benares, and others will follow. The administration of the affairs of the State has greatly improved in all departments, education, police, revenue, health etc. Under the management of the competent officers appointed by the British Government ... Not a vestige of the old regime will remain, and the ground will have been thoroughly cleared for political and social improvements when the young Rajah will be formally installed and begins to govern his immense territory. It is desirable, it is of utmost importance, that he should have an accomplished wife ... A good and enlightened wife, capable of exercising a healthy influence on the Rajah is the one thing needful in Cooch Behar State.’ The Government, in presenting these views before me, seemed to ask
me whether I would give my daughter in marriage to the Maharajah and thus help forward the good work so gloriously begun in the State by our benevolent rulers in the interests of the millions of the subject population ... I have acted as a public man under the imperative call of public duty.

Devee 1921: 71–73

Women in the royal households of princely states presented a rather enigmatic problem for the British administration. Wives, mothers, sisters, daughters, and concubines enjoyed a direct access to the ruler, which could be translated into various privileges, beyond the surveillance of resident British officials (Ramusack 2004). If the indirect rule of the Empire over princely states was to be a success it was imperative to conquer the hostile zenana exerting an inexplicable power through their sexuality and to recast the queen (and her household) into a recognizable mould of ‘enlightened’ docile elegance. The Coochbihar marriage alliance was, as per Sen’s (1999) own admission, part of the British policy to install modern governance in Coochbihar and it began from installing a particular art of governance within the royal family. In a curious subversion of the gender hierarchy, the British imperial administration could rest assured only when the male body politic of the native princely state was securely placed under the nurturing benevolent guidance of a reformed and recast woman.

These snapshots from history signal the transformation of the ideology of family from early modern to the imperial modern period, especially the cultural production of an ideal family through an ideal monogamous union. Such ideological production, however, has had its local variants and was largely dependent on the demand of women’s productive and reproductive labour. Prem Chowdhry’s research on women in colonial Haryana reveals a peculiar contradiction in the gender hierarchy which valued women’s labour in the field but considered the customary practices of bride-price and widow-remarriage (karewa) – generally regarded as indices of greater freedom for women – as disgraceful (1989). Chowdhry shows a tacit complicity of the British in sustaining this contradiction since the colonial government paid a lip service to encourage ‘liberal’ norms but did precious little to ensure women’s access to property or legal claims of inheritance.

Samita Sen’s research on female factory labour in the jute mills of Calcutta in the early twentieth century shows that regulation of female sexuality among the ‘single’ women migrant labour was not part of the industrial management policy in the initial stages of industrialization (Sen 1999). However, the imposition of family values on workers’ families began when the labour lines came to be viewed as source of future labour and women’s reproductive labour became valuable for the management.

The gradual delegitimation of Nair matriliny in the Malabar region through a series of legislations from the mid-nineteenth century to early twentieth century exemplifies the extent of this ideological production of ‘modern’ family. G. Arunima writes that ‘more than legal infringements, it was the cultural production of a new morality that made matriliny appear as an “uncivilized” and “unnatural” way of life by the twentieth century’ and locates the critical relationship between land-ownership, property rights, customary laws of inheritance, and caste status in the legal debates on matriliny (1995: 159; 2003). The polyandrous customary marriage – sambandham – and the matrilineal family – taravadi – came to signify an older form of kinship system which needed to be replaced by modern civilizational values of monogamy and patrilineal descent. Following her research it is possible to argue that before the legislations Nair matriliny was rarely a space of pure agency for women, but the moral discourse of the new laws by the end of nineteenth century was premised on regulating female sexuality and institutionalizing patri-virilocal notions of family. Arunima’s observation that well-known
Malayali artist Raja Ravi Varma’s painting *There Comes Papa* (1893) becomes akin to a clarion call for the end of matriliny is worth noting, as the painting celebrates domesticity, nuclear family, and conjugal love (possibly also the virtuous monogamous union). It is important to track this social coding of love, especially within the domain of marriage, to explore the social sanctions which govern family through relations of caste, class, religion, and region.

