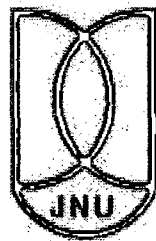# RE-DEFINING WOMEN'S SUBJECTIVITY IN MILITARIZED KASHMIR

Dissertation submitted to Jawaharlal Nehru University in partial fulfilment of the requirements for the award of the Degree of

Master of Philosophy

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Certified that the dissertation entitled "Re-defining Women's Subjectivity in Militarized Kashmir", by Shefali Manhas, in partial fulfilment of the requirement for the award of the degree in Masters of Philosophy, is an original work of her own. This dissertation has not been submitted for any degree in this University or any other University.

We recommend that this dissertation may be placed before the board of examiners for evaluation.

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FOR MY PARENTS,

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ABBREVIATIONS

AFKP – Association of Families of Kashmiri Prisoners

APDP – Association of Parents of Disappeared Persons

DeM – Dukhtaran – e – Millat

HC – Hurriyat Conference

HM – Hizbul Mujahidin

JeM – Jasih-e-Mohammad

LeT – Lashkar-e-Taiba

MKM – Muslim Khwateen – e – Markaz

WISCOMP – Women in Security, Conflict Management and Peace

WWO – Women Welfare Organization

Introduction

Patriarchy is ubiquitous. It is the power of men to dominate over women. Patriarchal relations exist as power relations which influence the ordering of gender in our society. Yet, there are also other factors which influence gender relations like cultural, historical, economic factors etc. In addition, there exist discourses of both domination and resistance which shape gendered relations. If patriarchy forms the mode of domination, then the formation of social movements, social organizations etc, may be seen as forms of resistance. But, the question is to what extent the latter is able to resist the dominant forms of power? In the above picture, we generally see that it is the women who are subordinated and considered as inferior beings. The basis of their subordination is the social context based patriarchal gendered relations. However, one has to study how women's identity and subjectivity change or adapt to newer forms with discourses of resistance, for instance, during certain kinds of conflict situations, when the usual restrictions on women become weakened.

In this dissertation, my project is to study the opening up of spaces of resistance in the context of militarized Kashmir. My reality is framed within the conflict situation where I have taken the case-study of Kashmir valley. Kashmir, often called the 'paradise on earth' · has now become the 'state of violence and constant warfare'. The incongruent relationship between the Indian state and Kashmir had resulted in the self- determination movement in the early 1990s. Since then, Kashmir has been suffering with thousands of deaths, injuries, 'enforced disappearances', custodial killings, rapes, molestation and other kinds of inhumane torture. In general, conflict situations have always been gender-specific. For instance, it is the women who bear the brunt of sexual violence in the form of rape, molestation and other forms of sexual abuse; and men are supposed to protect their women and 'home'. However, it is not that men escape the structural violence of the conflict situation. For instance, in Kashmir, it is only men who bear the brunt of 'enforced

disappearances'. But, it is the women who face double disadvantage, for one, being a women and second, being placed in a conflict situation. Women's suffering is often misrepresented or not represented in the dominant discourses on conflict situations. Women who constitute an important part of our society always need special focus. I intend to throw light on what happens to women in this kind of conflict situation like that of Kashmir.

Dominant discourse and women's subordination

In the dominant discourse, there exist contextual practices and beliefs which are framed in a particular manner owing to the socio-economic and political situations. One's subjectivity is defined by the amalgam of the socio-economic and political situations and the operating power relations. It is the dominant discourse which structures and determines one's subjectivity. Men and women are positioned in a hierarchy with superior and subordinate roles respectively. There exists legitimacy to the masculine ways of thinking. Feminine ways of living are often ignored. Women's subjectivity and identity is both socially and culturally produced. It is the masculine ways that construct women's subjectivity. It is seen that when a female is born, she is brought up as a 'woman'. When she grows up, she reproduces the same values. Women are either defined as mothers, daughters, sisters or wives. They do not have separate identity as 'women' apart from the social relations where they are placed. Women are always treated as tools in the hands of everybody and have no individual autonomy. They do not have any role to play in the construction of the self. In varying social contexts, the particularity of women's experiences may differ, but the value of 'being a woman' is the same.

In the dominant discourse, there is social construction of emotions, feelings, relations and duties. The construction of the latter varies from one individual to another and from one place to other. The emotions, feelings, relations and duties of a mother, are different from that of a daughter, are different from that of a sister and so on and so forth. The individual is 'specially' placed in the social construct. This 'special' position is constructed for different

individuals separately. It is important to note that it is the social role of individuals that define their 'being'. And, to define women's 'being' is a special task as they are always placed in a subordinate status in the dominant discourse.

Also, public recognition and public acceptance of women's subordinate role plays an important role in the latter becoming a norm. It is not that men force women to subordinate places but women have also accepted it as 'natural' and at times divine. Some women believe that God has made individuals as men and women and nobody can question this divine reality. However, feminists have critiqued the 'naturalness' of the two-sex model and believe that it is the dominant discourse of (masculine) science which has divided individuals into two sexes.

Now the question arises what has led to the naturalization of women's subordination and how can we can we understand the reality through the non-dominant discourses? The answer to this question is given in the first chapter when we study how the forces of social construction define our reality and maintain the dominant discourses. Also, there is existence of counter-discourses which resist the dominant discourse. These are also part of our social construction. The processes of socialization also help in the construction of reality. The feminist project lies in the changing of the masculine lens that perceives reality.

Dominant discourse of the conflict situation

The dominant discourse of the conflict situation is predominantly masculine. The power relations structures the dominant discourse. For instance, the dominant understanding of the conflict situation in Kashmir is explained through state's militarization and people's self-determination movement. Coercion describes militarization and re-assertion explains self-determination. During the self-determination movement, a conflict situation is marked by violence which leads to political and social instability. This instability is due

to the conflict situation which erupts between the people and the state when the former challenges the legitimacy of the latter.

However, in chapter two, we will study how the discourses of militarization and self-determination rest on female subordination. The dominant discourse characterized by militarisation and self-determination show a continuity in the patriarchal values. A conflict situation marked with militarization and self-determination is doubly charged. Here, relations between men and women enter into different negotiations and boundaries. For instance, 'home' is a private sphere, but there exists blurring of the boundaries when the 'home' comes to the front during conflict situation. The 'private spaces' of the 'home' get subjugated by the conflict. We see that during the conflict situation, there is a collapse in the distinction between feminine and masculine spaces. There exists an overlapping where 'private' becomes the 'public' and the 'public' becomes the 'private'. For instance, women may enter the public sphere for jobs, help and relief from the government. Men may help women in the domestic sphere as they have been pushed away from the public sphere by military and other coercive forces.

Women helping men in their affairs is seen as a supreme political act. They have even taken up arms against the enemy and defended their 'state'. For instance, in Sri Lanka, the women tigers in the Liberation Tigers of Tamil Eelam (LTTE) had taken up arms to the level of becoming suicide bombers in their assertion against the government to form a separate state in the north and east of Sri Lanka. Female members were believed to be 20 to 30 percent of the LTTE's fighting cadres and an estimated 4000 women cadres have been killed since 1987, including over a hundred in 'black tiger' suicide squads.[1] In Kashmir also, women came out in large numbers in the early 1990s during the high of the self - determination movement. They helped the militant *mujahids* in carrying arms, hiding from the security forces and provided them with food

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[1] *The LTTE in brief,* (accessed on 30-06-2010) <http://www.defence.lk/pps/LTTEinbrief.pdf>

and shelter etc. Mothers were looked upon as 'sacrificing icons' who sent their sons to become freedom fighters and earn an *azaad* Kashmir.

Re-defining women's subjectivity in the conflict situation

During conflict situation, there is a process of 're-negotiation' which defines and re-defines women as social and cultural beings; and their practices. The construction of women as a category changes from the dominant discourse. For this, it is important to understand the politics of 'private' women. The dominant masculine discourse aims to constrict women in the private sphere. All the household chores are performed by the women which often go unacknowledged. Men identify women as 'good'/ 'bad' women. Women who follow the societal norms are 'good' women, else they are 'bad'. However, during conflict men fail to acknowledge the distinction between 'good'/ 'bad' women; and women force is used wherever necessary, whether it is in public or in the private.

Generally, in the dominant understanding of conflict situations, women are seen as passive victims of rape, molestation, sexual abuse, killings etc. The victimization of women represents their helplessness, weakness and dependence. They are often seen as a burden on the family where the men have to protect and take care of them. However, this weakness is not natural but is a social construct. Since childhood, women are brought up to be submissive and dependent on men. There are always inhibitions and restrictions on their actions so that women's boundaries always remain defined and limited.

However, the victimization of women has also helped them in evolving their agency with the change in context. For instance, women in Kashmir have questioned the inside/outside divide resulting in their extended role, for example, taking care of the family relations after the sole earner of the family is gunned down, abducted, 'disappeared' etc; helping militants out in the early phase by providing them food, shelter, information about the security etc; taking part in organizations working for the fellow sufferers and taking out

peace marches, strikes, *dharna* etc; dealing with the outside world like courts, police, military, etc. But, the question is does their agency challenge or overcome gendered construction and to what extent ? Is it that women's agency in Kashmir is only defined by the patriarchal society where they are just able to 'stretch their traditional roles'[2] ?

We see that women have also formed and taken part in women's organization to put forth their cause. For instance, in chapter three, we will study that women in Kashmir have started organizations and many have joined them like Association of Parents of the Disappeared Persons (APDP), Muslim Khwateen-e-Markaz (MKM), Dukhtaran-e-Millat (DeM) and WISCOMP's *Athwaas*. These organizations have helped in re-framing women's reality. These organizations are an important step towards women's assertion against patriarchal dominance. They have defined their own boundaries and working towards women's betterment. Therefore, even though women's experiential reality is based on their social subordination, their activism is empowering and challenges the dominant patriarchal structures.

The nature of women's activism is based on their social context. It is the social context that defines the particularity of women's agency. For instance, in Argentina there exists an association of the mothers of Plaza de Mayo whose children got 'disappeared' during the dirty war i.e. the military dictatorship between 1976 and 1983. These mothers, demanding the whereabouts of their children, meet every Thursday, to fight for their social cause. However, my aim is to study the context of Kashmir and study how women have organized themselves.

My central question is that how is the subjectivity of 'women' constructed in Kashmiri society? And, when women take up steps apart from their traditional roles - Is it that men are allowing them to do so or is it another form of

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[2] Rita Manchanda, 'Women in the Kashmir Conflict', in *Women, War and Peace in South Asia-Beyond Victimhood to Agency*, Rita Manchanda (ed.), Sage, New Delhi, 2001, p. 75.

resistance? In the next few chapters, we will study how women's subjectivity is defined by the very context in which they are placed. Their modes of resistance are often seen *as an exception*. However, their resistances have to be understood within a larger discourse of male domination. For instance, women's agency in Kashmir, subjected to a particular conflict-ridden context, keeps on evolving and the social context provides spaces for them to continue bringing about social changes.

Defining and re-defining women's subjectivity

Either to be men or to be women: these two categories define human beings and is one of the basic differences that explicate their experience and subjectivity. Patrizia Violi says, "Indeed, subjectivity cannot but be engendered; the way we feel, the way we think, the way we experience reality is affected by our being women or men."[1] However, the experiential reality of these two categories is different and hierarchical. Generally, in the dominant discourse, we see that women are subjected to be 'like men'. Men are considered to be the 'norm' and women are made to follow and look up to them. This sexual difference makes women 'the other' and assigns them a subordinate status. Along with the basic sexual difference, we see that the defining of women's subjectivity involves a process of constructing a category of 'women' and placing them in a complex gendered social context. This involves the study of an interactive dynamics between women and their social context where individuals are placed both historically and contingently. The social construction of the context and the individual varies with time and space. The social relations between the sexes in the contemporary societies cannot be understood in a universalistic manner. This is because the construction of women as a category changes from one society to another. There are various forces like that of sex, race, class, religion etc, which act upon individuals defining their identity and subjectivity. The sexuality of individuals is defined by the very amalgam of these forces. These defining forces form a set of power relations which work in a particular manner depending upon the context. These power relations which define the sexual being are always hierarchical and inequitable. One can identify the causes for this hierarchy and inequality in the patriarchal structures along with other structures like other cultural differences, socio-economic and political factors etc.

This chapter will discuss how the social constructionist perspective uses the sex/gender distinction to explain women's subordinate being; the chapter also

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[1] Patrizia Violi, 'Gender, Sujectivity and Language', in *Beyond Equality and Difference*, Gisela Bock and Susan James (eds.), Routledge, New York, 1992, p. 164.

focuses on how 'socialization' plays an important role in social constructionism. Later, we will study how gender roles get re-defined in a special social context especially a militarized context. Commenting on the constructionist view of the sex/gender distinction, Judith Squires says, "The political project is to distinguish sex from gender, and to erode the social construction of gendered identities. The ambition is to accept sexual difference while realizing gender androgyny. If the link between sex and gender is eroded in this way, sex becomes politically non-pertinent and men and women should be expected to participate equally within the public realm."[2]

Explaining women's subordination – sex/gender distinction

In the early 1960s, feminists took on the idea that there existed certain 'essential' characteristics common to all women. These 'essential' characteristics were determined biologically and were supposed to be conformed to by all women. The biological determinists believed that women's subordination was 'natural' and they were biologically different from men. Women's sex determined their subordinate status and roles in society. The concept of gender did not exist in the present sense, it was only the biological sex that determined social roles. Also, Diane Richardson says, "Within these *naturalistic* approaches sex is conceptualized in terms of *binaries*: male/female; man/woman; masculine/feminine. In this binary thinking, male and female are considered as 'opposites', who, despite their differences, complement one another. This pairing of 'opposite' sexes is seen natural. Gender here is understood to be a biological 'fact' that is pre-given and located in the body."[3] The biological determinists took the patriarchal context to be 'natural' and tried to explain hierarchical relations based on the two sexes rather than challenging the status-quo. Human subjectivity was taken to be fixed and they rigidly attributed certain traits to women and men like women's nature was defined as passive, caring, emotional, and their roles included taking care of the family, doing household chores and essentially remaining inside the private sphere. Also, men's nature was considered to be active, strong, non-relational and their work

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[2] Judith Squires, *Gender in Political Theory*, Polity Press, USA, 1999, p. 55.
[3] Diane Richardson, 'Conceptualizing Gender', in *Introducing Gender and Women's Studies*, Diane Richardson and Victoria Robinson (eds.), Palgrave Macmillan, New York, 2008, p. 4.

included working outside in the public sphere and earning bread for the family. So, women and men worked in distinct sphere with specifics jobs.

Radical feminists in the late 1960s and 1970s challenged the determinist attitudes to give way for social change in a patriarchal society. There was a denial of biological naturalization. It was the sex-natural/ gender-cultural distinction that explained the social construction of our society. Now, gender as a social category was acknowledged which was based on social and cultural factors. The basis of social analysis was gender and not biological sex. For radical feminists like Kate Millet, patriarchy was the single, systematic structure of domination. Ara Wilson says, "The radical feminist theories of patriarchy often are viewed as theories of ideology, analysing the ways male domination is fostered and perpetuated by culture, religion, and science, as well as socialization and psychic development."[4] These feminists believed that this male domination constructed the category of 'women'. Women's status was determined by the way society positioned her. Now, as the social 'context' was given prime importance, it was not biological determinism, but *contextual determinism* that placed importance on the socio-political and economic conditions which persisted around the individual. The individual 'positioned' in a social context was studied in an interactive manner emphasizing on the *relational* aspects rather than studying the individual and the social context separately. Simone de Beauvoir said, 'one is not born, one becomes a woman'[5], i.e. the social context plays an important role in defining the identity and subjectivity of the individual. The process of 'becoming' a *woman* is dependent on the social relations where the individual is placed.

History plays an important role in *contextual determinism* as individuals are the product of their times and there exists a continuity in their social practices. As individuals are the product of history, their social positioning is historically determined. Also, history determines human values and norms. However, social practices which are acceptable in one historical period may be rejected by another. Social practices are also historical constructs. For instance, in India,

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[4] Ara Wilson, 'Patriarchy : Feminist Theory', Identity Politics, Vol. 3, *Routledge International Encyclopedia of Women- Global Women Issues and Knowledge*, Cheris Khamarae and Dale Spender (eds.), Routledge, New York, 2000, p. 1495.
[5] Squires, *loc. cit.*

the practice of Sati[6] in Hinduism was acceptable by the Hindu culture in the medieval age. But, then in modern India, acts were enacted to abolish it. Also, feminists like Gerda Lerner have placed women historically to understand their 'being'. She believes that women have been the subject of patriarchy and their subordination is trans-historical[7]. She questions women's subordination being considered as 'natural'. Lerner interrogates the patriarchal construction of female consciousness. She points out that women have different experiences owing to the context in which they are placed. She says that women are the oppressed, but they are unlike the racial or ethnic groups as they constitute half of the population and "their subjection to patriarchal institutions antedates all other oppression and has outlasted all economic and social changes in recorded history."[8] Contextual determinism is paramount for Lerner. However, she believes that the traditionalists' belief in women's biology for the latter's subordination is difficult to escape as it forms the general understanding of our society and it is this belief which through socialization determines their life.

Much like the biological determinists, the contextual determinists were also criticized for not being able to really move away from biology to the context. This may be attributed to the pre-dominance of the two-sex model. As the contextualists do not believe in multiple sexes and there is no blurring of the boundaries between the male and female attributes i.e. the norms of 'masculinity' and 'femininity' exist in opposition to each other. This opposition is placed on the primacy of biology. Therefore, biology is never done away with. Also, for constructionists like Haslanger, the social position one occupies

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[6] Sati was a practice of a widow immolating herself on the funeral pyre of her husband. It was basically practiced by Rajputs in Northern India. It was outlawed by the India's British rulers in 1829 following demands from Indian reformers.

[7] See Gerda Lerner, *The Creation of Patriarchy*, Oxford University Press, New York, 1986, pp. 15-35, 212-229. Lerner explains how in the Neolithic period, there was inter-tribal exchange of women through marriage alliances. In hunting and gathering society, women were considered synonymous with land who could be bought and exchanged in marriages and later during slavery, their sexual services became a part of their labour. In the Mesopotamian era, there was commodification of women as there existed bride price i.e. , sale price which was appropriated by men. However, for the women of elite groups, there was a gender-defined role of 'stand-in' wife which gave women considerable power and privileges depending upon their sexual and reproductive services.

[8] Gerda Lerner, 'Placing Women in History: Definitions and Challenges', *Feminist Studies*, Vol. 3 ½, Autumn, 1975 , p. 8.

due to certain bodily features determines its social role[9]. Therefore, the hierarchical sexual relations becomes nearly universal because of the existence of the two-sex category.

Therefore, we see that the social constructionist view of sex-gender distinction has not fully done away with 'essentialism'. They believe that individuals are socially constructed where history plays an important role. But, they are not able to part from the view that there are certain 'essential' characteristics shared by all women. Even though their position was based on the questioning of biological determinism i.e social constructionism aims to challenge the view that individual's biology determines her social roles. Feminists like Diana Fuss talks about the essentialist inclinations of constructivism. She defines, "essentialism is classically defined as a belief in true essence- that which is most irreducible, unchanging, and therefore constitutive of a given person or thing ... essentialism can be located in appeals to a pure and original femininity, a female essence, outside the boundaries of the social and thereby untainted (though perhaps repressed) by a patriarchal order."[10] For Fuss 'constructionism' is " articulated in opposition to essentialism and concerned with its philosophical refutations, insists that essence is itself a historical construction. ... constructionists are concerned above all with the production and organization of differences..."[11] She believes that both 'essentialism' and 'constructivism' have similar attributes. They are interdependent categories and one can't be explained without taking other into consideration. Therefore, individual's essence plays an important role to place her in a social construct. Therefore, essentialism and social constructionism are not polar opposites but perspectives with similar inclinations. Critics have said that in the social constructionist perspective, there are primarily two sexualities which are those of women and men. These two sexualities are used to define human beings into two categories viz. women and men.

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[9] Sally Haslanger, 'Gender And Social Construction: Who? What? When? Where? How?', in *Theorizing Feminisms- A Reader*, Elizabeth Hackett and Sally Haslanger (eds.), Oxford University Press, Oxford, 2006, p. 21.

[10] Diana Fuss, 'The Risk of Essence', in *Feminisms*, Sandra Kemp and Judith Squires (eds.), Oxford University Press, New York, 1997, p. 250.

[11] Ibid., p. 251.

We see that to define one's being, both essentialists and constructionists seem to take common path. Sexuality can be explained through materialist and discursive ways. Essentialists, generally, take up materialist ways and explain structures using biological determinism. Constructionists adopt both materialist and discursive ways to explain structures and ideologies. Explaining the constructionist approach, Judith Squires believes that some positions within constructionism fall under the trap of biological determinism (essentialism).[12] She talks about three positions within constructionism. The first position, 'the structuralist forms of constructionism' stresses on the single structure of power relations which explains the construction of gender in a monolithic way. For instance, she takes up family to be one of the important monolithic structures present in our society that perpetuates gender system. The second position, 'from single to multiple structures' talks about multiple structures whereby the constructionists choose to explain one of these structures, even though they acknowledge the presence of many of them. Both these positions are based on 'material' constructionism. She says that if gender is a product of socialization, then, one has to study the 'social structures' at work. She says that in the 1980s, there existed numerous theories that privileged different aspects of social relations which determined social structures. There was understanding of the existence of multiple social structures. For instance, reproduction (O' Brien 1983), caring (Gilligan 1982), production (Hartsock 1983) and sexuality (MacKinnon 1989).[13] Squires believes that a single social structure created a homogenous conception of gender. Many critics have, therefore, pointed out the existence of multiple structures. From the position that understands gender through multiple structures, critics pointed out to a more pluralized understanding. Now, the basis for the third position viz. 'from 'material' to 'discursive' constructionism' was that in the first and second positions, there was still a presumption of a stable category of sex upon which gendered identities are constructed. The third position defined the categories of 'femininity' and 'masculinity' without invoking the category of sex. The question of gender then becomes primarily linguistic or discursive rather than

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[12] Squires, op.cit., p. 55-62.
[13] Ibid., p. 56.

material or social.[14] Squires says, "On this approach the meaning of femininity has no ontological foundation. It is relational and contextual."[15] She adds, "The constructionist account of sex and gender takes the focus off the biological sex to a large extent, first by introducing a notion of gender as socially constructed, and then by defining feminine as relational to the masculine, without any substantive content in its own right."[16] However, feminists like Rachel Alsop believe that 'discursive' constructionism also has 'materiality' unto it i.e. the former is embedded in the material reality. So, the question remains that whether gender is able to explain social relations without basing itself on sex in some way.

Therefore, whether we take the debate between essentialists v/s constructionists or debates within constructionism - 'material' v/s 'discursive' constructionism, we see that there exist no separate boundaries. Each of these notions are "embedded" and "entrenched" unto each other. They are "partially- fused" concepts/categories as one can't be explained without the explanation of the other. So, to explain women's subordination through the sex/ gender distinction, one has to take up multiple and overlapping categories into consideration. However, in this chapter, my inclination would be towards 'constructionism' to the extent that it does not destabilise the very existence of the sexes.[17]

One of the answers to the question whether gender is able to explain the society with or without the invocation of sex is provided by the social constructionists who believe in the existence of sex as a social category, i.e. sex is a form of social construction. The social constructionists blur the distinction between sex and gender and claim that sex is also gendered. They believe that both sex and gender are socially constructed. For instance, feminist like Catherine MacKinnon explains her theory about gender and sexuality. MacKinnon believes that not only gender but sex is also a social category. She tries to base her theory of sex/gender distinction on the basis of sexuality

[14] Ibid., p. 60.
[15] Ibid.
[16] Ibid., p. 62.
[17] Many constructionists are influenced by post-modernists like Michael Foucault. Therefore, they challenge the very existence of sex as a stable category. I believe, if not two-sex model as it forges biological determinism, there should be existence of 'multiple' sexes which would lead to the challenging of the dominant discourse of patriarchy.

and not sex. For her, women are sexual objects used to satisfy men's desires. Masculinity is defined as sexual dominance and femininity as sexual submissiveness. So, gender difference is not a matter of having a particular psychological orientation or behavioural pattern. But, gender, through relations of dominance and submissiveness, is not a function of sexuality that is hierarchical in patriarchal societies. It is sexuality which is socially dominated. This sexual difference is socially conditioned which is based on power relations. Therefore, she has shifted the mainstream perspective of gender as difference[18] to sexuality as domination. She aims at challenging the "standard" status-quo which invisibly and uncritically accepts male supremacy. For her, the dominant discourse defines reality in androcentric terms and women's position is always ignored. There are no categories available to women which are subjective and can define her in an appropriate manner. To explain her point, she talks about the questions of "Violence against Women". She says specifically about four issues - rape, sexual harassment, pornography, and battery. She critiques the conceptions of these acts as issues of "violence". This is because "violence" in these forms is a gender-neutral term. They are defined in an objective manner failing to represent the feminine point of view. These are, actually, questions of sex and sexuality. MacKinnon says, "We have a deeper critique of what has been done to women's sexuality and who controls access to it. What we are saying is that sexuality in exactly these normal forms often *does* violate us. So long as we say that those things are abuses of violence, not sex, we fail to criticize what has been made of *sex*, what has been done to us *through* sex, because we leave the line between rape and intercourse, sexual harassment and sex roles, pornography and eroticism, right where it is."[19] Therefore, we may say that MacKinnon is trying to challenge the masculine social construct and strives to put forth a feminine understanding which can empower women to describe their reality in their own special way. However, critics believe that when MacKinnon talks about sex

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[18] 'Difference' feminists believe that 'women' as a group is not a homogenous category whereby one has to take race, class, ethnicity etc, into account. They are against treating women as equal to men as they believe that attributes of both men and women are non-comparable.

[19] Catherine MacKinnon, 'Sex and violence : A Perspective', in *Theorizing Feminisms- A Reader*, Elizabeth Hackett And Sally Haslanger (eds.), Oxford University Press, Oxford, 2006, p. 267.

and sexuality as violence, she is also empowering essentialism over constructionism. For MacKinnon, the sexuality is also constructed.

We see that for most of the constructionists, essentialism is an important part of their theory. By emphasizing on the social categories of femininity and masculinity, they put forth the importance of sex. However, for social constructionists to base their theory on a category away from essentialism, they explain the notion of socialization. If social constructionism is an *overhauling ideology* that constructs individual beings, then socialization can be taken as a *means* through which constructionism builds up its ideology. Socialization is a process whereby *reproduction* of the various 'material' and 'discursive' ideas takes place. It is socialization which constructs reality. Reality has both 'dominant' and 'resistance' discourses. Now, let us study the social construction of the 'dominant' discourse of patriarchy and its ways of socialization.

Socialization and Patriarchy

Patriarchy is a social construct which can be understood through the social relations as power relations. Anru Lee believes, "Patriarchy is best understood as an institution of power and authority that is interwoven with other dimensions of social and cultural life. Cross - culturally, the institution of patriarchy is frequently embedded in the framework of kinship, in which individual members are not simply categorized as "men" or "women", but as "fathers", "mothers", "sons", "daughters", "father's brother", " mother's sister", "paternal parallel cousins", "maternal cross- cousins", and so on."[20] Generally we see contemporary feminists emphasizing the study of gender with the concept of patriarchy remaining relevant both as a universal category and a norm. Both are related concepts and it is difficult to understand one without the explanation of the other. This is because male sexual pre- dominance pervades all societies and is considered to be trans-historical. It may be attributed to the way in which our society is socially constructed. Something is a social construction if it is an intended or unintended product of a social

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[20] Anru Lee, 'Patriarchy: Development', Identity Politics, Vol. 3, *Routledge International Encyclopedia of Women- Global Women Issues and Knowledge*, Cheris Khamarae and Dale Spender (eds.), Routledge, New York, 2000, p. 1491.

practice.[21] Patriarchy is a social practice and is an intrinsic part of our social culture.

Social practice becomes a norm in society through 'socialization'. Also, in order to have continuity and persistence in any set of the social practices, those practices are required to be continuously asserted, accepted and implemented. Social practices also involve a certain flow of power relations. In other words, individuals have to be "socialized" for the continuous flow of dominant forms of power relations. As in the case of the hierarchical relations between the sexes, the unequal power relations become a continuous process in history because of the 'socialization' whereby the society conditions individuals forcing them to conform to the normalized sexual behaviour.

Also, the process of "socialization" is dependent upon the social structures of the corresponding society i.e. the social practices of a particular society defines the parameters of its 'socialization'. This implies that there may be a change in the way 'socialization' works in accordance with the change in social contexts i.e., the particularity of the way in which individuals are socialized may differ with the change in contexts. Haslanger talks about "discursive construction" by which she means that "something in existence comes to get categorized in a certain way because there exists a set of features that qualify it as a member of a certain kind or sort."[22] Therefore, one may say that socialization is contextual.

Also, social construction takes place through the agents of socialization i.e. family, society, state etc.[23] in such a way to produce a social context where dominant power relations continue to come into existence and there exists a continuity in social practices. The aim of the dominant context is to reproduce

[21]Sally Haslanger, 'Gender And Social Construction: Who? What? When? Where? How?', *Theorizing Feminisms- A Reader*, in Elizabeth Hackett and Sally Haslanger (eds.), Oxford University Press, Oxford, 2006, p.17.

[22] Ibid., p. 19.

[23] See Kate Millet, *Sexual Politics*, Doubleday, New York, 1970, pp. 33- 36. Millet explains how family is the main institution of socialization which mediates between the individual and social structure. It's the primary social institution through which children learn the values and expectations of the society. She says that the fate of the three patriarchal institutions, family, society and the state are inter-related.

its power relations. This makes the agents of socialization induce certain characteristics into individuals which naturally makes them comply with their societal norms, values and practices. In other words, we may say that the 'nature' of the individuals is determined by their social context. Therefore, it is 'socialization' which produces individuals 'as such', thereby defining their 'nature'. But, many a times, social constructionists have challenged the norms of the context by saying that something or the other is "merely" a social construction, in other words, that what we are taking to be real is only a fiction, an idea that fails to capture reality[24] i.e. one is not able to differentiate between what is real and what is "mere" social construction. This implies that the society has to constantly face challenges in the production of the norms of the society which is synonymous as producing 'reality'. Nancy J. Hirschmann says, " "Social construction" is taken to mean something artificial, something actively created by particular social forces and norms; "constructed" implies "false". The term "socialization" is often used in this sense: the implicit assumption is that if we were not socialized, or socially constructed, we would be more natural, real or true."[25]

Hirschmann says that many feminists believe that commonly the word "social construction" is used to explain women's oppression through patriarchal socialization.[26] Also, many feminists like Anne Fausto- Sterling, by talking about inter-sexed bodies, are challenging the dominant two-sex model which is made universal through patriarchal socialization . Therefore, one cannot take "construction as domination" as Nancy J. Hirschmann says that social construction is never a unified, linear process as multiple discourses exist at the same time, emerging one out of the other.[27] Therefore, power relations are not entirely determinative. She believes that counter- discourses have always existed as dominant discourses which are always contradictory. Also, social construction is guided by empirical existence which has a reciprocal

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[24] Haslanger, op. cit., p.18.

[25] Nancy J. Hirschmann, *The Subject of Liberty- Toward a Feminist Theory of Freedom*, Princeton University Press, USA, 2003, p. 78.

[26] Ibid.

[27] Nancy J. Hirschmann, 'Response to Friedman and Brison', *Hypatia*, Vol. 21, No. 4, Fall, 2006, pp. 204-206.

relationship with the discourse i.e. empirical existence is produced by the discourse and also discourse is guided by empirical existence. Therefore, Hirschmann believes that no social construct can be a closed system and the discourses within the society are always in active interaction with each other. Thus, the relationship between socialization, its agents and social construction is not without challenges. There exist discourses of both domination and resistance. We may say that it is difficult for any society to construct something as universal as there exist challenges and contradictions not only between societies but also within societies. In other words, one may say that the universality of a social construct is challenged by two forces - first, resistance against the particular society where the norms are considered as universal. Second, the existence of particular relationships within a culture; and existence of diverse cultures and their respective social constructs leads to multiple resistances. i.e., the conflictual dynamics between different societies as particularity of one culture renders many other cultures unintelligible.

Now, we may analyse the gendered aspect of social construction by studying the interplay between patriarchal force (both as discourse and ideology)[28], the social construct and women as a 'being'. If we assume the patriarchal force to be ubiquitous based on a universal social construct which considers men as superior and women as inferior, let us analyse the strength of the universality of the social construct and its resistance to various contradictions and challenges. It is believed that the norms of the social construct comply with the patriarchal values which makes the agents of socialization to work in the favour of the latter. Therefore, the patriarchal force interacts and reciprocates with the social context. Gerda Lerner believes that women have never lived without male protection. The actions of women were always guided by men. The agents of socialization never allowed women to know her history and her 'self'. This was due to the fact that patriarchy always entered women's consciousness and became part of her being. It kept women in ignorance and positioned her in a way that she remained outside the dominant discourse.

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[28] Ibid., p. 203, Hirschmann says that it is the patriarchal discourse that perpetuates background conditions of gender power and subordination. And, patriarchal ideology enables individual men and institutions to suppress particular women or groups of women. And both these produce and in turn supported by the material forms of women subordination.

Female subordination is visible in various ways like unequal access of women to health care, quality education at all levels, career and vocational guidance, employment, social security and public office etc. Many socialist feminists have also pointed out the ways in which capitalism has led to the oppression of women which is in the spheres of jobs, education, domestic labour etc. There exists discrimination and all forms of violence against women and the girl child. Also, property rights in a patriarchal system has contributed to the subordinate status of women. There is a fall in the female sex ratio because of female infanticide, dowry deaths, low health care facilities, etc. All these social practices construct societal norms and values to the disadvantage of women. Now, let us study how the construct of these social practices always control women's sexuality resulting in the latter's subordination.

Social practices controlling women's sexuality

Now, in the following few paragraphs, I intend to take up specific social practices which have a significant bearing on women's subjectivity. I will specifically focus on the institution of motherhood and study how the institution of motherhood constrains women's agency and their subjectivity. Then I will take up the issue of rape. Here, I am defining rape as a social practice, since I hold rape to be a practice condoned by society and used to keep women in their place.

We see that even though every society has a particular form of their social practices, but, women's subordination is ubiquitous. Though, there are resistances to the social practices, but, hierarchy is one of the underlying feature which is difficult to challenge. Through the social practices like motherhood and rape, we will study the manifestations of patriarchal social construction. These two practices institutionalize male supremacy and male domination. The social practice of motherhood explicates how motherhood is constructed to be natural to women. However, the construct of being a good mother changes from one society to another. But, women's biological power to reproduce is constructed in such a way that dominates her universally. All women are brought up to be good mothers. Their actions are limited in the domestic sphere. It is the patriarchal ideology that shapes the identity of a

good mother. It shapes their behaviour, attitudes and relationships. They are seen as agents of socialization that seeks to reproduce culture. According to patriarchal ideology, to be a mother is an expression of a 'completeness'. Women who do not follow the patriarchal rules of being a good mother face social stigma and rejection.

Similarly, rape is used as a weapon to dominate women. It is used to disempower women. It is a social practice and is socially acknowledged to be a norm that takes away women's dignity and freedom. However, unlike motherhood, rape takes from women their autonomy as individuals. Raped women bear the brunt and shame at the individual level. At a certain level, patriarchal ideology also holds that only bad women are raped. However, we see that motherhood and rape are patriarchal ideologies which adopt different means to achieve the similar goals of domination. Motherhood as an ideology seeks to create an institution that aims at social stability and cultural reproduction. Rape on the other hand is like death for women and leads to facing shame throughout their life. Therefore, patriarchal ideology views women as passive sexual objects.