**Transformation of intimacy: love and marriage in contemporary India**

Like the matrimonial column, [I am] searching everywhere
Like the matrimonial column, [I am] staring at everyone
for my brother’s bride –
...
Never lazy in her profession,
Swifter than gadget, she must function.
Elegant must be her person, tinged with sophistication.
Without an ego of recognition
She must understand relation.
‘Good luck’ – she must bring in ton.
Responsibility, she must understand –
But should also be fun.8

The above paragraphs are translation from a song in a Bollywood romantic comedy – *Mere Brother ki Dulhan* (2011) [My Brother’s Bride]. The young hero sings, imitating signature dance moves of more established Bollywood romantic heroes, to sundry women he meets during his journey from Delhi to Shimla – looking for a suitable bride for his London-based elder brother. The lyric produces the image of the perfect bride/wife sought by the post-liberalization urban middle-class male, while the rather staggering list of qualities demanded of the bride/wife reflect the anxieties of the patrilineal, patrilocal family in an age of globalized modernity. Following Patricia Uberoi’s observations on the representations of the ‘crisis’ in family precipitated by the post-liberalization affective individualism in popular films, it is possible to argue that the popular discourse has also increasingly begun to represent ‘Indian family values’ as a portable asset and constructed the notion of ‘love-cum-arranged’ marriages as the ideal for the new global Indian (2006: 180–216).9

In *Mere Brother ki Dulhan*, the bridegroom loses confidence in his own choice after a nasty break-up with his long-standing girlfriend in London, and bestows the task of finding a suitable girl for him to his family in India. Such a move by diasporic single Indian men, without the event of break-up, is not exceptional. Fuller and Narasimhan’s ethnographic study of Eighteen-Village Vattimas in Tamil Nadu narrates two cases in which US-based young men had left the task of selecting the bride to their parents in India, and have had successful marriages (2008: 748).10 While ‘fair-skinned beautiful girls are most likely to impress potential husbands’ in these marriage alliances, the senior kin-group tries to make sure that conditions like educational qualifications, employment or employability, and set cultural practices that define ‘middle class’ in India are compatible long before the actual bride and groom meet in person (Fuller and Narasimhan 2008: 748).11 Premarital romantic love, consequently, is antithetical to marriage in an idealized Indian family – both Hindu and Muslim (Mody 2002). It is interesting to note that Perveez Mody revisits the Native Marriage Act III of 1872 to historically situate the legality of marriages outside all religious practices in her ethnography.
of ‘love marriages’ in Delhi in the 1990s. She points out that marriages registered under this Act (revised in 1954 as the Special Marriage Act) came to be known as civil marriage or court marriage. Civil/court marriages are socially looked down upon, even by the court functionaries in Tis Hazari whom Mody interviewed, because such marriages are born out of individual choice defying kin-group’s consent. Companionate marriage, in this Indian incarnation, rests partially on the ideal of affective individualism as decision-making powers of the family and elder kin-group are invested in constructing a compatible match. 12

The significance of caste and religion, however, cannot be wished away (Chakravarti 2003). 13 In many parts of India meting out gruesome and fatal punishments to inter-caste lovers by their communities is not uncommon. The prevalence of caste panchayats or khaps in Haryana, Punjab, and western Uttar Pradesh in sanctioning punitive actions against errant inter-caste couples, often also against family members of the lower-caste partner, indicate how ‘criminalization of love’ occurs, to borrow a phrase from Pratiksha Baxi (2014: 237). 14 Prem Chowdhry has extensively discussed a host of court cases regarding ‘runaway marriages’ or elopements in Haryana and Punjab where families forcibly parted the consenting couples because of their inter-caste unions and then lodged criminal cases of abduction and rape against the man (2004). Inter-religious marriages are also frequently dealt with such severity. Samita Sen, Ranjita Biswas, and Nandita Dhawan discuss the ‘Rizwanur case’ 15 in West Bengal to unveil how laws made to protect women against violence are deployed to deny agency of an adult woman in her own marriage (2011: 18–21). The collusion of state, family, and law in punishing the rebel couple underlines the reproduction of caste/religious endogamy.