Motherhood

We may now probe how motherhood as a social practice is constructed and how its relations with patriarchy become a part of social phenomenon. This involves explaining how patriarchy enters women's consciousness and defines her role as a mother. The practice of motherhood is basically considered a 'feminine' attribute as even if the father is responsible for taking care of the whole family, he is not directly associated with the nurturing of his children. Patriarchy absolves men from major social responsibilities. Adrienne Rich talks about the practice of motherhood in two forms - as an *experience* and as an *institution*. The experiential feeling of motherhood is natural and intrinsic, whereas the institutional aspect of motherhood is a forced one which coercively induces maternal attributes in women. This institutional aspect of motherhood constructs the experiential feeling. Institutional motherhood works

to induce maternal "instinct" and selflessness in every woman.[29] She says, " The new scholars of women's history have begun to discover that, in any case, the social institutions and prescriptions for behaviour created by men have not necessarily accounted for the real lives of women. Yet any institution which expresses itself so universally ends by profoundly affecting our experience, even the language we use to describe it. The experience of maternity and the experience of sexuality have both channelled to serve male interests; behaviour which threatens the institutions, such as illegitimacy, abortion, lesbianism, is considered deviant or criminal."[30] She also explains how forms of birth control and abortion are considered as "genocidal"[31] by the patriarchal norms. Thus, Adrienne Rich by putting forth this distinction, she says that the social role of being a mother induces characteristics which may not comply with her intrinsic nature. This is because of the immense love a mother is conditioned to shower over her children whereby she may lose her identity as a separate individual. It is seen that the pride of being a mother has been internalized by majority of the women. According to the patriarchal norms, a woman is incomplete till she gives birth to a child. The notions of barrenness and incompleteness are introduced into the dominant discourse in order to have compulsory reproduction by the female body.

However, while looking at the construct of motherhood, one can see that there exists a contradiction in the patriarchal norms whereby there is a common contempt for woman on the one hand but on the other hand, there is respect shown for mother to the extent that metaphors of motherhood are used to glorify their values of love, care, nurture etc. This is because it is biologically impossible for men to reproduce. Dacia Marini says, "...the great rhetoric of motherhood functions, above all, to hide the process of reification of the

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[29] Adrienne Rich, *Of Woman Born*, W.W.Norton & Company, New York, 1986, p. 42.
[30] Ibid., p. 42.
[31] Ibid., p. 75, Rich explains this forced reproduction in the context of black nationalist movement whereby women were made to feel guilty if they did not provide with children to carry on the black struggle for survival.

female body which is necessary for the appropriation of human reproduction by the patriarchy."[32]

Therefore, we see that motherhood is culturally constructed as a norm. It is discursive as there exists no monolithic structure to describe its manifestations which vary with time and space. Different cultures have put forth different notions of motherhood including matriarchal societies. Also, motherhood as a concept is *relational* as women are not treated as individual in themselves but 'in relation' their families and children, as mothers and daughters. Women are socialized in such a way that their 'being' is incomplete without the relational aspect. Therefore, we see that patriarchal societies control their women in all sorts of ways. If in one way, women's sexuality is channelled into reproduction, in another way, women's sexuality is made to serve the interests of men through rape.

Rape

Rape is also a patriarchal construct which is used to dominate women. Patriarchal ideology seems to provide spaces to mothers in terms of their action in mainly domestic sphere, but they also take away the very basic individual autonomy in case of raped women. 'Being a mother' is considered to be a celebration; 'to be raped' is a shame. Rape is considered as a weapon of domination and coercion in the hands of men which is used against women. It is an act of violence and it symbolizes male domination. It gives men the power to brutalize women. Rape is understood as normal expression of male sexuality. Catherine MacKinnon seeks to challenge rape by pointing out how rape is related to sexual intercourse and not just to violence. Further, she says that to define an act of rape, the concept of 'consent' is used to differentiate it from sexual intercourse. There are no categories to define women's position in both cases of rape and sexual intercourse. Lotika Sarkar also says, "Treating rape as a sexual offence and not as an offence of violence has hardened the rule that lack of consent on the part of woman has to be proved beyond reasonable doubt. If there are no visible marks of

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[32] Dacia Mariani , (translation by Mary Jane Ciccarelle), 'Of Woman Born', The labour of Women and Family, in *Signs*, Vol. 4, No. 4, Summer, 1979, p. 691.

resistance, which often are absent, the judges have tended to doubt that the victim did not give her consent."[33] Therefore, patriarchy fails to provide space for women's subjectivity. This is because the dominant discourse produces concepts and categories which are androcentric.

Also, we see that rape as domination is not only physical but is psychological too. Nancy J. Hirschmann talks about the fear of rape which shapes a woman's psychology and guides her movements and actions. She says, "Even if they have never themselves been raped or attacked, the fear still inhibits them. Such women are made unfree by such power and fear it generates; the existence of power against, though not actually exercised at a given moment, has translated into a generalized and constant power over."[34] Therefore, through rape, patriarchy challenges the autonomy of a women and her as a being. Rape signifies intrusion of one's self honour and dignity. Patriarchal social constructions is manifested not only in social practices like motherhood and rape but also in issues related to widowhood, education, jobs, etc. Women are the *objects* with which the patriarchal society determines their being.

Till now, we studied how through social construction and patriarchy, women's ontology and subjectivity is defined. How the social practices of motherhood and rape are patriarchal in nature. If we take patriarchy as a ubiquitous phenomenon, we see that it is also contextual and manifested in varying forms in different contexts. For instance, a militarized context is a patriarchal construct. Now, let us analyse how women's identity is defined in a militarized context. This is because a militarized context is a special social situation whereby its forces of social construction work in a manner different from a normal social situation. There exists an interactive dynamics between the challenging social forces which bring about changes in the social practices. We will analyse these social practices in the patriarchal militarized social context and study how it brings about changes in the gendered relations.

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[33] Lotika Sarkar, 'Rape: A Human Right versus a Patriarchal Interpretation', *Indian Journal of Gender Studies* , 1; 69, 1994, p. 70.

[34] Hirschmann (2003), op. cit., p. 24.

Militarization of gendered spaces

A 'normal' social context is marked by stability and continuity in socio-economic and political conditions for a considerable period of time. Any change in the persistent conditions is gradual and is supported by the social structure. The complexity of a normal social context is complimented by its status-quoist attributes. In contrast to this, a militarized social context is marked by the presence of military which turns a normal social context into a 'special case'. The presence of military forces bring about alterations in the functioning of the existent social forces i.e. the intrusions by militarized social forces challenge and destabilize the norms and values of the society. When both militarism and patriarchy define the dominant traditions, the norms and values of a particular social context gets both gendered and hierarchical. Jennifer Turpin links militarism with patriarchy by saying that, "This relationship is dialectical: militarism relies on patriarchal patterns, and patriarchy relies on militarization. Militaries rely on male privilege and female subordination to function."[35] However, hierarchy is *not a norm* in a militarized social context as due to the instability of the social context, there exists 'instances of resistances' against the dominant discourse. Instability of the militarized social context defines women's agency in specific ways that challenges hierarchy and re-defines social roles. Let us analyse the dominant discourse and its relations with the 'discourses of resistances' and the re-definition of social roles.

Re-definition of the gendered spaces takes place when there is presence of military. Here, I intend to analyse a context marked by a self- determination movement[36]. Then we see that the gendered spaces are, often, marked by

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[35] Jennifer Turpin, ' Many Faces : Women Confronting War', in *The Women and War Reader*, Lois Ann Lorentzen and Jennifer Turpin (eds.), New York University Press, New York, 1998, p. 15.

[36] Self determination is a movement where the people seek to determine their own political future which also includes their wish not to be governed under the political influence of foreign power. Michael Freeman in 'National Self-Determination, Peace and Human Right', *Peace Review*, Vol. 10, no. 2, 1 June 1998, says, "The concept of national self-determination appears to express the idea of democracy, according to which the people are presumed to be best qualified to govern themselves".

offensive and *defensive* attitudes. The *offensive* attitude is mostly attributed to the military as their actions under the guise of 'national interest' can be explained through instances of rape, sexual abuse, 'enforced disappearances', custodial killings and war. In contrast, most of the times, the self-determination movement adopts a *defensive* attitude by raising a voice about the social identity of the community, arousing the feeling of motherhood with respect to the nation, defending honour of the community and uniting people for a common cause. However, these *offensive* attitudes of the military and *defensive* attitudes of the self-determination movement converge when they talk about the masculinised notion of 'autonomy' and 'national interest'. The convergence takes place between the attitudes of the military and the self-determination movement when the latter adopts *offensive* attitudes leading to violent activities. Therefore, the *offensive* and *defensive* attitudes explain the dominant discourse of the conflict situation.

The dominant discourse also 'essentialise' certain masculine and feminine attributes. Anuradha M. Chenoy says that both military and self-determination movements talk about the 'essentialist' positions of men and women and thereby force certain attributes on individuals. Women are symbolized with the territory, men are considered as saviours and defenders of one's self respect. She says, "Feminists writers like Betty Reardon analyse the links between sexism and militarism, which is based on the view that men are by nature aggressive and that the social order must be maintained through force, and that sexism and militarism need each other."[37] In a similar vein, feminists like Jennifer Turpin, Cynthia Enloe, Cynthia Cockburn, Liz Kelly, have challenged the dominant normative discourses which essentialise 'masculinity' in a military context and explain the experiential reality of both women and men in 'masculine' terms. They have analysed the processes of militarism through the gendered lenses and re-defined the masculinised notions of reality. They believe women have been generally misrepresented or underrepresented. Women's presence in a violent conflict and their relative fight against the violent norms actually shows the nature of the conflict.

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[37]Anuradha Chenoy, 'Big Boys on the Block- The Intersections of Militarism and Patriarchy', in Manjeet Bhatia, Deepali Bhanot and Nirmalya Samanta (eds.), *Gender Conflicts in South Asia- Some Perspectives*, Rawat Publications, New Delhi, 2008, p. 68.

Cynthia Cockburn provides us with a gendered perspective in the conflict zone and says that "...gender relations can be seen producing effects at three interrelated sites: first, the specificity of male and female bodies; second, their relative positioning in society; third, gender ideologies in play."[38] She says that both men and women are tortured and brutalized in a different manner. This is because of the biological differences between the sexes and also the culturally ascribed meanings. For her, even before the existence of physical violence in a militarized context, there exists 'structural violence' which explains all forms of physical resistances against modes of oppression.[39] Talking about pre-conflict moments, she says that there are divisive shifts in the ideology. She says, "An ethic of "purity" may grip people's minds and legitimate politically "cleansing" the state of its internal enemies and ethnically cleansing the land of people who are seen as alien."[40] Therefore, in extreme form of patriarchy, the ethics of "purity" may be aroused whereby men's honour is seen as equivalent to what we may call women's "purity". Unfortunately, this had led to "honour killings" when women have or not been able to abide by their respective "purity" codes. She also expounds why man to prove himself as the "real" man takes part in violence which may be for honour, money, patriotism, brotherhood etc. She explicates how rape is used as a weapon of war. It is not only used to victimize a women but also used to attack the self respect of enemy and also prove that men failed in their job of protecting the women of their land. Kelly says, "The choice between silence and stigma is one every women who has been raped has to negotiate, weighing the costs of each. Self-blame and the absence of justice are also themes which connect work on rape across locations and contexts."[41] Males defends their stance by justifying through notions of 'defending the fatherland' or even being 'on the frontline'.[42] Kelly says, " Women's bodies constructed as both territory to be conquered and vehicles through which the nation/group can be reproduced.... Within any

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[38] Cynthia Cockburn, 'The Continuum of Violence: A Gender Perspective on War and Peace', in *Sites of Violence- Gender and Conflict Zones*, Wenona Giles and Jennifer Hyndman (eds.) , University of California Press, California, 2004, p. 30.

[39] Ibid., p. 31.

[40] Ibid., p. 33.

[41] Liz Kelly, 'Wars Against Women: Sexual Violence, Sexual Politics and the Militarized State', in *States of conflict: Gender, Violence and Resistance* Susie Jacobs, Ruth Jacobson and Jen Marchbank (eds.), Zed books, New York, 2000, p. 54.

[42] Ibid., p. 52.

conflict or struggle about cultural 'authenticity' or national identity, gender is always lurking beneath (or closer to) the surface. It is these connections which feminist resistance, in a range of contexts, to religious fundamentalism has sought to highlight."[43] Apart from this, women are also deprived of their everyday life. During conflict there is a renewal of patriarchal familial ideology which deepens the divisions between bringing a change in their gender roles whereby it prepares men to fight and protect women and children and the nation. This is not the same for women as they are constrained by the cultural norms which restricts them to home front for taking care of the house and nurturing the children. But, at times they may support men. Therefore, along with 'essentialism', there is 'constructionism' of sexist roles. As the militarised context is so unstable, the 'constructionism' of the re-defined context i.e. the changing militarized context, leads to constant re-defining the 'construction' of masculinity and femininity. This means that 'constructionism' actively responds to the instability of the militarized context.

Now, let us study the 'constructionism' of a context marked by military and self-determination movement. The presence of the military in the context marked by the self-determination movement, enforces certain attributes on both men and women which leads to the re-defining of the notions of 'masculinity' and 'femininity'. Norms of 'masculinity' which are based on the presence of distinct public sphere gets blurred as women also enter the masculine sphere, thereby blurring the boundaries. When women move out in the public sphere, their roles also get re-defined. Re-defining militarized context means not only subjugating women's spaces, but also putting forth their agency. Therefore, we see that blurring of the public and private boundaries is leading to changes in the social relationships of domination and suppression. Now, the question arises- Does this re-defining of masculine and feminine roles impact upon the nature of sexual violence?

Militarized context seems to bring about changes in terms of masculine and feminine roles but sexual violence still remains part of the structure. Kelly says, "The conventional (patriarchal) definition of war involves associations with

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[43] Ibid., p. 50.

activity, heroism and masculinity. Peace, by contrast, is often understood as the absence of war, but in more developed formulations it is also linked to the quiet, mundane feminine."[44] Generally, we see that patriarchal control is maintained through sexual violence whereby the latter also prompts individual and collective resistance among women.[45]

Apart from being recipients, women have actively involved in the conflict situation. Many a times, they have fought wars. But, unfortunately they are generally relegated to second class status in the military. Jennifer Turpin says, " Rather being separate from women's lives, war making relies on women's participation."[46] Also, links are made between motherhood, nationalism and militarism. Women have urged men to join war. Women have also been the target of the propaganda of what constitutes a "good mother" during war time. They are even asked to produce more and more children as martyrs. Many women have protested the public mourning of the deaths of their sons. Its a form of a resistance and protest against the war. However, Turpin says that there is a dialectical relationship between militarism and patriarchy. Military relies on male privilege and female subordination. This privilege is both structural and functional. Turpin says, "Gendered social relations encourage militarism, and militarism in turn relies on gendered social relations."[47]

Therefore, we see that in a conflict situation, the dominant relations of power are altered. Though, patriarchy re-enforces itself through the military rule, but women also assert themselves and play an important role in constructions of 'newer kinds of reality' whereby the older discourses gives way to new types of relations of domination and submissiveness.

Now, the question arises- Is it possible to do away with the common understanding of masculinity and femininity in the social context which is very volatile? This question is posed because of the fact that instability of the volatile context may provide spaces for resistances and challenges. This is because the amount of contradictions are more in volatile context than in a

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[44] Ibid., p. 48.
[45] Ibid., p. 45
[46] Turpin, op. cit., p. 3.
[47] Ibid., p. 16.

'normal situation'. Also, a change in the 'normal situation' provides spaces to individuals with alternative discourses which may challenge the underlying conceptions. This challenge may pave way for the very act of 'moving out' of the 'common understanding'. This invites formulation of new concepts, norms and practices which may challenge the established set of power relations. This 'moving out' may be equated with the 'sense of empowerment' which means to occupy the interstices and voids placed in between the overlapping discourses.

Feminists have tried to answer the dominant discourse by devising ways of how can one 'move out' or challenge the dominant patriarchal norm. Gerda Lerner believes that 'androcentric fallacy'[48] cannot be corrected by adding women's voices to the already existent male dominant discourses. One requires restructuring of thoughts and analysis. For this women need to develop a new language with the indicator of changed consciousness and new thinking. She believes that, for women's emancipation, transformation of her consciousness is an important precondition. Linda Martin Alcoff also says that being a "woman" is to take up a position with in a moving historical context and to be able to choose what we make of this position and how we alter this context. Similarly, Catherine MacKinnon says that "What we do see, what we are allowed to experience, even in our own suffering, even what we are allowed to complain about, is overwhelmingly constructed from male point of view."[49] For her, solution does not lie in formulating and accepting gender-neutral terms but women have to assert for an affirmative definition which leads them to the control one's own sexuality.

Therefore, we see that in a militarized context, the structural forms of domination gets challenged. The sexual relations of power gets altered. There exists an instability between the structural forms of domination and sexual relations of power. We may say that there exists a *sexual-structural* war. Now, let us explain this *sexual-structural* war in the following few paragraphs.

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[48] See Lerner, op. cit., p. 220. Lerner says that male hegemony exists over the societal symbol systems because of educational deprivation of women and male monopoly over definition. The fallacy is because of the distortion of reality whereby men's experiences, ideas and viewpoints represent all human experience and thought. p. 220.

[49] MacKinnon, op. cit., p. 270.

The *sexual-structural* war

There exists a kind of *sexual-structural* war when a social context gets destabilized due to the presence of the military factor. Then, the discursive social structure and the sexual relations including the understanding of the notions of 'masculinity' and 'femininity' gets altered. There exists blurring of the boundaries between 'masculine' and 'feminine' ways of living. Women take up masculinised notions of violence and enter the public sphere. Some women may even think of their new roles as prestigious as they advance their social positions by picking up the work of men.[50] Women are not defined as individuals in themselves but in terms of their social positions with regard to men i.e. duties and relationships within the family.[51] Kelly says that women's agency is only recognized when she takes up acts which resemble traditional masculine behaviour.[52] Men also enter into a 'hyper-masculinised' and militarized sphere where there is stark violence, re-enforced inequality due to instability of social relations and continuous presence of an armed adversary. They are also instilled with the feeling of 'fear' which is otherwise understood as a 'feminine' value. Also, with women entering the masculine sphere, their role as 'men' or head of the family is challenged. But the question is- to what extent this *sexual-structural* war takes place? Does this *sexual-structural* war end with the revival of the 'normal' situation that existed in the pre-conflict times ?

Philomena Goodman in her book '*Women, Sexuality and War*' (2002) explores how in a war context, traditional norms of femininity are not challenged. But, changes in feminine roles are accepted *for the duration* depending upon the circumstances. She talks about the notion of *patriotic femininity* which is constructed because of the tensions developed when women challenge heterosexual values and access public spheres necessitated by the war situation. This construct justifies how in the war context, women are mobilized to take

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[50] Mary E. Hans, 'Women and War', in *Women in the Third World- An Encyclopedia of Contemporary Issues*, Nelly P. Stromquist (ed.), Garland Publishing, New York, 1998, p. 87.
[51] Olivia Bennett, Jo Bexley, Kitty Warnock, 'Introduction', in *Arms To Fight, Arms To Protect- Women Speak Out About Conflict*, Olivia Bennett, Jo Bexley and Kitty Warnock, (eds.), Panos Publications, London, 1995, p. 11.
[52] Kelly, op. cit., p. 46.

up jobs then required by the dominant discourse. As a result, they challenge the heterosexual roles. Goodman says that patriotic femininity may also mean maintaining domestic space i.e. whatever the dominant discourse demands even if it means women's presence in the private sphere. She believes the widespread norms of masculinity and femininity are never fully done away with. In fact at times, in conflict situation, gendered relations are re-enforced in a heightened manner. Also, any change in the gendered roles were accepted only 'for the duration' in the exceptional circumstances and is expected to retract back to legitimized role in the normal condition. She says " 'For *the duration*' was used to legitimise the contradictory demands that were being made, in the name of war effort, on the women's lives and identities."[53] So, we may say that the volatile context provides spaces to women which are otherwise prohibited, men change their attitudes to suit the needs of the hour. However, to what level is the structure challenged is questionable and is dependent on the particular context.

Benett *et al.* says , "More often, especially in insurgency movements, women are encouraged to participate because their labour, skills and relative ability to move around unnoticed, are needed. Their roles are usually to provide support and care for male combatants and victims, but also to work as couriers and in intelligence."[54] They say that in the context of violence, there exists economic and social disruption which results in women taking up roles taken mostly in an unplanned manner including adopting new responsibilities like economic provisions for their families, new forms of management, decision-making and administrative tasks, such as dealing with officialdom and governments.[55]

Also, Mary E. Hans talks about the impact of warfare on the lives on women and says that they are either victims, reactive participants, or proactive participants. She says, " Throughout history, women have been victims of war and have reacted when conditions demanded immediate or emergency behaviour."[56] She has explained women's roles as victims in war as widows, orphans, disabled, rape victim and prisoner. Their reactive roles include being

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[53] Philomena Goodman, *Women, Sexuality and War*, Palgrave, New York , 2002, p. 14.
[54] Benett *et al.*, op. cit., p. 6.
[55] Ibid., p. 10.
[56] Hans, op. cit., p. 85.

a refugee, emergency fighter, emergency defender, lookout/informer, rescuer and prostitute. Hans says, " being a mother or older sister brings with it an emotional responsibility toward caring for the survival of the family, which prompts women to acts of bravery and sacrifice regardless of the personal risks."[57] Proactive roles are soldier/combatant, soldier/ supporter, guerrilla fighter, journalist, recruiter/ propagandist, politician, peace activist, intelligence officer, medical worker, social worker and protestor.

Therefore, we see that the *sexual-structural* war brings about changes in women's roles and hence paves way for their activism.

Women's activism

Before analysing women's activism in a *sexual-structural* war defined in a conflict-ridden context, let us first see how we can study Linda Alcoff's concept of 'positionality' in the above situation. Linda M. Alcoff aims at identifying female subjectivity. However, Alcoff avoids the presupposing complete uniformity of women's experience. For her, there is enormous diversity in women's sexual experiences. She says, "... one must refrain from universal pronouncements about the nature of women's oppression or the content of our political goals. But women exist with many common problems across the globe, as well as widely shared needs for freedom from physical violation, for education, for meaningful work, for our rightful share in our society's political self determination, and for fair remuneration for all the kinds of work we do whether or not it produces surplus values or shows up in the GDP."[58] Linda M. Alcoff believes that feminism faces an identity crisis as it has become difficult to understand- 'what it is to be a woman?'. She develops an account of gender as 'positionality'[59] whereby "gender is among other things, a position one occupies and from which one can act politically."[60] She believes that since women are socially positioned in various contexts, "there is

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[57] Ibid., p. 88.

[58] Linda Alcoff, *Visible Identities- Race, Gender, and the Self,* Oxford University Press, Oxford, 2006, p. 152.

[59] For Alcoff, 'positionality' is a concept with general reference to social identity and agency which emerges in relational circumstances that are in constant change.

[60] Alcoff, op. cit., p. 147.

no essence that all women share."[61] However, women are objectively located in social structure and relations. She does not equate women's position to that of passive recipients but believes that women can actively contribute to the context where they are placed. This contribution may include construction of new meanings which may overturn the patriarchal discourse. Therefore, Alcoff provides women -the power of 'being a woman'- whose position is in constant interaction with the context which is both challenged and questioned by her. She does not want women to 'transcend reality' but aims at equal play in interacting with 'reality'. Therefore, feminists like MacKinnon and Alcoff have tried to challenge the patriarchal norms by pointing out the sites of oppression and dominance. They have defined women's subjectivity in a way that tries to deconstruct the dominant discourse. Kalpagam also talks about women's activism not only at an organizational level but at the insipient individual level as well. She says, "Individual acts of resistance that are isolated and part of coping strategies of individuals- the so called 'weapons of the weak', to use the phrase popularised by James Scott- are not valorised, irrespective of whether such acts of resistance are successful."[62]

Therefore, one has to keep in mind the gendered roles and the sexual-structural war. So, in whatever ways women act for themselves, even in terms of the relational aspects (as a mother, wife, daughter, sister), is an 'act of empowerment'. Women have also organized themselves around the issues of 'rape', sexual abuse, violence etc. they are fighting for their rights, dignity and freedom. Mothers have also paved way for peace movements. They are against any sort of violence. But, survival in the social context marked by violence is difficult. Some women rather than fighting back have co-opted with the masculine ways of living or adopted/ accepted the latter's path. Kelly says women do not take up arms but are trying hard to survive. They are constantly striving to find alternatives to violence through peace movements. She says that such movements are invariably responded to through contempt and derision by male (military) leaders. She talks about notions of "patriarchal bargains"- " women in a variety of contexts may chose to opt for immediate self-

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[61] Ibid., p. 147-148.

[62] U. Kalpagam, Life Experience, Resistance and Feminist Consciousness, *Indian Journal of Gender Studies*, 7:2 , 2000, p. 167.

protection by allying themselves with more powerful men, rather than support (believe) less powerful women and girls; that this happens in the context of armed conflict should come as no surprise to feminists- it is yet another example of the 'patriarchal bargains' women make in circumstances no of their choosing."[63]

Conclusion

The identity and subjectivity of women is context dependent. With the change in time and space, there takes place a re-defining of women's roles and subjectivity. To understand women's subjectivity, feminists have debated amongst themselves and have argued for either 'essentialist' or 'constructionist' positions. In this chapter, the 'constructionist' approach was used to define women's subjectivity and re-define the same in a militarized context. Women's subjectivity is always 'discursive', whereby even though being context-dependent, there is an element of 'fluidity'. This 'fluidity' is attributed to the fact that the boundaries between 'masculinity' and 'femininity' are always blurred due to the context which forces individuals to take up issues against the norms and values of the society. A militarized context, though it constricts 'freedom' in the political sense, but it also provides ample spaces to individuals to move outside the constrains of 'masculinity' and 'femininity' and challenge the norms of the society i.e. militarization leads to re-defining of 'masculinity' and 'femininity' thereby providing social spaces to men and women. Also, patriarchy, though a universal norm, has to adjust to particular social contexts. But, the particular social context is also dominated by a group of power relations. So, the nature of the society depends upon how the power relations interact and produce other social relations. These forces and power-relations determine not only what women are 'allowed to do' but also what they are 'allowed to be'. Therefore, an individual's contingency of being a woman becomes a necessity. So, asking the question again- Is *'moving out'* possible for women from the construct of patriarchy? The answer may be found out by studying the various contexts and the particular forms which patriarchy adopts. Also, to what level, the construct of patriarchy wavers its

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[63] Kelly, op. cit., p. 53.

forms of domination and oppression providing spaces for individual actions is questionable. But one cannot subside the various ways in which present day women have moved ahead like the various feminist movements struggling against domestic violence, sexual abuse, rape etc. A lot depends upon women's understanding of their 'reality' and their resistance to the varying forms of domination. The inter-relationship between the particular and universal aspects of patriarchy has to be understood in order to find a space for one self which is free of any domination or to adopt a social position which is acceptable to oneself. Every women should be able to move away from patriarchal ideology or should be able to understand the latter, so that they have the right to govern their identity and subjectivity in their own terms. But, the social context has a major role to play in this.

The context of Kashmir : Placing women between the self - determination movement and militarization

In India, the valley of Kashmir is one of the heavily militarized regions where the occupation of the Indian forces is massive and beyond humanitarian levels. There exists a sharp confrontation between the military forces and the people. The presence of the military forces is due to the conflict situation marked by the self determination movement where by individuals are demanding freedom against the domination of the Indian state. Unfortunately, the situation has deteriorated to the extent of its politicization by various vested interests present both in India and Pakistan. The politicization of the Kashmir issue has not only resulted in the coercion and abuse of power in the hands of military, but also, various groups of militants and other non-state actors have exploited the state of affairs. There is a lack of rule of law which is an essential prerequisite of democratic governance. The political power which otherwise rests in the hands of the people in a democratic nation stands subjugated in the Kashmir valley. The people feel alienated and do not have the right to live in peace and tranquillity. Rita Manchanda says, "The people remain trapped, terrorized by multiple armed unaccountable agencies, at the risk of being picked up, 'disappeared', illegally detained, tortured, raped and killed."[1] The people of Kashmir suffer from all ends as politically they fail to assert their democratic rights, there is lack of economic development and socially also they feel alienated as they fail to identify themselves with the rest of the country. However, it is not that people have always remained silent victims. They have struggled and revolted against the unsympathetic reality but unfortunately, most of the times, they are forced to succumb and surrender against the undemocratic ways of life.

If one looks at India, it is the world's largest democracy with the claims of being a responsible government. The basic characteristics of being a

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[1] Rita Manchanda, 'Guns and Burqa: Women in the Kashmir Conflict', in *Women, War and Peace in South Asia- Beyond Victimhood to Agency*, Rita Manchanda (ed.), Sage Publications, New Delhi, 2001, p. 46.

responsible government includes rule of law, basic fundamental rights which are constitutionally granted to all citizens, accountability and transparency in government policies, adoption of welfare policies etc . Also, in the pluralist society , the Indian state claims to respond by being secular, accommodative and just. However, these claims of following the principles of democracy and humanitarianism become invalid when one is asked to focus on the state of Jammu and Kashmir especially the Kashmir valley. Kashmir becomes an 'instance of paradox' when one looks at theory in terms of what was promised and practice in terms of what actually happened i.e. crushing away of all promises. A. G. Noorani says, " There is little or no realisation in India about the depth of the alienation, nor any serious effort to understand its causes. Not surprisingly, all the cures prescribed over the years have failed dismally. They ignored the ones who matter- the people- and do not care to ask what it is that they really yearn for."[2] Noorani opines that since the time of independence it was only the politics of integration which was of prime importance and not accommodation. On February 1994, India's parliament unanimously adopted a resolution declaring that the state of Jammu and Kashmir has been and will always be an "integral" part of India, and that India has the will and the capacity to counter any effort to compromise this.[3] Therefore, through the case study of Kashmir, we can analyse how the Indian state coercively maintains its boundaries and 'pseudo-democratic' rule. The study of Kashmir as a 'special case' explicates the pseudo- nature of the Indian democratic rule even further.

Why Kashmir is a 'special' case ?

The origins of the present context in Kashmir basically dates back to 1947 when the Instrument of Accession was signed between the Indian state and Maharaja Hari Singh. Then, there existed volatile and capricious conditions in the princely state because of various factors. Externally, there was a tribal

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[2] A.G. Noorani, 'Agenda for Kashmir', *Frontline*, 18th December, 2009, p. 85.

[3] Wajahat Habibullah, 'The Political Economy of the Kashmir Conflict Opportunities for Economic Peacebuilding and for U.S. Policy', *United Nation Centre for Peace- Special Report*, June 2004, (accessed on 22-01-2010) <http://www.usip.org/files/resources/sr121.pdf>

attack from Pakistan which pushed the Maharaja to turn towards the Indian dominion. Also, the United Nations mission was invited to mediate the dispute taking the Kashmir issue to the international arena. Then, it was decided to hold a plebiscite to determine the political future of the people of Kashmir. The plebiscite which never happened led people to feel alienated and lose their trust on the political decision making by India, Pakistan and the International society. The decisions taken by those in power never complimented the aspirations of the people. Navnita Chadha Behera says, " The inclusion of Kashmir was central to Nehru's battle to realize his modernist notion of a secular and plural India."[4] She also says that "Pakistan was not so much concerned about being incomplete without Kashmir as about seeing a Muslim-majority state voluntarily opting to join India."[5] Hence, Pakistan adopted the blame- game policy against the Maharaja Hari Singh and India. She says that Pakistan could not explain how the popular leader Sheikh Abdullah repudiated the two-nation theory.[6] This shows that both India and Pakistan were more worried about their ideologies and proving themselves right and virtuous in their actions and policies and therefore, caring little about the wishes of the people of Kashmir.

Rekha Chowdhary opines that in Jammu and Kashmir, "Diversities operate at multiple levels depicting complex picture of the society."[7] Internally, the state was divided into three ethnically and culturally diverse regions- Kashmir valley, Jammu and Ladakh . However, in 1947, while emphasizing on the Muslim populations' homogeneity in regional aspect, the state had 77 % Muslim population with the majority residing in the Kashmir valley. Talking about religious aspect, Chowdhary says, "Kashmir is the only region which can be described as homogenous in terms of its religious composition."[8] But, the people of the state were divided amongst themselves on issue of the future of the state as there existed multiple voices within the state amongst which some wanted merger with Pakistan, others wanted Kashmir to accede to India and

[4] Navnita Chadha Behera, *Demystifying Kashmir*, Pearson Longman, New Delhi, 2007, p. 30.
[5] Ibid., p. 27.
[6] Ibid.
[7] Rekha Chowdhary, 'Multiple Identity Politics in Jammu and Kashmir', in *Identity Politics in Jammu and Kashmir*, Rekha Chowdhary (ed.), Vitasta, New Delhi, 2010, p. 4.
[8] Ibid.

still others who wanted Independent Kashmir. However, the Jammu region with majority Hindu population almost unanimously favoured accession with the Indian. Chowdhary says that the existence in the divergence of political aspirations has led to 'multiple identity politics'.[9] She says not all identity politics operate within the same paradigm and talks about the layered context with each layer having a different context of its expression.[10] She adds, " The first layer that encompasses mainly the Kashmiri identity politics makes claims that are rooted in the nationalistic or sub-nationalistic aspirations of the people. The second layer locates itself within the power structure of the state and operates at the regional and sub-regional levels. The third layer situates itself in the context of collective marginalization on the basis of tribal, caste and other categories."[11]

However, focussing on the valley of Kashmir, many people from the valley were unhappy with the Instrument of Accession. As, the Maharaja of the princely state chose to join the dominion of India on special conditions, the Indian state also accepted the relatively autonomous position of the state by including article 370 in the Indian Constitution. It was the Delhi Agreement that ratified Kashmir's autonomy. The nexus between Nehru and Sheikh Abdullah led to the final accession of Kashmir. Sheikh Abdullah believed that religion had no role to play in politics and assured Nehru that he had the full support of the people. Abdullah wanted to join the Indian dominion as against the Maharaja who was still indecisive about the future of the state. But, since independence, New Delhi has been setting up puppet governments in the state. The people are only preyed upon by the political actors. With S. Abdullah's dismissal in 1953, and Bakshi Ghulam Mohammed coming up, Indian jurisdiction was extended to areas beyond those spelled out in article 370.[12] In 1963, it was G.M. Sadiq whose regime presided over the extension of article 356 and article 357 empowering central government to dismiss an elected government as against the Delhi agreement according to which only under cases of external aggression (article 352) could centre declare a state of

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[9] Ibid., p. 7.
[10] Ibid.
[11] Ibid.
[12] Seema Kazi, *Between Democracy and Nation- Gender and Militarization in Kashmir*, Women Unlimited, New Delhi, 2009, p. 80.

emergency.[13] There has been gradual erosion of the special status of Jammu and Kashmir implicated through the article 370. Seema Kazi says "The erosion of Kashmir's autonomy and its integration within the Indian Union was thus written into law *without* Kashmiri affirmation."[14] Finally, with the 1975 Indira-Sheikh Accord, Kashmir was made the constituent unit of India. After Sheikh Abdullah's demise in 1982, his son Farooq Abdullah took over, but by now Kashmir's destiny was under total controlled of New Delhi. This was against the commitments and promises made at the time of accession by the leaders both at the centre and the state . Adding to this, it was not only the central government that was imposing its rulings over the people, leaders of the state fully participated in the power game. This became apparent with the Rajiv-Farooq accord of 1986 when Farooq Abdullah, in order to capture power, joined hands with New Delhi. This led to the total erosion democracy and also shattering of the popular support base of National Conference Government and people's confidence in the state party system. It was this failure of the state government which had a long legacy of public support that resulted in a dissatisfaction and lose of faith in the masses.

Now, a kind of political vacuum was created among the masses which was then filled in by the broad coalition of political groups under the banner of Muslim United Front (MUF) which provided a new opposition. As, National conference was sceptical of the new challenging opposition, it led the party to rig the 1987 elections. Navnita Chadha Behera says, "If the Accord had blocked secular and nationalist outlets of popular discontents, the elections blocked constitutional and democratic channels of protests as well ... When the attempt by the young protagonists to capture state power through constitutional means was scuttled by rigged state elections, they felt that 'the bullet will deliver where the ballot had failed'. It was in the police control rooms and Kashmiri jails that the first generation of Kashmiri militants was born."[15] Therefore, with the rigging of elections and the loss of trust in the political parties, the people of Kashmir led a self determination movement whereby the

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[13] Ibid.

[14] Ibid., p. 81.

[15] Navnita Chadha Behera, 'The Rhetorics of the Kashmiri Militant Movement', in *The Valley of Kashmir- The Making and Unmaking of a Composite Culture*, Aparna Rao (ed.), Manohar Publications, Delhi, 2008, p. 615.

latter themselves claimed to fight for their democratic rights and determine their own political future. The growing self- determination movement led to the erosion of *Kashmiriyat*, political discontentment and the revival of Islamic fundamentalism. Now, violence and bloodshed held legitimacy amongst the masses.