Feminist lawyers and commentators on legal theory have discussed the crucial role of the state in supervising laws regarding marriage, especially child marriage (women under 18 years of age and men under 21 years of age), divorce and, more recently, domestic violence (Agnes 2011; Baxi 2014; Kapur and Cossman 1996). One of the chief conundrums in investigating procedures of family courts relates to the confused traffic between civil and criminal law at various levels of mediation, legal representation, and adjudication. Srimati Basu notes how regularly domestic violence is invoked in cases of divorce in her ethnography of family courts principally in and around the city of Kolkata (Basu 2012). The other significant challenge concerns, as Basu and Pratiksha Baxi argue, the perilous situation that heterosexual women face while ‘exercising their positive right to choose when, if, and whom to marry’, especially when laws of marriage refuse to consider women as independent decision-makers notwithstanding the legal definition of adulthood (Basu 2012; Baxi 2014: 237). Along with riddles of legal reforms, the affective qualities of love, pain, and violence have never ceased to haunt feminist explorations of marriage and domestic violence. V. Geetha, in a penetrating examination, ‘On Bodily Love and Hurt’, points at the curious import of ‘jealousy’ in the masculinist idea of romantic love between couples (1998). Shalini Grover’s reflections on the love-marriages in a lower-income area of southern Delhi expands Geetha’s argument by analysing the insecurities of women in ‘love marriage’ couples while facing domestic violence (2009).

Jonathan Parry’s remarkable account of ‘Ankalu’s Errant Wife’ and what he calls the ‘labour aristocracy’ around the Bhilai steel-plant in Chhattishgarh provides insights into the changing nature of conjugal intimacy and meanings of marriage in lower-caste non-metropolitan urban India (2001). Parry’s anecdotes on the custom of having multiple partners in an older ‘cold-brained’ marriage system among the Satnamis of Chhattisgarh, however, reflect a sense of detached amusement at the lack of emotional expectation in such marriages. The tone of defining ‘old’ and ‘new’ meanings of conjugal love seem uncomfortably close to an ahistorical framing of the ethnographer-informant relationship. It is also deeply problematic when Parry
arrives at the conclusion that the inter-generational transformation in conjugal intimacy – from casual cohabiting sexual partners to intensely involved monogamous couples – is being shaped by the post-liberalization competitive market forces, without any reference to histories of labour and gender in colonial India. Samita Sen’s (1999) account of the deployment of family as an ideology among the working-class households in early twentieth-century Calcutta has already given us a more nuanced analysis of the connection between state, market, and family values. Parry’s conclusion fails to situate the recursivity of mobilizing family values by the colonial/postcolonial state, consequently leaving his ethnographic characters more cartoonish than realistic.

It is the least polemical to argue, given the rich scholarship on multiple roots of gender hierarchy, that for the majority of women marriage remains possibly the most defining moment of life and love-marriages have rarely meant freedom to choose the marital partner. And yet, it would certainly be unfair to don the blanket of victimhood over all women in contemporary India. Though the admirable ingenuity of Begum Sombre in utilizing kinship relations remains a historical exemplar, the genealogy of women’s agency can be traced through Rajasthani women’s oral traditions of articulating suffering and sacrifices; through strategies adopted by rural women of various castes in Lahoorpur (Uttar Pradesh) for inter-generational gender mobility; through the direct political speech of peasant women in Singur (West Bengal) defending their livelihood (Raheja and Gould 1994; Kalpagam 2008; Sinha Roy 2012). Such challenges produce splinters within the ubiquity of patrilineal, patrilocal family and marriage practices, politicize the space of intimacy through heterogeneous registers of activism, and acknowledge population groups that rupture the ideology of family.

### Radical desires: sexuality and love outside normality

With the release of Deepa Mehta’s film Fire in December 1998, same-sex love, especially lesbianism, became the centre of a public debate. The film contained scenes of physical love between two married sisters-in-law living in a joint family, both of whom are trapped in loveless heterosexual marriages. The film became front-page news when activists of ‘Shiv Sena’ – a right-wing political organization – vandalized cinema-halls showing Fire in metropolitan cities like Bombay and Delhi. Shiv Sena, supported by the Bharatiya Janata Party, declared that the film was polluting Indian culture by showing corrupt Western practices like lesbianism in an Indian family.16 As the uproar against the screening of Fire spread to the provinces of Tamil Nadu, Karnataka, and Assam, protests against such vandalization also began to attract public attention.17 Some lesbian activists in various cities decided to be visible in anti-vandalization protests as lesbians. By carrying placards like ‘Indian and Lesbian’ they protested against homophobia within the discourse of Hindu nationalism as well as the more general unease concerning non-normative sexual practices (Bacchetta 1999, Sharma 2006: 10–21). ‘For once’, writes Sibaji Bandyopadhyay, ‘the depiction of bare flesh and carnal dealings on cinematic screen became an occasion to talk about sexuality, not purely in sexual terms’ (2012: 246).