Erosion of *Kashmiriyat*, political discontentment and the rise of Islamic fundamentalism

Kashmir's social and political identity is closely associated with the idea of *Kashmiriyat*. Before, the exodus of Kashmiri Pandits from the valley, *Kashmiriyat* was a *mass phenomenon* which denoted 'togetherness' and 'accommodation'. Riyaz Punjabi believes, "... Kashmiriyat has evolved through a process of acculturation absorbing diverse cultural elements and accommodating different religious practices ranging from Buddhism, Shaivism, Jainism, and Islam. These faiths, during varied period of time, incorporated local customs and traditions within their respective folds, providing Kashmiriyat with distinct, instinct and plural characteristics."[16] People of diverse faith valued social cohesion. Punjabi also points out how Kashmir's identity moved from cultural to political domain. In the 1940s to 1950s notion of Kashmiriyat was articulated by National Conference.[17] The notion of Kashmiriyat was used politically in the nation-building measures. Feelings of nationalism was aroused without invoking religious feelings. For, Sheikh Abdullah, *Kashmiriyat* was, " The fundamental rights of all men and women to live and act as free citizens to make laws and fashion their political, social and economic fabric so that they may advance the cause of human freedom and progress are inherent and cannot be denied though they may be suppressed for a while. I hold that sovereignty reside in the people, all relationships, political, social and economic derive authority from the collective will of the people."[18] Therefore, Kashmiriyat has a strong impression in the history of Kashmir. But, in the 1990s, there was erosion of Kashmiriyat due to exodus

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[16] Riyaz Punjabi, 'Kashmiri Identity in a Universe of Competing Identities', in *Identity Politics in Jammu and Kashmir*, Rekha Chowdhary (ed.), Vitasta, New Delhi, 2010, p. 46.
[17] Gul Mohammad Wani, 'Labyrinth of Kashmiri Identity', in *Identity Politics in Jammu and Kashmir*, Rekha Chowdhary (ed.), Vitasta, New Delhi, 2010, p. 93.
[18] Ibid., p. 94.

of Kashmiri Pandits, political discontentment among the masses and rise of Islamic fundamentalism.

Now, during the initial high phase in turbulent Kashmir, Islam was seen as the solution to all sorts of problems. The people of the Kashmir Valley believed that it was through *jihad*[19] that they could attain peace, dignity and freedom. Now, *jihad* was used to justify political violence.[20] However, Sayyed Ali Shah Geelani, prominent ideologue of Jaamat-e-Islami, placing Kashmiri struggle within an Islamist paradigm, believed that India's hostile attitude towards Muslims had resulted in *jihad* as it was their religious right and was directed against the Indian state and its agents and not against Indians or Hindus per se.[21] Navnita Chadha Behera says, "A popular slogan of the Hizbul Mujahideen was ' *Na guerrilla, na quami jang: al jihad al jihad* (It is neither a guerrilla war nor a national war: it is a holy war)'."[22] It was the political discontentment with the Indian state that has led to the rise of Islamic fundamentalism in Kashmir.

Neera Chandoke[23] opines that it is the insistent erosion of democratic space that has permitted the articulation of political discontentment. She says that the social contract i.e. Instrument of Accession signed in 1947 between the people of Kashmir and the centre and state government has been repeatedly infringed because of the failure of political institutions and organization. She believes that the democratic institutions have failed to channel political restiveness. Similarly, Sumit Ganguly[24] points out that the reasons for the crisis in Kashmir is the result of the decay of the political institution. For instance, the decline of the once dominated Congress party, the politicization of the civil services and judiciary, the reliance on military to restore public order, and the overall lack of probity in public life. Sumit Ganguly says, " The singular

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[19] Jihad is an Arabic word which means "struggle". In the religious context, there are three kinds of struggle; an internal struggle to maintain faith, the struggle to improve Muslim society, or the struggle in a holy war.

[20] Behera(2008), op cit., p. 631.

[21] Ibid., p. 630-632.

[22] Ibid., p. 635.

[23] Neera Chandhoke, *Of Broken Social Contracts and Ethnic Violence: The Case of Kashmir*, Working Paper no. 75, Crisis State Programme, 2005, (accessed on 24-01-2010) <http://www.crisisstates.com/download/wp/wp75.pdf >

[24] Sumit Ganguly, 'Explaining The Kashmir Insurgency: Political Mobilization And Institutional Decay' , *International Security*, Vol. 21, no. 2, Autumn, 1996, pp. 76-107.

political tragedy of Kashmir's politics was the failure of the local and national leadership to permit the development of an honest political opposition."[25] While talking about the religious orientation of the self determination movement, Ganguly says that "In Kashmir case, the issue of ethnic stereotyping was largely irrelevant until the outbreak of the insurgency. Despite significant economic disparities between Hindus and Muslims, and Hindu dominance of most political and economic institutions, widespread communal hatred did not exist in Kashmir. Even if two communities did not enjoy extensive social interaction, violent inter-ethnic conflict was not prevalent. Instead, a common bond of Kashmiri identity, popularly known as *Kashmiriyat*, prevailed."[26] However, it is now that ethnic stereotyping has gained grounds especially after the exodus of the Hindu Kashmiri pandit population from the valley. However, the insurgency has been along ethno- religious lines. Ganguly gives four reasons for that- firstly, the state is divided into districts that produce religious divisions . Secondly , the geographic isolation of Kashmiri Muslims from the rest of the country. Kashmiri Muslims and Indian Muslims never had extensive ties. Therefore, Kashmiri Muslims did not air their grievances as a part of national community but as a regional sub- community. Thirdly, when secular politics fail, political mobilization tend to follow ethno-religious lines. Fourthly, Pakistan also did not want to leave the opportunity to weaken India's control over Kashmir. They funded, trained and organized the movement. They also directed Afghan *mujahideen* towards Kashmir.[27] Many people fear that the old diktats will now be re-inforced in the valley. *Hizb-ul-Mujahideen* announced their goal of creating a *Nizam-e-Mustafa* (Islamic state) in the Valley, and issued slogans like '*Agar Kashmir mein rehna hoga, Allah Allah kehna hoga*' (if you want to continue to live in Kashmir, you have to pray to none but Allah).[28] Therefore, we see that there exists a political crisis along with ethnic-stereotyping of the people in the Kashmir valley. This ethnic stereotyping frames the present identity politics in Kashmir. However, it is a 'newer phenomenon' as before the notion of *Kashmiriyat* prevailed in the valley. Kashmiriyat has lost its meaning with the self-determination movement.

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[25] Ibid., p. 100.
[26] Ibid., p. 87.
[27] Ibid., p. 102-3.
[28] Kazi, op. cit., p. 18.

Self- determination movement and women's activism

Since the beginning of the 1990s, the self-determination movement has had a great impact on the lives of the people. Sumantra Bose suggests that it was the malpractices of the 1987 elections that forced the young people to adopt violent methods. For instance, Yusuf Shah, who belonged to the *Jamaat-i-Islami* and who contested under the banner of the MUF, became Syed Salahuddin, the commander of the dreaded *Hizb-ul-Mujahideen*.[29] Like Yusuf Shah, there were many leaders who turned to militancy as they were denied the chance to participate in the electoral politics.[30] Yasin Malik also, procured weapons from the Pakistani occupied Kashmir and was trained in their use. Later, Malik became a core member of the Jammu and Kashmir Liberation Front (JKLF), the group that launched insurrection in the valley. The disgruntled youth joined the movement and even supported the militants. Navnita Chadha Behera says, "Many shared the view that, ' when the government has taken gun against the people, why should not we take up a gun, if we have to die tomorrow, why not today?' or 'if we have to die like this, why not pick up the gun?'."[31] The loss of trust pushed them towards the undemocratic ways of achieving success.

In a democratic governance, the will of the people is important for realizing human dignity and freedom which are important aspects of human lives. In Kashmir, it is the self determination movement acting as a means which strives to attain both human dignity and freedom. The self determination movement has become the instrument through which individuals can realize their dreams and imaginations. Suda Ramachandran quotes a small boy's meaning of *aazadi* when he says, " *aazadi* is when I won't be frightened".... "of the gun".[32] The movement has re-defined peoples identity and their roles in the society. For many of them, there is a total overhaul in their lives.

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[29] Bose, Sumantra , *Kashmir- Roots of Conflict, Paths to Peace*, Vistaar Publications, New Delhi, 2003, p. 50.

[30] Chandoke, op. cit., p. 20.

[31] Behera(2008), op. cit., p. 623.

[32] Suda Ramachandaran, *The Shades Of Violence: Women And Kashmir*, Part1, WISCOMP, New Delhi, 2003, p. 16.

In the movement, women also took active part and entered the masculinist sphere of war and violence. Historically, the Kashmiri society is dominated by patriarchal values whereby men are the decision-makers and power- holders. But, the Islamic values which governed the society are much liberal where women in Kashmir have enjoyed a good status. For instance, in ancient societies, Queen Sugandha and Queen Didda have played important role in history.[33] Also, Lal Ded was the woman Sufi saint of both Muslims and Kashmiri pundits. Before independence, women even took part in Quit Kashmir Movement and were given a good status in *Naya Kashmir*[34] manifesto. But, since independence and especially after 1990s, with the worsening conditions and growing fundamentalism in Kashmir, the social position of women has deteriorated. Women are the worst victims of the unstable conditions.[35]

Presently, we see that women in Kashmir are subjected to overlapping ideologies- patriarchal ideology which subjugates women's space, Islamic ideology which was historically liberal but recently has turned fundamentalist due to the conflict situation marked by the self determination movement and militarization. Also, the unstable context has challenged the general norms governing the society. In the context of these overlapping ideologies, it was during the self determination movement when women were seen on the roads in large numbers. There was a popular upsurge and public demonstrations by them. Manchanda says, "Heavily swathed in *burqas* or in voluminous head scarves, mothers, wives and daughters came pouring out into the streets, their voices joining that of men in the cry for *aazadi.*"[36] Women shouted slogans like, '*Marde mujahid jag zara abb, vakt shahadat ayah hai*'.[37] Rita Manchanda says, "The cry for freedom was encoded in the language of appeal to an Islamic, masculine and militarist stereotype. The populist heady discourse of

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[33] Krisna Misri, 'Identity of Kashmiri Women', in *Identity Politics in Jammu and Kashmir*, Rekha Chowdhary (ed.), Vitasta, New Delhi, 2010 p. 306.

[34] Naya Kashmir manifesto was adopted by National Conference in august 1945. It had an inclusive charter for social change, with emphasis on equal rights of women, the right to education and the right to work, among other progressive measures.

[35] However, victimization of women have also paved way for their activism about which we will study in chapter three.

[36] Manchanda (2001) op.cit., p. 50.

[37] Ibid.

the Kashmir struggle configured Kashmir's youth as holy fighters ready to die, and women ready to see their sons and husbands go off to fight and to martyrdom." [38] She claims that this experience in the public sphere was an empowering one.[39] This is because now women were given the space to assert for the common cause. Though empowering but still constricted in the patriarchal ideology, the nature of women activism then, is questionable. This is because women's actions were guided by men. Also, women tried to identify themselves with the common cause as the dream of attaining aazadi that had engulfed everybody. As more and more manpower was required and therefore, women were conditioned to prove themselves stronger and sacrificing.

Women's role as a mother was expanded when the notion of motherhood was linked to that of nationalism and militarism. Songs were sung about the self- sacrificing mother who puts henna on the hands of her son and sends him off to the holy war. "We would line the narrow streets of our neighbourhood and shower flower petals on the boys who marched off for training", recalls 26-years old Sofiya, sister of a former militant.[40] Behera says, "If they returned, daughters and sisters gave them a hero's welcome."[41] Mothers of the martyrs were given place of pride and the moral authority to access the powerful in the militancy. Farhat Haq talks about how in Pakistan Lashkar-i-Tayyabia mobilizes women's roles as mother. She says, "Social connections and emotional ties are important factors in its strength. Women, particularly mothers and sometimes sister, have strongly resisted the recruitment of their sons and brothers into jihadi organization."[42] Therefore, in a way there is re-construction of mothers role in the public arena. Haq adds, " The central duty of the Muslim women is to become a daughter, a sister, and most important, a mother of a mujahid, praying for his martyrdom for the cause of the Islamic ummah."[43] She says, "The mothers' remembrances of their martyred sons are given prominent places in all LT magazines. The last will

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[38] Ibid.
[39] Ibid.
[40] Ramachandaran, op. cit., p. 21.
[41] Behera (2008), op. cit., p. 624.
[42] Farhat Haq, 'Militarism and Motherhood: The Women of the Lashkar-i-Tayyabia in Pakistan', *Signs: Journal of Women in Culture and Society*, Vol.32, No. 4, 2007, p. 1028.
[43] Ibid., p. 1032.

and the testament sent by the martyred almost always addresses mothers, requesting that mothers celebrate rather than weep upon hearing the news of the martyrdom."[44] Therefore, we see that the ideology of motherhood which exists in the private sphere is made public and is politicized. The maternal grief is made political. Also, now, mother's narratives become sources of inspiration and encouragement.

However, Manchanda says that the nature of women activism has gone through several overlapping phases.[45] She says women's activism was at its peak in the first phase followed the second phase when there was armed militancy and state repression. It was now that women started interacting with the security forces, visiting police stations, meeting government officials etc. This was followed by the politics of extremism when militancy got corrupted and renegades, surrendered militants and foreign militants also joined the struggle. Now, the women retreated back the support as the goal of the self-determination movement had lost its way leading to the exploitation of the situation. The fourth and the last phase is marked by a glimpse of civil society activism where women are also taking active part in peace- building measures. However, the irony is that though women have tried to enter the public spaces for a common cause but, unfortunately, they are invisible in the decision-making tables.

So, it is quite evident that the feeling of self- assertion has totally transformed the identity of the people. Their subjectivity is defined by the unstable and volatile factors present in conflict situation. This instability has often resulted in unpredictable roles taken up by both men and women. For instance, women have accepted to be identified as the martyr's mothers who readily send their son away for war. Also, to a certain extent, men showed no resistance to women's presence in the public sphere. Therefore, the instability in the context of Kashmir has had a great impact on the norms governing the lives of the people.

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[44] Ibid., p. 1036.

[45] Rita Manchanda, 'Kashmiri Women and the Conflict', in *The Valley of Kashmir- The Making and Unmaking of a Composite Culture,* Aparna Rao (ed.), Manohar Publications, Delhi, 2008, p. 662-712.

Militant violence and women militia

Militant violence by men is accepted by the patriarchal ideology, but what are the repercussions when women take up arms is debatable. It is generally seen that, in a patriarchal society, any act by women which is in favour of men or in accordance to them is most of the times unquestioned whether violent or non-violent. It is only when the patriarchal norms of the society are questioned against the interests of the men that women have to fight in order to carve out their own space. This is because women taking up arms is against their social conditioning in a male dominated society. But, it is also true that individuals adapt themselves to the changing times. However, one needs to study whether the women militia in Kashmir has corresponded to the male violence or is it challenging the male dominance by devising its own ways. Let us first analyse the nature of militant violence in Kashmir.

During the self- determination movement, the first group of agitators , mainly belonging to urban areas, were educated and believed in a democratic and secular independent Kashmir. However, this group was soon exploited and instilled with anti- India feelings and the political frustration forced them to take up armed struggle. D. Suba Chandran points out that the armed groups operating in Kashmir do not constitute a monolith. They have different objectives, orientations, beliefs, and support bases- both internal and external. Chandran has classified these groups as militants for e.g., Hizbul Mujahidin (HM) , jihadis for e.g., Lashkar-e-Taiba (LeT) and Jasih-e-Mohammad (JeM), *ikhwans* (counter militants) and renegades.[46] Chandran says that the support base for these militants is debatable. This is because of the corruption of the militants and their adoption of violent means which has impacted upon the innocent lives to a great extent. As a result, people have faltered their support against the militant movement.

Apart from being corrupt, militants have also tried to control the lives of the people. This includes enforcing a code of conduct on the women' actions. For instance, the ideology of motherhood is celebrated and women are the

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[46] D. Suba Chandran, 'India and Armed nonstate Actors in the Kashmir Conflict', in *Kashmir- New Voices, New Approaches* ,Waheguru Pal Singh Sidhu, Bushra Asif, Cyrus Samii (eds.), Lynne Rienner Publishers, London, 2006, p. 51-53.

biological regenerators. However, there is a ban on abortion whereby the notion of 'patriotic womb' is supported. Another way of controlling women's identity is by veiling her. There is an attempt to veil the unveiled women. Many newspapers in Kashmir, in early 1990s, carried *diktats* asking women to wear *burqas*. But, there is a popular resistance against the fundamentalist pressure. Therefore, we see that women's identity and subjectivity stands subjugated in the hands of men.

However, it is said that initially in the early 1990s, women had fully supported the movement to the extent of providing assistance to the violent means. "Some of us helped the militants because we were excited about aazadi," says Anjum of Sopore.[47] Ramachandaran says, " there are others who come out in public and accuse the security forces of rape, who allow themselves to be used by the separatists propaganda. Machinery even if it means they have to suffer the social ostracism that comes with the raped women."[48] Therefore, women stood by men in their actions of violence. Their actions and means of support was guided by men's interests and decisions. Also, new social norms and social sanctions were devised for justifying political violence.[49]

A conventional official line from New Delhi is that, generally, there is little or no support for militancy in Kashmir. But militants claim that Kashmiri society is against "Indian occupation" and supports militancy.[50] However, Ramachandran believes that "A majority of people in the Kashmir Valley are against the Indian establishment and the presence of the Indian security force, but most of them do not support the militants or Pakistan."[51]

Apart from the individual women supporting the men in their violent means, there also exists a groups of women militia like the Dukhtaran-e-millat and Muslim Khawateen Markaz who were originally inspired by Islamic social reform activism, later started supporting the militants against the security forces like smuggling of arms and explosives to the militants, collecting funds,

[47] Ramachandaran, op. cit., p. 28.
[48] Ibid.
[49] Behera (2008), op cit., p. 624.
[50] Ramachandaran, op.cit., p. 54.
[51] Ibid.

helping them with hiding places etc. Dukhtaran-e-Millat also started a campaign to re-veil the Kashmiri women. They also undertook violent acts like throwing colour/acid against those women who refused to wear the burqa. This was, however, not accepted by the society at large. Generally, women in Kashmir did not indulge in violent activities by themselves except in few instances. Asiya Andrabi also claimed that she has never indulged in "practical militancy."[52] But, with changing times, as the nature of militancy is changing, women's attitude towards the militants is also changing. As initially, women supported the militants and their violent means but now they are forced to help the latter at the point of the gun.