Several discursive threads were intertwined in the Fire controversy. While unravelling these complex knots, Sibaji Bandyopadhyay argues, ‘the researcher learns to her/his surprise that unravelling in this case is the same as weaving … the context itself begins to behave like a text-in-the-making’ and his sprawling essay on the controversy covers an astonishing range of issues in which to weave in references to same-sex love – in Sanskrit and Persian texts from pre-modern India, Greek philosophy and epics, the Old Testament, poems from seventeenth-century England along with writings of Frederick Engels, Kraft-Ebbing, and Freud to situate...
the mysterious ‘origin’ of same-sex love (Bandyopadhyay 2012: 245). Though Bandyopadhyay arrives at the conclusion that the so-called East and West have always locked horns in blaming the ‘other’, the search for the Indian-origin of same-sex love has yielded an interdisciplinary scholarship to build a new critical vantage point for studying family and marriage in the Indian context (Bose and Bhattacharya 2007; Narrain and Bhan 2005; Dave 2012; Gopinath 2005; Kapur 2005; Vanita and Kidwai 2000; Vanita 2002, 2005).

The insights provided by this growing literature offer us two important arguments. One, same-sex love was a minor social and legal offence in pre-colonial India, which took a dominant form of homophobia as the British colonial rule criminalized any sexual act ‘against the order of nature’ (Section 377 in the Indian Penal Code, first compiled in 1860) (Vanita and Kidwai 2000). Two, same-sex love in contemporary India is not an exclusively urban middle-class experience but rather remains part of everyday life among different classes, communities, and regions (Sharma 2006, Vanita 2009). However, an overwhelming presence of power regimes within family structures which promote compulsory heterosexuality is quite irrefutable. The existing scholarship on same-sex love suggests a more nuanced position in understanding the negotiations internal to a family or a community to accommodate sexual alterity. Such an argument cancels the diametrically opposite positions of heterosexuality and same-sex love by keeping open the possibility of simultaneous existence for both kinds of desire. This is not to dismiss the political necessity of oppositional positions to contest compulsory heterosexuality, but rather to account for the persistence of same-sex desire in spite of the pall of silence cast over it in a heteronormative society (Boyce 2008).

Ruth Vanita has tracked several cases of lesbian relationships to give us, on the one hand glimpses of family and community consent to lesbian marriage, and on the other hand the severity of social pressure faced by lesbian couples (2009: 47–60). Instances of successful lesbian marriage are, expectedly, few. The case of Bateka Palang, 30, and Maleka Nilsa, 25, two Kondh tribal women from Orissa, who got married in the presence of family, according to traditional practices in November 2006 is one such marriage. The acceptance of the two families by following the custom of ‘bride-price’ problematizes the role of custom in forming a tradition. One example of a happy ending, however, is outweighed by the tragic conclusion of many love stories in joint suicide of both lovers. Vanita writes that suicide notes of lesbian lovers are often the only public declaration of their everlasting love. This final act of resistance reminds us of Spivak’s acclaimed essay ‘Can the Subaltern Speak?’ (1988). Given the reinforced criminalization of same-sex love in contemporary India one cannot but agree that the sexual subaltern remains as mute as Spivak’s gendered subaltern.18 The only available means to keep the challenge against compulsory heterosexuality alive is to consider lesbian suicides as vantage points to reflect on lives that resisted and not their deaths as closure to the struggle, to remain ever-attentive to the unconventional utterances, to be able to undecipher the language of resistance spoken through bodies of the sexual subaltern.19 If same-sex love has been stigmatized as a ‘disease’ by hetero-patriarchy, the diseased gendered body, in the form of a person with disability, presents a different angle towards politics of difference. Scholars in disability studies, many of whom are also activists in the nascent disability movement in contemporary India, have argued that struggle for equality in a largely apathetic society must coincide with critical reflections on the social experience of disability – in addition to, and at times beyond, the medicalization of physical and mental impairments (Addlakha 2007; Das and Addlakha 2001; Ghai 2002; Kumar and Anuradha 2009; Mehrotra 2004).20 Increasingly sexuality of persons with disabilities has emerged as an apt entry-point to understand the enmeshed character of social and corporeal (including mental illness) discrimination. Following Judith Butler’s pithy reflections on
the critique of sexuality as ‘merely cultural’ by the materialist school of Marxism (1997), it is possible to argue that the sexual division of labour (especially the political economy of care), normative sexuality (reproductive heteronormativity), and legal ‘personhood’ to claim rights are integral parts of the discourses of disability. Rethinking the continuum of governmentality between family and state must take account of the ways in which sexuality – in relation to class, race/caste, place and space (in terms of urban/semi-urban/rural), gender – becomes the principal governing principle of disability.