In Kashmir, it is mostly seen that both in case of men and women, the militant violence is linked with Islamic fundamentalism. This is because it serves the interests of both the militants and the Indian state. India defends its stance towards Kashmir by saying that they are fighting against the fundamentalists who are challenging the secular credentials of the country. Militants also try to give religious colour to their actions as they aim at stereotyping the movement ethnically for a united action. However, the question of gender is invisible in the actions of both men and women. This implies that patriarchal values are implicit in all kinds of violence. One may also say that violence present in Kashmir may be reinforcing the patriarchal values which target women's suppression.

Undemocratic response of the Indian state

In response to the self- determination movement, the way in which the Indian State reacted in the Kashmir valley has added to the complexity of the situation. Though the Indian state claims to use the military force against the militants but it is the innocent who are suffering the most. Militarization can be seen as the forceful imposition of the legitimacy of the Indian state where by the latter tries to defend its stance on security grounds. Kazi says, "By 1990, the first year of Kashmir's rebellion, there were approximately 150,000 soldiers in the valley – 17 for each square mile and one for every 27 civilians. According to two independent estimates in 1994, there were approximately

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[52] Ibid., p. 29.

Chapter Two

400,000 soldiers in Kashmir, representing just under half or 44 per cent of total Indian army strength. A decade later, in 2004, the estimate ranged between 500,000- 700,000 soldiers with roughly one soldiers for every ten civilians, making Kashmir the most heavily militarised place in the world."[53] Also, by the end of the year 2009, after the Shopian incident, there was pressure from the local population and regional parties, to bring about a reduction in the level of militarization. The centre promised a reduction of 30,000 troops but it was mere an eye- wash as troops were withdrawn from non important areas and it was only a miniscule of the huge number present in the valley.

Seema Kazi points out at the militarization's domestic (institutional) and external/ military (Pakistan) dimensions. Firstly, she says, "Militarization in Kashmir, therefore must be understood in terms of the collective discontents generated by an undemocratic *central* order and its associated hegemony of 'national' unity that transformed its greatest fear (of secession) into an ironic, self- fulfilling prophecy."[54] Secondly, she says that the external dimension relates to the military rivalry between India and Pakistan. However, she believes that the responsibility of Kashmir's tragedy lies primarily with India and only secondarily with Pakistan. Thirdly, she opines that the Kashmir issue has been reduced to a matter of 'national' (external/territorial) defence as the struggle is considered as a threat to the nation- building along with considering it as a Pakistan- *instigated* 'terrorist' conspiracy. Therefore, militarization is not for the public cause or legitimate external defence and should be challenged at all costs. Kazi explains the nature of hegemonic Indian state which can alter the general perception by saying that "the conflation of Kashmir's domestic (political) dimensions with its (interstate) territorial dimension delegitimized Kashmiri grievance, transformed the aggressor (the state) into a victim (of terrorism), and deprived its real victims, Kashmir's citizens, of justice and citizenship rights."[55] Kazi blames the state for militant violence as it's the fundamental duty and responsibility of the state to protect its citizens. She says, "As the military enforced authority on the streets of

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[53] Kazi, op. cit., p. 97.
[54] Ibid., p. 85.
[55] Ibid., p. 112.

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Srinagar, popular resistance against the military- backed central hegemony began to be cast in 'national' terms in New Delhi. Against a general crisis of state legitimacy, the invocation of an engendered 'nation' was an expedient and effective means for political elites to evade the issue of state accountability in Kashmir."[56] It is almost two decades now there has been no improvement in the situation and people still continue to suffer in the hands of power holders.

Regime of terror

There exists a regime of terror in Kashmir. There are violations of human rights both by military and militants. States human rights commission was formed in 1997 but was curtailed by an amendment in 2002. Both National Human Rights Commission and State Human Rights Commission lack powers of scrutiny and jurisdiction over military. Kazi says, "Since 1989 not a single member of the military has been prosecuted or convicted for a criminal offence in Kashmir."[57] Since the early 1990s, the people of the Kashmir valley have been fighting for their very existence and facing the brunt from both the military forces and the militants. Since then, it is predominantly the gun culture which has held its sway. Chandoke says, " Confrontation between militants and security forces has led to thousands of deaths, the imposition of draconian laws, and massive violations of civil liberties; and the cost ordinary people have had to pay for a conflict that is not of their making is stupendous."[58] Coercion by the Indian state knows no limits leading to 'enforced disappearances', abductions, killings, torture, search operations, arbitrary arrests etc.

'Enforced disappearances' are a common phenomenon in Kashmir. The disappeared are likely to be tortured or killed with impunity. The relatives of the disappeared can neither mourn nor can they overcome the loss. Those who stand against this mental and physical torture are threatened, harassed or killed. They are frustrated by the special laws in force in the state and the failure of the institutions to provide redress including the police, security forces, courts and the state and central administration. In 2006, according to the President of

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[56] Ibid., p. 89.
[57] Ibid., p. 105.
[58] Chandoke, op. cit., p. 5.

the Jammu and Kashmir High Court Bar Association, there were 60,000 habeas corpus petitions filed by individuals since 1990 and 8,000 cases of enforced disappearances.[59] The legal system remains paralysed in Jammu and Kashmir. Under Public Safety Act alone, government detained 2,700 people between 2002 and 2006.[60]

Adding to this, there are a number of illegal killing by the security forces. Provoking the greatest local outcry have been cases of faked "encounter killings." As in 2000 at Pathirabal, in these cases the security forces are alleged to have fabricated a story about having killed a "militant" in self-defence or in battle when in fact the person was executed in custody.[61] Such fake encounter killings might even be encouraged by the military command structure through decorations, gallantry citations or promotions of personnel credited for the death of militants.[62] Also, it's very easy for the security officers after committing the inhuman crime of murder without any reason and later calling it just a 'mistake'. This is what happened with Afroza's husband, Tahir, by 22 Battalion of the Rashtriya Rifles (RR) on 11 September 2003.[63] Making conditions worse, renegades are used as instruments of state counter offensive. They are the militants who have surrendered before the state and then work for the state. They are mostly involved in violent activities as they are answerable to none and have got legitimacy of the state. In 1997, the Director General of Police Gurbachan Jagat acknowledged that the continued services of the renegades had become counter-productive in view of their excesses; an estimated 5000 renegades were reportedly 'rehabilitated' as Special Police Officers (SPO) in the State police and many others were absorbed in the security forces.[64]

The impact of torture on the people induced through militarization is enormous. But, what adds to the power of the military is the passing of the

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[59] Kazi, op. cit., p. 106.

[60] Ibid., p. 107.

[61] Ibid., p. 64.

[62] Ibid., p. 65.

[63] Ibid., p 102.

[64] Syed Junaid Hashmi, *AFSPA In Jammu And Kashmir*, 18th June, 2007, (accessed on 24-01-2010), <http://www.countercurrents.org/hashmi180607.htm>

Draconian laws like Jammu and Kashmir Armed Forces Special Powers Act (AFSPA) of 1990 , Disturbed Areas Act of 1976, Public Safety Act (PSA) of 1978 etc,. These laws give immense power to the military adding on to the miseries of the people. The Armed Forces Special Powers Act of 1958 and the Disturbed Areas Act of 1976 give police extraordinary powers of search and arrest without warrants and detention. The imposition of these acts have led to gross civil and political rights violations including enforced disappearances, extra-judicial execution, torture, inhuman and degrading treatment, rape and other forms of sexual violence against women, arbitrary arrest and detention etc.

Impact of violence on women

Violence has become a way of life in Kashmir where both men and women are the victims. Though they are subdued under the same context but their experiences are different and gender specific. Kazi says, "The task of gender analysis is not merely to make women visible, but to highlight the political salience of sexual difference in the context of militarization in Kashmir."[65] Also, factors like class, ethnicity or geographic location also affect the experience of violence. Kazi believes, "While men are disproportionate victims of direct violence (extra- judicial killings, illegal detention, torture, enforced disappearance), violation experienced by women occur mostly in the sphere of economic, social, sexual and cultural rights."[66]

Women in Kashmir are placed between the two guns, one is that of armed militancy and the other is the state's repressive backlash. A number of women have been ruthlessly violated by the paramilitary troops deployed in Jammu and Kashmir as a tool to avenge themselves, and indelibly scathe the consciousness of a culture that dared to raise its insurgent head against the two mammoth nuclear powers on the subcontinent.[67] 'Rape' is the strongest weapon used both by the military and the militants. The act of 'rape' is a blow to both community identity and honour. Ramachandaran says , " Militants have raped women as a way of punishing other family members believed to

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[65] Kazi op. cit., p. 137.

[66] Ibid., p. 136.

[67] Nyla Ali Khan, *Islam Women and Violence in Kashmir- Between India and Pakistan*, Tulika Books, 2009, pg 101- 102.

be informers or suspected of opposing the militants. Soldiers rape women to punish, intimidate, and humiliate."[68] Rape is an assault on the entire community. Chandaran says, " Raped women are victimized by more than one aggressor- the rapist and then their own society."[69] Anurdha Bhasin Jamwal says, " The right to grieve is further denied when rapes are acknowledged on the basis of who the perpetrator and victim is, forbidding one kind of rape victim to find any kind of solidarity with that of another kind."[70] Also, most women don't report the cases due the dishonour attached to it. In 1991, mass rape incident happened in Kunan Poshpara where still no marriage has taken place and it's called 'the village of raped women'. Recently, Shopian rape incident happened on May 2009 where two Kashmiri Muslim women were raped and murdered. This tragedy added fuel to the fire where huge masses blocked the roads demanding justice and criticizing the military forces. The masses were spearheaded by the organization Majlis-e-Musharawat that led the movement for around three months and demanded a fair enquiry of the case.

Adding to the plight of Kashmiri women, there also exists the phenomenon of 'command marriages' where by women are forced to marry militants against their wishes. Also, there are instances when militants have killed their husbands and asked the widows to re-marry against their wishes. Kazi says, "Wives, mothers, sisters of militants are particular targets of harassment and face routine questioning and harassment from the security forces."[71]

'Half- widows' are the worst sufferers as they are neither given any information about their disappeared husbands for years nor are they allow to re-marry. Also, they are looked down upon by the society. 'Voices Unheard' (April-June 2003) reports conflicting views regarding the remarriage of a Muslim half-widow. One is "Waiting period has been fixed for 7 years and if after second marriage her first husband arrives, the first marriage will be dissolved."- Prof. Sheikh Showkat, Department of Law, Kashmir University. Second view is "Waiting period has been fixed for 4 years and if after second marriage her

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[68] Ramachandaran, op. cit., p. 19.
[69] Ibid., p. 20.
[70] Anuradha Bhasin Jamwal, 'Women's Identity and Politics in Jammu and Kashmir', in *Identity Politics in Jammu and Kashmir*, Rekha Chowdhary (ed), Vitasta, New Delhi, 2010 p. 333.
[71] Kazi, op. cit., p. 150.

first husband arrives, the second marriage will be dissolved."- Mufti Nazir Ahmad, Religious scholar. In both the cases, lives of half-widows are miserable and the laws are above their subjective feelings. They are not considered for ex-gratia payment from the government. Kazi says that the issue of Kashmir's widows and half- widows is not a women's issue but is inextricably linked to the enforced disappearance/ detention and/ or unlawful killing of the men by the state.[72] The state not only remains unaccountable to the destitute but also, forcefully suppresses them if they choose to question the actions of the state.

In order to foster community identity, there has been a continuous attempt to re-veil Kashmiri woman. The imposition of *burqa* was linked to Islamic fundamentalism. Suda Ramachandran says that women have largely rejected the diktats by the militants to wear the *burqa*. She says they do cover their head with the scarves but most do not wear the *burqa*.[73] Many militant organizations including a women militant organization Dukhtaran-e-Millat (DeM) adopted violent means to impose *burqa*. The Indian state banned Dukhtaran-e-millat (DeM) claiming that they threw acid on women. On other cases, the Indian state maintained distance from the religious decision.

Also, there is a construction of a 'patriotic mother' whereby the role of a mother is a continuous supply of fighters. Also in the early 1990s, militants imposed ban on the use of contraceptives and on abortions. The irony is that on the one hand, women is glorified as the biological regenerators of the nation but on other hand, there is complete disregard for them because of the massive abuse because of their reproductive rights and maternal emotions. The role of women is the continuous supply of fighters. Also, after the sacrifice of her son, mother is asked not grieve. Khatija Bee's son got killed in 1993. "In front of the others in my village I was happy to be mother of a *shaheed* (martyr)," she recalls, "But inside, I was dying."[74]

Women are also suffering from a number of health problems in Kashmir including fear psychosis, health issues etc. Suda Ramachandran writes that traditional support systems have crumbled and there has been a ten-fold

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[72] Ibid., p. 151.
[73] Ramachandaran, op. cit., p. 15.
[74] Ibid., p. 22.

increase in the number of psychiatric cases in the valley. She says, " The common psychiatric problem is depression, followed by anxiety, post-traumatic stress disorders and psychosomatic illness."[75] Also, there are a number of suicide attempts. Several women have taken help from religious places and turned to 'pirs' at shrines to get out of distress. The saddest part is that entire valley has only seven psychiatrists.[76] Rabia says the real experience of war is "what you go through in years following the incident- coping with the physical disability and the mental trauma, the struggle to rebuild your life and provide for your children."[77] Domestic violence has registered a significant increase. Women become the targets of the frustration and trauma that men suffer whether as militants or as civilians.[78]

Also, education of women in Kashmir is badly affected as it's not safe for women to leave their house. Fear of violence is predominant and also there is lack of teachers and study material. Also, it has had a great impact on the psychology of the students. Also, there is no recreation for children. Women are also suffering economically when their husband, father, brother is killed, jailed or 'disappeared'. Wives, mothers, and sisters of militants are particular targets of harassment. They suffer social isolation.[79]

Sudha Ramachandran says, "Most women are of the opinion that it is the gun which has brought them this pain and suffering."[80] She adds, "We want peace and a just peace", is the chant you hear all over the valley. *aman gachi asun* (Give peace a chance). That is what I would tell the Indian and Pakistani governments," says Javida Shah, the mother of the former militant, playing with the grandson. "what is the use of all this fighting if there is no one left to enjoy its eventual benefits?"[81]

Thus, we see that there are two narratives of women in Kashmir- the first derives from the human rights discourse where women figure as victims of direct (state) and indirect violence that transforms them into widows, half-

[75] Ibid., p. 25.
[76] Ibid., p. 26.
[77] Ibid., p. 17.
[78] Ibid., p. 27.
[79] Ibid., p. 18.
[80] Ibid., p. 36.
[81] Ibid., p. 38.

widows of the disappeared, or bereaved mothers of lost sons and children. The second centres around the conventional patriarchal ideology of the Kashmir struggle in which women symbolize the Grieving Mother, the Martyrs' Mother and the raped women.[82]

Shopian case

Shopian case refers to the alleged abduction, rape and murder of Neelofar Jan (22) and Asiya Jan (17) under mysterious circumstances on 29-30 May 2009. This case had resulted in wide protests in the valley against the state government and police for hiding the essential facts. Responding to the public outcry, the state government responded to the people by appointing a commission under Justice Mohammed Ahmed Jan on 3 June 2009 to look into the issue. Jan commission called for more investigation into the role of the security forces and believed that a family feud may have been the cause. On 12 august 2009, the state government handed over the case to Central bureau of Investigation.

There was huge public outcry against the incident. Various political parties and separatist groups gave a call for band. There were protests and demonstrations all over the valley. Hundreds of people including large number of women came out on the streets shouting anti- India and pro- freedom slogans. On 31st may 2009, Dukhtaran-e-Millat chief called for a mass agitation. It also called for a peaceful march "Eidgah Chalo" which was participated by large number of women from Srinagar, Varmul, Shopian and Kulgam. On 8th June 2009, Hurriyat Conference chief Syed Ali Shah Geelani called for "Shopian Chalo" to demand justice for the families of the victims. Peace processions were also carried out by Muslim Khwateen-e- Markaz which was led by Zamrooda Habib. On 12 June, Hurriyat Conference called for a protest by female students. It was observed through out the valley by women students from Kashmir University, Government women's college, Government Medical College, and other institutions. The residents of Shopian district also formed a committee called Majlis-e-Mushwarat comprising of traders, religious

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[82] Manchanda (2001), op.cit., p. 43.

scholars, fruit growers, lawyers etc. they aimed at steering the movement ahead and acquiring justice. The movement was met with heavy coercion by the state leading to several men including getting injured. Advocate Abdul Haleem Shopiani writes, " Shopian is not a simple case of rape and murder in a human rights sense, but a case of war crime so often used as a weapon by the Indian forces in Kashmir."[83]

Conclusion

Thus, we see that Democracy has lost its meaning in Kashmir; the citizens of the state are the victims of state terrorism. The people feel estranged both from the political leadership and the militants and aspire only for peace. The conflict situation has defined, altered and subjugated the social and political roles of both individuals and groups. The instability of the context has added to the suffering of the people. Women are the worst sufferers as an armed conflict exacerbates inequalities evident in a patriarchal society. It is not that women have become silent victims as many a times they have become agents of active social change. Their agency is exercised through their social roles as a mother, wife or daughter. Apart from a number of active women who are responding to their unfortunate reality, there are a few organizations that are trying to give voice to the women's sufferings and initiating a process to solve their problems. The issues that surround these organizations are self assertion, rule of law and democratic governance. The question of gender still needs to be explored. This may be because of the fact that women identify themselves with the self- determination movement. They believe that the torture they bear is because of the conflict situation where state is the aggressor. For the Kashmiri women, their identity as a woman is only secondary as they identify themselves by the social roles they play and the social position they occupy in the society. But, it is also questionable that where is it that woman's happiness located. Does happiness lie in the women's realisation of their social roles in a peaceful manner? Or is happiness something which can be attained only when women realise themselves as individual beings having an

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[83] Abdul Haleem Shopiani, 'Understanding Shopian Tragedy in a Context' , *Greater Kashmir* , 29th August, 2009, (accessed on 04-06-2010),
<http://www.kashmirwatch.com/showhumanrights.php?subaction=showfull&id=1251548508&archive=&start_from=&ucat=2&var0news=value0news>

autonomous will? Let us address these questions in the next chapter when we study the nature of woman's activism and their forms of resistance.

Chapter Three

Women's activism as a form of resistance

In any society, there exists an interactive dynamics between the discourses of both domination and resistance. If patriarchy forms the mode of domination, then women's assertion against the patriarchal norms or their attempt to choose their own discourse may be attributed as an 'act of resistance'. Here, the 'act of choosing' a way of life for oneself which is not imposed by any social force may be called ' an act of empowerment'. The 'act of resistance', the 'act of choosing' and the 'act of empowerment' are closely related as individuals are embedded in a social context and it is the societal norms that define most of their social roles. The 'act of empowerment' brings about certain changes in the social roles leading to certain revisions in the societal norms as well. If one analyses the social roles assigned to women, it is seen that the social context often sets them at a disadvantage. But if the social context is itself confronted by other challenging forces like in a militarized context, then the sexual relations may also altered. This may pave a way for an 'act of empowerment' which provides spaces for women's activism. This activism may help women in devising new ways that will push them in an acceptable position. They may either re-define the social roles or may challenge the very basis of social norms. To look for an answer, one has to study and analyse a social context like that of the militarized context of Kashmir.

In chapter two, we studied through a gendered lens how the social context of Kashmir offers us a special case where its history, 'special status' due to article 370, the self- determination movement and Islamic fundamentalism, militarization and passing of the draconian laws like AFSPA (Armed Forces Special Powers Act), PSA (Public Safety Act), DAA (Disturbed Areas Act), etc, had added to the complexity and instability of the social situation. Now, we will throw light on the issue of women's activism in the complex social context of Kashmir. Here, one has to analyse how the social voids, i.e. spaces created because of 'acts of resistance', present in the social context act as

'instances of empowerment' bringing about a change in social roles and norms. And, also what is the nature of the 'acts of resistance' and 'instances of empowerment'?

Women's activism in Kashmir can be seen at both the individual and organizational level. Most of the Kashmiri women are pushed to struggle at an individual level due to sudden unfortunate circumstances that appear before them. For instance, a 'half-widow'(whose husband gets 'disappeared') has to move outside the four walls to courts, police stations, army camps etc to gain knowledge of the whereabouts of her husband. Apart from the individual level, some women have also shown solidarity towards other grieved individuals and have joined hands for a greater cause. These women have become a part of organizations, associations, NGOs etc. When one analyses some of these few *women's organizations* that are *organized groups with active women* in Kashmir, it is seen that they are still in the formative stage and not formally well organized. This may be attributed to the lack of resources, denial of freedom of expression against the Indian state, domination of the male organization, presence of both military and militancy which adds to the insecurity of the women etc. Also, while studying these groups one has to keep in mind that these organisation mainly came up in the initial years of self- determination movement i.e. in the early 1990s. It has been 20 years now and most people are tired and feel alienated both from the coercive nature of the Indian state and the prolongation of the self-determination movement. So, this has also impacted upon the spontaneity in the actions and response of the women's organizations that came up in the initial years of the self determination movement and fought for the cause of *azaad* Kashmir. For instance, women organizations like Muslim Khawateen-e-Markaz (MKM), Dukhtaran-e-Millat (DeM).

Before dealing with the organizations in detail, let us first have a look at some common characteristics of these women's groups -

- These groups are generally led by charismatic women leaders who have control over most of the decision- making power. For instance, Association of Parents of Disappeared Persons (APDP) is led by Parveena Ahangar, Muslim Khwateen – e – Markaz (MKM) by Anjum Habiba Zamrood, Dukhtaran – e – Millat (DeM) by Asiya Andrabi.

- These groups are either influenced by or off-shoots of a male organization working on similar issues. For instance, APDP was earlier under the umbrella organization Jammu and Kashmir Coalition of Civil Society, MKM is a women constituent of Hurriyat Conference and similarly, DeM works in close association with the Islamic fundamentalist organization called Jama'at-e-Islaami.

- The agenda of these women's groups is to either attack the undemocratic nature of Indian state or aim at Islamic social reforms.

- Even though, the question of gender (in the sense of women's rights) does not arise directly in the agenda of these groups, but, one can see, later in the chapter, that these organization are against the social crisis faced by the Kashmiri women and aim at improving their social conditions. They struggle for human rights issues.

- The working of these women's organizations gives some women a sense of empowerment especially in a conflict-ridden context. Their actions have come up against the limits defined by the patriarchal culture.

- These women groups are influenced by Islamic culture. APDP may be taken as an exception to a certain extent.

- These organizations consider women's bodies as symbols of community identity as they are placed in a context where ethnic identity is given prime importance.

These characteristics imply that the volatile militarized context of Kashmir has an important role to play in the formation of these organization. As there are more hindrances due to the conflict situation rather than a support structure

which helps in the growth of the organization, the power of a charismatic leader plays an important role. It is the leader who plays a major role and steers the path for the organization. Also, the common social base and the patriarchal culture has resulted in the overlapping of the agenda of these organizations. These organization fight against the re-enforcement of the sexist roles both by the militancy and the military. They are critical of the sexual abuse by men as there are instances of rape, molestation and 'command marriages'. The issue of 'half- widows' or when sons/ husbands are 'disappeared', tortured, under custody etc, or issues that impact on the lives of women are taken up by these women's organizations. Islamic culture also has an influence on most of these organizations as religion is an important constituent of the individual's identity who are part of these organizations. The organizations like MKM and DeM aim at Islamic social reform. However, as these women's organization are not blessed with uninhibited social power because of Kashmir being a 'special case', men's influence cannot be completely done away with. The patriarchal force takes a violent turn when there are sexual abuses both by the military and the militants. Mostly, men's organizations based on Islamic culture like the Jama'at-e- Islami and the Hurriyat conference has a considerable amount of influence on MKM, DeM. Apart, from the religious influence, the latter's common stand for a pro-Pakistan state has added to the men's influence. But, on the positive note, one cannot deny the existence of social voids(i.e. spaces where women have the autonomy and will to act on their own) which provide women with spaces owing to the 'acts of resistances' which further lead to 'instances of empowerment'. To carry the argument further, let us now throw light on these specific women's organizations which help in defining the subjectivity and identity of women in a conflict-ridden context especially those women who have accepted the challenges and have dared to fight back and defend themselves. These organizations have blurred the boundaries between the public and the private whereby earlier the latter used to limit the women's spaces.

Sahba Husain[1] says, "As the privacy of the home is intruded upon and its elements transformed, it provides women with a platform for raising issues of political concern, sharing experiences of political violence in its myriad forms as it impinges on their lives, and devising new strategies for collective struggle. In the process, each women's personal grief finds voice and meaning, a recognition that it is 'real', and an 'echo' in the similar anguish of other women."[2] In this chapter, I will be basically dealing with four women's organizations, namely, Association of Parents of Disappeared Persons (APDP)[3], Muslim Khwateen-e-Markaz (MKM), Dukhtaran-e-Millat (DeM) and WISCOMP's *Athwaas*.

Before dealing with the individual organizations in detail, let me first characterize four of these women's organizations according to their place of origin and the type of women's issues taken up by these organizations or their agenda.

- On the one hand, if one takes the context of Kashmir as the base- APDP, MKM and DeM would fall under one category as they have their origins in Kashmir and no outside agency is involved.[4] WISCOMP's *Athwaas* would fall under a different category as it is not Kashmir based but it actively involves women from the Valley and seeks their empowerment. It also has an unbiased view about the Kashmir issue and perpetuates the notion of universal peace.

- On the other hand, if the agenda or the women's issues taken up by these organizations are taken into consideration- APDP, MKM, WISCOMP's *Athwaas* would fall under one category as they play a positive role in voicing women's issues and aim at bringing about a much needed change. Unfortunately, DeM has adopted a very

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[1] Sahba Hussain is a social activist who started working in Kashmir under VMAP project (Oxfam India Trust) in April 2000.

[2] Sahba Hussain, 'The Lost and the Living : The Case of Enforced Disappearance in Kashmir', (accessed on 5-04-2010), < http://www.sidint.org/FILE_CONTENT/418-107.pdf> p. 2.

[3] I have categorized APDP as women's organization as it is majority women who play an active role. It was started and is headed by a woman, namely, Parveena Ahangar.

[4] Though some people claim that few of the Pakistani agencies are helping DeM with their agenda.

conservative and fundamentalist outlook. Even if they raise voice against issues of rape, sexual abuse etc., everything goes in vain due to their leaning towards the hierarchical patriarchal structure which aims at limiting women's spaces.

This chapter aims to explain and characterize the women's organizations on the basis of the second characterization whereby classification is done on the grounds of gender issues taken up. It is very important to reiterate that leadership plays a significant role in the running of these organizations. Many a times, the charisma of the leader is so strong that the organization gets personified with the image of the leader. Now let us first deal with the first group- APDP, MKM and WISCOMP's *Athwaas*.

Association of Parents of Disappeared Persons (APDP)

The phenomenon of 'half- widows' is not very uncommon in the Kashmir valley. These are the women whose husbands are missing or taken away and have not been declared dead by the government authorities. Sahba Husain says, "The transition in social status from that of a wife to a 'half-widow', not knowing whether her husband is dead or alive, is emotionally catastrophic. Children's education, employment, women's health and family well-being are deeply disrupted.[5] It is generally seen that when a person is victim of enforced disappearance, the tragedy and misfortune is faced not only by the person himself but also by his family. Though the family suspects their loved one to be dead, yet they are unable to mourn till they see the dead body of the disappeared. The relatives always wait for a miracle to happen so that they could see their loved one once again. Nothing can match the emotional loss and it is the women who suffer the most. The only thing they are left with is hope and also the constant process of never- ending search. In most cases, apart from the psychological stress, the family is also tormented on the economic front as the person who is missing may be the sole breadwinner of the family. So, the agony faced by the women relatives is relentless which is

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[5] Hussain, op. cit., p. 3.

difficult to discern as the family left behind is thrown into a huge crisis. It's the old- aged parents, the wife, the children, the brothers, the sisters etc, who have to face the harsh reality and are forced to comply with its unsympathetic and inconsiderate terms. Husain says, " Prolonged armed conflict, as in Kashmir, implies trauma and, for 'half-widows' and women from the families of the disappeared, prolonged grief, as there can be no closure until they at the least claim the dead body of their loved one."[6] Along with this, many a times, 'half- widows' along with the children are also asked to vacate their husband's houses due to economic crisis or forced to remarry.

Though the state promises to give most of the families an ex-gratia but to what extent it helps the poor families is uncertain. Also, by not declaring the reality about the missing person, the state makes the matters worse for the families. Also, the attitude of the state is not only irresponsible but also apathetic as they are unable to give a clear picture of the persons disappeared. The total number of cases were 3189 in 2003, 1093 in 2005 and recently only 700 in 2007. However, APDP claims that there are approximately 8000 victims of Enforced Disappearances (ED) which is affecting more than 100,000 family members.[7] The state governments only follow the policy of blame game whereby allegations are made against successive governments without providing any respite to the families of the victims. By using the tactic of ED (Enforced Disappearance), the state intrudes upon the privacy of the homes.[8] The state has blurred the public-private distinction, entered the private sphere and taken control of the personal matters of the families also. There exists no freedom of the family. Whatever is supposed to be a matter of the private is exposed in the public sphere.

The state has failed to solve problems of the people and experiences like disappearances are not very uncommon in the valley of Kashmir. Issue of enforced involuntary disappearances be made a central part of any peace

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[6] Ibid., p. 3.
[7] Ibid., p. 6.
[8] Ibid., p. 3.

initiative on Kashmir. The Association of Parents of Disappeared Persons (APDP) is one such organization, with majority women membership, that works on the issue of enforced disappearances. Parveena Ahangar, chairperson of APDP, said, "There are thousands of families which are directly affected by this heinous and brutal act, therefore, it is imperative that this important and sensitive issue be taken seriously and be included in any dialogue process."[9] The Association of Parents of Disappeared Persons (APDP) is an association basically formed by a group of sufferers who are relatives or near and dear ones of those subjected to enforced custodial disappearances by the security forces. It is an organization formed as a response to challenge the legitimacy of the Indian state on issues related to the abuse of human rights specifically that of enforced disappearances.

The Indian state defends its stance by showing its concern about the 'national security'. This issue of 'national security', constructed by the hegemonic Indian state, actually stampedes the basic security concerns of its citizens. However, the game of enforced disappearances is played not only by the Indian state but also by the militants who pick up people claiming that they support the Indian state. Since, mostly men are picked up by the security forces or the militants, it is the women who are left behind mourning and helpless. APDP gives voice to these women who are mothers, wives, daughters, sisters etc, of the disappeared. Even though male membership which includes fathers, brothers, sons etc, is in minority, these women are strong enough to fight back in the men's world. APDP members mostly belong to poor illiterate families who live in remote and far-flung areas. Apart from the chairperson Parveena Ahangar, they have a legal advisor and a spokesperson appointed by APDP. It was formed in the year 1994 and later in 2000, it became one of the first constituent members of the umbrella organization Jammu and Kashmir

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[9] 'APDP seeks whereabouts of missing persons', *Kashmir Media Service*, 11th December, 2009, (accessed on 05-03-2010), <http://www.kmsnews.org/news/apdp-seeks-whereabouts-missing-persons>

Coalition for Civil Society (JKCCS).[10] But, later APDP parted ways from it due certain monetary problems. It was the founding member of the Asian Federation Against Involuntary Disappearances (AFAD), a coalition gathering organizations that work for the 'disappeared' in the South-Asian countries.[11] APDP has also organized workshops in association with Medi Sans Frontiers (MSF), an international organization working on the mental health in the state of Jammu and Kashmir and the Doctors from the Department of Psychiatry.

Before dealing with the present issues taken up by APDP, let us first try to locate its origins. It was started by Parveena Ahangar in 1994 when her son, Javed Ahmad Ahangar was picked up by the troops on 18th August, 1990. Before her son's disappearance, she led a life like most of the Kashmiri women who restrict themselves to the house-hold chores and prohibiting from entering the militarized public sphere. But, after her son was taken away and did not return, then started her journey full of struggles and resistance against the powerful. After she first filed a First Incident Report (FIR) at the local police station, there was no looking back. She approached the army personnel and police officials. An army officer proposed a sum of 6 lakhs, but she refused to take. She said, "I cannot do it. I cannot sell my child. I will search for him as long as I am alive."[12] Sadly, the case filed by her in the court was presented only after four years. She says, "It is now in the "open date" and a warrant had been sent to the accused. But they have not punished them!"[13] This miserable experience is not exceptionally faced by Parveena

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[10] Jammu and Kashmir Coalition for Civil Society (JKCCS), formed in 2000, is an amalgam of non-profit organizations working for the betterment of civil society in Kashmir. The member organization of JKCCS at the time of its origin were- Public Commission on Human Rights (PCHR), Association of Parents of Disappeared Persons (APDP), Women's Initiative for Peace and Disarmament (WIPD), Committee for Judicial Accountability (CJA), Doda Peace Forum, Jammu and Kashmir Tourist and Hotel Association(JKTHA), Environmental Watch, Students helpline and Global Witness.

[11] Its core members are Families of Victims of Involuntary Disappearances from the Philippines, the Organization of Parents and Family Members of the Disappeared (OPFMD) from Sri Lanka, the Association of Parents of Disappeared Persons (APDP) in the Indian-occupied Jammu and Kashmir and the KONTRAS of Indonesia

[12] Parveena Ahangar , A way of fighting back, (accessed on 05-05-2010), < http://www.afad-online.org/healingwounds/bk_a_way.htm>

[13] Ibid.

Ahangar but is common to many more. This has led to the formation of an association where initially, the sufferers would gather on the roadside as a form of protest. They would also visit DC office, different police stations, various army camps etc. Later, a formal organization was formed- Association of Parents of Disappeared Persons. And within few months people from other villages also joined in the struggle for justice. One cannot deny the inner strength of Ahanger, which can be explained when she says, "I must admit that my first reaction after my son's abduction was fear coupled with traumatic shock. Now, I have shed all my fears and I go from place to place and town to town to meet other families of the disappeared. Actually, the fear is basically only damaging when you allow it, when you wallow in it. But once you fight back, fear loses its power. For example, the Indian Army cannot do anything to me anymore because now, I can fight back. My inner courage has made me so bold that the 600,000 Indian soldiers no longer appear to me as fearsome and formidable. For me, they are mere pygmies because I am able to continue my struggle despite the harsh conditions in Kashmir."[14] Therefore, we see how circumstances force women to co-opt ways which earlier they may have rejected themselves. This is due to the construction of certain acceptable social norms and positions occupied by women. The legitimacy to one's actions is gained owing to the extremity of the situations. The context of enforced disappearances in Kashmir provides women with spaces giving way to 'acts of resistances'. However, as these 'acts of resistances' take place in the social voids provided by the context, they are generally accepted by the society at large. Even if there is rejection at the individual level, for instance, by men or other members of the family, the existence of an organization like APDP sets an example to those who are in fetters.

Now, let us see how APDP functions and supports the families of the victims. Even though, APDP claims to have no political affiliations or political positions, their way of working is very much political. They have staged *dharna* and *chakka* jams to draw attention of the government and the people.

[14] Ibid.

They have charged allegations against subsequent governments, since its inception, for not fulfilling the promises related to issues dealing with the disappearances. The organization also arranges solidarity meetings regularly on the 10th of every month. In the meetings, they sympathize with each other on the common loss. The mutual expression of personal grief on a public front in a way sanctions the agony borne by the women which often goes unacknowledged. Many women themselves do not display their pain publicly due to social inhibitions. Women are socialized to restrict the expression of pain inside the four wall or in many cases up to themselves. But, by talking about each others' grief, their pain is recognized and gets a sense of acknowledgment which is generally ignored by men and the state authorities. So, APDP provides a common platform for the sufferers to vent out their emotional distress.

The association has also produced a legal manual of what steps are to be taken when someone is picked up and is not traceable thereafter as well as to create awareness about the rights of the people. As most of its members who are women are illiterate and poor, APDP aims overcome this limitation by constantly guiding people about their legal and political rights. With constant direction and guidance, despite being illiterate, they are able to identify their legal documents for e.g. the copy of their First Information Report (FIR), documents related to cases filed at the courts etc.[15] Therefore, APDP has rescued innocent people from constant state coercion and suppression. APDP is empowering the innocent women, who are otherwise stigmatized by the society, to assert themselves without counting their weaknesses like illiteracy, lack of social voice, both economically dependent and poverty, etc.

In order to make their agenda stronger and to educate the people with their policies, APDP has also organized workshops. The purpose and objective of these workshops is to educate the victims about the local and international laws about the enforced disappearances and laws giving impunity to the state and

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[15] Anuradha Bhasin Jamwal, in a personal conversation on 21-03-2010.

the security forces to commit heinous crimes like enforced disappearances. The victims of enforced disappearances are made aware about their rights, while fighting their cases against the mighty Indian state responsible for most of the enforced disappearances.