Indian state’s idea of social responsibility towards its disabled population can be gauged through a widely reported case of mass hysterectomies performed on women inmates of a state-run home for the mentally challenged in Pune, Maharashtra in February 1994. In Rajeswari Sunder Rajan’s reflections, this ‘scandal’ of the state becomes more than an exposé, and lays bare the extent of biological determinism in the statist interpretation of care for the disabled (Sunder Rajan 2003: 72–112). Sunder Rajan also brings to the fore the role of family in ‘managing’ disabled members, which is crucial for understanding the statist twist in an ideological deployment of family to justify the shrinking space of welfare and concentrating the political economy of care within the family. Renu Addlakha has stated in clear terms how women with disability become less than women in the family as they often fail to perform their ostensibly ‘natural’ role of care-giving (Addlakha 2007). The fear of reproducing a diseased generation (or a generation dependent on state welfare) on the one hand, and inversion of naturalized femininity on the other, make sexuality a central axis of governing disabled women.

If mental illness of women is marked on their bodies through forced hysterectomies, limb deformity (or visual impairment) inscribe a woman as a burden and push her into, ironically, a life of hard physical labour. Nilika Mehrotra narrates the data gathered from 49 case studies of disabled women in rural Haryana and Mehrotra’s matter of fact tone uncovers with a chilling precision how women with limb deformities are often married off to the same family as her sister, or to the same man, so that she can be ‘cared for’ by her sister, how she is allowed to take longer in performing all household chores, and how she is more vulnerable to domestic violence (Mehrotra 2004). Disabled men also are subjected to stereotyping and suffer from low self-esteem, and yet they usually receive better care inside the family: their physical impairments are discovered earlier than women as a male child’s health is more closely monitored than a girl child’s (Addlakha 2007). Taking the gendered body and emotions as a composite, rather than a binary, it can be fruitful to map the history and sociology of activism, policy measures, and legal reforms to re-frame the milestones in the women’s movement.

**Conclusion**

Beginning with the conceptual premise that deeper structures of gender discrimination can be challenged and eventually remedied with legal reforms, the contemporary women’s movement is undergoing a churning within itself. These three trends in family studies are indicators of new directions that Indian feminist scholarship is forging ahead in and certainly places no claim in listing all intellectual developments. Education, health, demography, and violence constitute some of the major fields not covered in this chapter, in which the institutions of family and marriage are now being re-examined.

This chapter has been an effort in outlining how the orders and borders of family studies have been challenged. The enormous significance accorded to family and marriage in contemporary India contains subversion. This chapter revisits the contested fields of intimacy from subversive locations by exploring the margins of family studies. Engagement with margins problematizes the position of the speaking subject. For example, if one
were arguing from the point of view of a disabled woman should she speak as a woman with disability, as a ‘deviant’ body, or, as a gendered subaltern? These questions are not merely rhetorical. ‘What is required’, argues Anita Ghai, ‘is a consideration of multiple constraints that inhibit the articulation of difference’ and feminism needs to go beyond mere recognition of difference (Ghai 2002: 64). Integrating articulations of difference will require the Indian women’s movement to redraw the intimate spaces of struggle and the process may be messy; but fighting against the multi-pronged structure of prejudice was never supposed to be easy.

Notes

1 The Karnataka State Commission for Women severely criticized his comments, and women advocates gave a representation to the chief justice expressing serious objection to his statements. For detailed reports see The Hindu and The Hindustan Times, 8 September 2012, and ‘Petition to Chief Justice of India – Remove Justice Bhaktavatsala of Karnataka High Court’ in www.kafila.org (http://kafila.org/2012/09/05/petition-to-chief-justice-of-india-remove-justice-bhaktavatsala-of-karnataka-high-court/).

2 Seminar presented by Srimati Basu titled ‘The Trouble with Marriage: Law, Violence and Feminist Jurisprudence’ at the Centre for Women’s Studies, Jawaharlal Nehru University (18 March 2014).

3 An important critique of the legal reforms comes from Flavia Agnes, feminist author and lawyer, regarding the failure of Indian women’s movement to secure a broader base for laws to protect women from violence (Agnes 1992).

4 Some of the early works of note on family and kinship in India are – Gough (1956); Karve (1953); Béteille (1965); Madan (1965); Shah (1968).

5 Sibnath Shastri, a leading Brahmo personality of late nineteenth century, has given a detailed account of the crisis in the Brahmo movement precipitated by the Coochbihar marriage. Those who protested against Keshab Chandra Sen’s acceptance of this marriage formed Sadharan Brahmo Samaj on 15 May 1878, and with his followers Keshab Chandra Sen formed Nababidhan – New Dispensation (Shastri 1911: 274–294).

6 Flavia Agnes argues that the highly acclaimed and widely publicized colonial law reforms on ‘women’s question’ – Sati Regulation Act (1829), Widow Remarriage Act (1856), Age of Consent Acts (1860 and 1891), and the Child Marriage Restraint Act (1929) – ironically ‘provided a forum for the collusion of local patriarchal interests with the anti-women biases of British jurists and laid firm legal ground for the diminution of women’s rights in India’ and civil law reforms carved out a space for men’s individual property rights, strengthened caste affiliations, and weakened women’s rights of inheritance by making land alienable and transferable (Agnes 2000: 120).

7 Matrimonial column refers to advertisements in newspapers seeking suitable brides and grooms. Recently the acceptability of matrimonial websites, where candidates can self-register, is increasing. ‘Love, arranged by Shaadi.com’, tagline of one of the most popular matrimonial websites, captures quite comprehensively the popular mode of arranged-love marriages in middle-class urban India.

8 Words in italics refer to the exact English words used in the Hindi song.

9 Ethnographers of kinship and marriage in contemporary India have scrupulously avoided putting love-marriage and arranged-marriage in opposition to each other, and have focused on the heterogeneous practices of ‘love-cum-arranged’ companionate marriages (Donner 2002; Fuller and Narasimhan 2008; Kolenda 1978; Mody 2002; Vatuk 1982).

10 Match-making depends on the elaborate network of caste and kin-group. In addition, newspapers and websites for seeking suitable alliances are also much in use. Rochona Majumdar gives an interesting history of professional matchmakers – ghataks – in nineteenth-century Bengal (Majumdar 2009: 25–32).

11 For Eighteen-Village Vattimas sub-caste endogamy forms an important part of match-making because partners sharing the same sub-caste culture are believed to have enduring nuclear family units.

12 Louis Dumont has made the distinction between ‘primary marriage’ and ‘secondary marriage’. The primary marriage is more strictly regulated, more expensive, and prestigious than the secondary marriage, and often also remarriage, which is less elaborately ritualized (1988: 83).
13 It is worth remembering that Dr Bhimrao Ambedkar stated specifically, while drafting the Hindu Code Bill, that inter-caste marriages are necessary for eroding the caste system. In the Bill he also went on to make provisions for women’s equal right to inherit father’s property, to divorce, to demand maintenance, to adopt, to bequeath property and countered the attacks from the more conservative sections of the legislators that such legal provisions would break the family as an institution.

14 *Khap* refers to all male village panchayats or assemblies where women cannot enter even when the discussion concerns their marital status, sexual purity, or livelihood.

15 In September 2007 a Muslim lower-middle class man Rizwanur Rehman, and Priyanka Todi daughter of a wealthy Hindu industrialist – both consenting adults – got married in Kolkata, in spite of serious opposition from Priyanka Todi’s family. It became a public issue when Rizwanur Rehman’s body was found a few weeks later by a railway track, and his death was dismissed as suicide. Protests by Rizwanur’s family and kin led to further investigation and there was a public outcry against the alleged involvement of top-ranking police officials with Priyanka Todi’s natal family.


17 Several feminist authors and activists registered their protest against the cultural policing of Shiv Sainiks by responding to the controversy. For example, John and Niranjan 1999; Kapur 2000; Upadhyya 1998.

18 In December 2013 the Supreme Court of India has revoked the judgment passed by the Delhi High Court in 2009 decriminalizing same-sex love, and has reasserted Section 377.

19 Seminar presented by Navaneetha Mokkil titled ‘Living Together, Dying Together: The Lesbian as a Political Subject’ at the Centre for Women’s Studies, Jawaharlal Nehru University (28 October 2014).

20 Disability studies is now opening up to explorations of the notions of deviant bodies in literature and travelogues, the relations between science, technology, and biological determinism, and is addressing issues like ageing.

References


Intimate spaces of struggle

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