In relation to the state, APDP will engage it's all resources to force the Government of India to constitute-

- An independent credible truth and reconciliation commission to enquire into the cases of disappearances since 1990. The proceedings of the commission should be open to the public and it should provide answers to the satisfaction of the relatives of the disappeared.
- To stop disappearances in future.
- To make offender state agent accountable before the law enforcing agency.
- To punish the perpetuators of crime of enforced disappearances.
- Revocation of all draconian laws like the arms forces special powers act in occupied Kashmir.[16]

The organization is very careful about its reputation and goals. They demand justice and an end to the menace of disappearances. They believe that money cannot compensate the pain felt due to the loss of the disappeared. "Coercive measures or monetary benefits by the government will not break our resolve. We'll continue to fight, till the whereabouts of our dear ones were not known," APDP, Chairperson said.[17] They are also very careful about fake cases related to disappearances. This may both spoil the reputation of the organization and also exploit the families of the disappeared persons. "Some secret agencies are trying to destabilize the movement initiated by the parents

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[16] 'APDP calls for repealing black laws- Impartial probe into disappearances demanded', *Kashmir Media Service*, 11th June 2009, (accessed on 05-03-2010), <http://www.kmsnews.org/news/apdp-calls-repealing-black-laws>

[17] 'Hidden agencies unleashing propaganda: APDP', Kashmir Watch.Com , 10th March 2010, (accessed on 05-03-2010), <http://www.kashmirwatch.com/showhumanrights.php?subaction=showfull&id=1268252669&archive=&start from=&ucat=2&var0news=value0news>

and the relatives of the disappeared persons. The arrest of an imposter who claimed to be the disappeared son of Ghulam Hassan Dar of Sopore is not an isolated incident. Earlier, two more imposters exploited the families of the disappeared persons and decamped with the cash," APDP, Chairperson, Parveena Ahanger told Press Bureau of India, during the monthly sit-in at Pratap Park, Lal Chowk today morning.[18] The association has demanded an independent enquiry into the case of an imposter who claimed to be the missing son of a Sopore woman.[19]

Ahangar does not believe in acting in a coalition with other organizations, she believes in self- assertion and puts great trust on individual strength and capabilities. She says, "For in the end, all of us have to struggle with our own tools and resources, though at the same time learning from the experiences and methods of other organizations. All of us must know that human rights violations must be fought in our lands. We cannot ask someone from outside to do the fighting for us. But if we have solidarity and outside support, that will give us strength. But we have to do the fighting ourselves." [20]

There are many challenges faced by the organization but none has the courage to contest their determination. However, the organization's work does get affected due to the repression by the state. For instance, in 2000, the organization planned to build a memorial. But, the army attacked and took away the foundation stones. Also, many a times, APDP members have been stopped and even coerced during protest demonstrations, rallies, *dharnas*, etc. The state government has not made any sincere effort to trace the disappeared and instead has given contradictory statements about the number of disappeared, changing it from year to year.[21] APDP even came out with a report in 2008

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[18] Ibid.

[19] Ibid.

[20]Parveena Ahangar, op. cit.

[21] Article released by APDP, 'Present Situation', 23rd February, 2007, (accessed on 05-03-2010), <http://www.disappearancesinkashmir.org>

finding the unmarked graves near Uri, an area near the Line of Control and challenging the statements issued by the government. As people fear state coercion, it hampers and affects the working. People have also been reluctant to report disappearances since these are carried out by the security forces, who are an ever-present threat. Cases regarding missing persons have been registered at the police stations only after intervention by the courts or by any other agency having influence over the local police station. The local police themselves were not registering cases of disappearances as they would face retribution or reprisal from the security forces and the SOG (Special Operations Groups, pro-India militants armed and supported by the Indian forces, notorious for committing human rights violations).[22] Apart from the coercion by the state, there is lack of resources and for any organization to function properly, monetary issues play an important role. For instance, due to the lack of resources, it has been impossible to document and record all disappearances since 1989. APDP has been able to document only a few hundred cases, and has to limit its support and advocacy activities to a few hundred families. Financial support is needed to make a comprehensive survey of all disappearances.[23]

Therefore, we see that APDP fights back the intense challenge thrown by the militarized context of Kashmir. They have broken themselves free from the chains of the private sphere. The pain and grief inflicted by the state authorities has given women the strength to assert themselves. They have filled the vacuum in the sphere of women activism and are setting the road map for other organizations as well.

Muslim Khwateen – e – Markaz (MKM)

Muslim Khwateen – e – Markaz (MKM), meaning a Council of Women, is one of the first women organizations formed in the early 1990s during the first phase of the self-determination movement. It favoured *Azaadi* for the people

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[22] Ibid.
[23] Ibid.

of Kashmir and enjoyed mass support. About the Kashmir solution, they believe that the people of Kashmir should be given the right to self-determination. It even became the only women's organization which is the constituent of the Hurriyat Conference.[24] One of the members of the MKM is present in the executive body of the Hurriyat Conference. However, the female member does not have much say in the decision making process. This shows their marginalization in formal politics of separatists. Therefore, it is very ironical for MKM in Kashmir as even though their very presence in the Hurriyat Conference is acknowledged but their collective absence from the decision-making table cannot be ignored.

Presently, MKM has got women membership in almost all districts of Kashmir. There are nine members in the executive body and 13 members in the general body. Each of these nine executive members have five to eight members under them and in the general body, each of the thirteen members have three members each. Each of these members have formed groups in all most all the districts of Kashmir. These members aim at involving more and more women membership and hence their participation in the movement.

The working of MKM is highly influenced by its leader Zamrooda Habib. She earlier began her political career with the fight against dowry[25] and later, joined the resistance movement. Before MKM, Zamrooda had involved herself with Women Welfare Organization (WWO) which came into being after the first dowry death in 1987-88 which aimed at dealing with women issues. Initially WWO gathered huge support from women from all shades of opinion,

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[24] Hurriyat conference is an amalgam of several male dominated organization in the Valley which either favour an *azaad* Kashmir or merger with Pakistan. They follow a separatist politics as they don't take part in the mainstream politics of the state. After the split of Hurriyat Conference in 2003, MKM joined the hardliner faction of Syeed Ali Shah Geelani.

[25] Dowry became a popular issue after the first dowry death in Anantnang. Dowry as an issue has not been predominant in Muslim- majority Kashmir as it is not accepted by the Islamic culture. However, before the 1990s, there was a significant Hindu population who used to practice dowry. Therefore, women organizations like MKM, DeM had taken up the issue of dowry in the pre-1990s era. But, after the exodus of Kashmiri Pundits from the valley in the 1990s, dowry as an issue was given up and also because by then focus of the people had changed to self-determination.

strata of society and religion.[26] However, after the political instability, there was a total overhaul in the political and social context due to which the organization was dissolved and it could not register itself. However, WWO had provided the women of Kashmir with the initial ignition due to which the formation of MKM did not come up as a surprise and it swayed along with the resistance movement. Talking about the origin of MKM, Zamrooda says, "It came into being in February–March 1990. Initially, it had 1500 members in district Anantnag. Few women from Srinagar also joined."[27] Initially MKM was a part of Islamic Students League (ISL), but later they separated.

MKM acknowledges the suffering of the women in Kashmir struggle. Zamrooda calls Kashmiri women - the "ocean of sacrifice". She believes that women have played a major role in the resistance movement either directly or indirectly. Her suffering is insurmountable not only due to the militarized context but also due to the Kashmiri society has failed to acknowledge her contribution and support. Zamrooda says, "women should be given equal representation in all walks of life as they constitute 45-50% of the population."[28] Generally, every society has a certain ordained notion of 'what is a woman?' and women are always forced to abide by the norms of the society even at the expense of crushing their inner desires. Zamrooda Habib believes that if women contributes so much to a society, then, why is that she gets only discrimination in return. Describing the present condition of women in Kashmir, she says, "Most of them had never been outside their respective places, and today, you can find them outside various jails in India locating for whereabouts of their children or pursuing the case for their release. Women have been immensely humiliated from every corner. From Kunan Poshpora to Shopian, women have been terribly humiliated. Media victimizes and humiliates them further. They've suffered enormously, but their sufferings and sacrifices go unnoticed and unrecognized. Why so? It is completely male dominance, here.

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[26] *'Began as a social activist, became separatist, landed in a jail, rues today'*, March 2010, (accessed on 26-04-2010), <http://realitybitesmagazine.com/2010/mar/teteatete.html>
[27] Ibid.
[28] Anjum Zamrooda Habib in a personal telephonic conversation on 01-05-2010.

Any movement is incomplete without her."[29] She believes that women have not been given their due recognition for their participation in the Kashmiri struggle. Zamrooda says, "Contribution made by women in resistance movement in Kashmir hasn't been duly recognized. There is too much interference by men into issues concerning women, let those be left to women, only. Give women a voice and proper representation."[30] Women participation in all societies is indispensible. Women activists like Zamrooda Habib do acknowledge that it is the male predominance that occupies the fractured picture of civil society in Kashmir.

Working for the equal representation and mobilization of women for increased participation, MKM is presently working on two issues – widow documentation and the issue of political prisoners. Zamrooda says, "Through widow documentation, MKM is able to connect with the women in Kashmir in a best possible manner. This widow documentation is without any politics and is based on ground realities"[31]. She adds, " *har zulum ka legi hisaab, thaan legi jo hawa* " (once they decide, women have the capacity to achieve what ever they wish). "*Naazuk hai lekin Kamzor nahi*" (she may be physically weak, but not unchallenging). This shows that Zamrooda has great trust on the capabilities of the women. She believes that the biggest hurdle to women empowerment is their inadequate representation. Through widow documentation, it will be possible to involve women in their resistance movement against all forms of domination. This is because most of times, women do not realize the pain and discrimination they are going through. Everything is accepted as luck and destiny. But, through documentation, when women openly talk about their pain, she is able to realise that her only mistake is 'her being' i.e. her being as a 'woman'. Therefore, MKM is in a way trying to render women with the 'power of expression' and challenge their muteness endowed by the militarized patriarchal culture.

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[29]'Began as a social activist, became separatist, landed in a jail, rues today', March 2010, (accessed on 26-04-2010), <http://realitybitesmagazine.com/2010/mar/teteatete.html >
[30] Ibid.
[31] Zamrooda Habib in a personal telephonic conversation on 01-05- 2010.

MKM is against any forceful imposition of dress code or burqa on women. Zamrooda says that women should dress up decently and the way of dressing should be a personal choice. She believes that women from different cultures have different opinions about wearing a purdah. The women from America have different notion of purdah from that of Africa.

Recently, MKM has also tried to deal with the issue of Political Prisoners[32]. "The protest is for the prisoners who are languishing in jails despite being innocent. It is against the scores of people who were arrested and have gone missing since then," said Hafiza Jaan, a protester[33]. After release of Zamrooda from the preventive detention, she started an organization Association of Families of Kashmiri Prisoners (AFKP) in April 2009. AFKP is MKM's prisoner's cell and is not affiliated with any of the political parties. This is because MKM intends to keep AFKP away from any politics and political influence. Its members includes only the families of the Political Prisoner. Zamrooda believes that "plight of prisoners is also a concern of women and is equally important."[34] This is because in our society, women are not given equal status and freedom to realize themselves as individuals. They are identified only as dependents upon their husbands and families. So, when the breadwinner of the family is detained, women are left helpless and are victimized by the community. So, the issue of political prisoners is directly related to women as the latter's suffering may be even more coercive. MKM has also staged protests against disappearances and illegal detentions.[35]

The activists of MKM have also highlighted problems of rape victims. They took active part in Shopian issue. 'Rape' exists a phenomenon in Kashmir which has major political implications. Apart from being a social issue, rape

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[32] Zamrooda was under preventive detention for 5 years. During her years in the jail, the issue of political prisoners which abused people to a great extent had a great impact on her.

[33] 'Began as a social activist, became separatist, landed in a jail, rues today', March 2010, (accessed on 26-04-2010), <http://realitybitesmagazine.com/2010/mar/teteatete.html>

[34] Ibid.

[35] 'Kashmiri women activists protest against human rights violation', 24th July, 2008, (accessed on 26-04-10), <http://www.thaindian.com/newsportal/south-asia/kashmiri-women-activists-protest-against-human-rights-violation_10075223.html>

intends to attack the whole community. MKM believes that one has to bring about awareness in women related to their issues. Awareness will result into action which will empower women to fight for themselves. This is one of the basic problems faced by the organization where the women in Kashmir hesitate to take part in active life. Apart from this, the state forces also does not leave any table unturned to stop women's resistance against modes of domination. All the protest marches, strikes etc, take place under heavy presence of military and security forces.

Since the time of MKM's origin, we see that the working and the public presence of MKM has gone through various ups and downs. During the early years of the self-determination movement, MKM enjoyed mass support. But, later with politicization of the Kashmir issue and more actors joining in, MKM started losing its credibility as an organization. This may be attributed to the politicization of the public sphere and male dominance in the separatist politics. Also, women's issues have been easily subsided, ignored and suppressed. Also, arrest of Anjum Zamrooda Habib and her preventive detention for five years made the matters worse. However, after her release in 2008, MKM has again started doing its work vigorously and aims at becoming one of the largest organization in Kashmir. MKM aims in building solidarities. It is just the beginning and much is left to be achieved. The societal structure needs to be challenged and women have to demand their adequate share. Though the civil society provides us with a blurred and broken image, women have to play a significant role to make their presence felt in a masculinised context.

Athwaas

Athwaas which means a helping hand in Kashmiri language. It is Women In Security, Conflict Management And Peace Foundation's (WISCOMP) initiative

in Jammu and Kashmir.[36] It was started in June 2001 after some of the Kashmiri participants at a roundtable discussion titled Breaking the Silence-Women and Kashmir in December 2000 decided to form a group that could provide women with expression, voice and ability to fight against all odds. It is the only organization in Kashmir which believes in peaceful co-existence, so it encourages women participation from almost all religions- Muslims, Hindus and Sikhs. It aims at building solidarities amongst women from almost all walks of life. Though WISCOMP is not a Kashmir-based organization with indigenous origin, it has still strived to achieve commonness with the people of Kashmir and also tried to link them with the world outside.

In a conflict-ridden context marked by re-enforcing masculinities, Athwaas basically prepares women for the challenges and provides them with the energy to fight back. It has held trips to Baramulla, Kupwara, Anantnag, Pulwama, Srinagar, and the migrant camps in Jammu, home to the displaced Pandits of the valley. Athwaas undertook as many as eight field trips to Kashmir between November 2001 and March 2004. The motto of the initiative is NARA – Networking, Awareness, Reconciliation and Advocacy.[37] They believe in getting women from all walks of life on a common platform. Networking helps women in identifying with each other and building solidarities. To bring about Awareness amongst women is important issue as Kashmiri women are gravely tormented by the conflict situation. They are educated to raise a common voice against the gun culture. Reconciliation aims at forming cordial relations, so that peace can be achieved in an environment marked by conflict and violence. Advocacy helps in articulation of women's issues and concerns and also communicating information to educational institutions and non-

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[36] WISCOMP is a South Asian research and training initiative that seeks to empower and involve women in areas of peace, security and international affairs. It was started in 1999 and aims at bringing gender into the centre stage of almost all its initiatives. It is based in New Delhi and is a project of the Foundation for Universal Responsibility of His Holiness The Dalai Lama. WISCOMP has launched various initiatives in different parts of South Asia.

[37] Ashima Kaul Bhatia, Transcending Faultlines: The Quest for a Culture of Peace, WISCOMP, New Delhi, December 2001, pp. 26-27.

governmental organizations. It aims at documenting the narratives of Kashmiri women and therefore, providing expressions to their experiences.

Centres called Samanbals have also been opened up for women which provides them with the physical space. Samanbal is a Kashmiri word which means a meeting point. At these centres, women share their sorrows, joys and happiness. It also provides them with a space for reflection and reconciliation. There are five Samanbals in the districts of Jammu and Kashmir with each Samanbal aiming at a different goal. These are- Psychosocial Counselling Centre, Budgam district , Helpline Samanbal, Anantnag , Purkho Migrant Camp Samanbal, Jammu , Widows Support Centre, Kupwara and Women Writers Workshop. These Samanbals aim at trauma healing, helping the youth of Kashmir with education, jobs etc, economically empowering the Kashmiri pandit women who had migrated from the valley in 1990s and dealing with their issues related to personal autonomy, working with the Women Development Corporation, Jammu and Kashmir to help in providing loans and self- employment schemes, trying to get the women of Kashmir on a common platform through a medium of poetry and prose. These Samanbals aim at providing the women of Kashmir, with a sense of freedom and dignity.

Athwaas has aimed at income generating activities, rehabilitation of widows and orphans. They have held workshops related to trauma healing, conflict resolution, women writers etc.

Therefore, we see that all these women organizations namely, APDP, MKM, *Athwaas* are working in Kashmir for women's empowerment. They are carving out new spaces for women as the available spaces are masculinised taking away women's autonomy. These organizations are penetrating in the social structure and helping women to define their subjectivity in their own terms. Women are encouraged to act for themselves and create a niche for themselves which is devoid of any inequality and hierarchy. Women issues are taken up which are generally avoided by other male groups as it does not impact upon them directly. Male activism is highly partial, politicized and violent. Issues

raised by them become the centre-stage for any large scale political discussion. Thus, the work of these women organizations is an answer back to the patriarchal structures. However, an exception to these women organizations is offered by Dukhtaran-e-Millat (DeM). DeM is an all women's organization that works in a manner different from other organizations. Now, let us throw light on how DeM is flowing with the dominant patriarchal tide and supporting a conservative and fundamentalist outlook. However, DeM sees its activity in the light of Islamic Social Reform. But, one has to gauge both sides in an unbiased manner to find out what is most beneficial for women.

Dukhtaran – e – Millat (DeM)

When the self-determination movement asserted its demand for the recognition of a separate Kashmiri identity, overtime, the sense of this identity became concentrated and particularized based more on Islamic fundamentalism crushing the whole vision of Kashmiriyat. Now, the main agenda of the people was to portray themselves as a homogenous whole so that nobody could challenge their claim. Women, along with the men, asserted their Kashmiri identity which was based on regional and religious beliefs. Many groups and organizations were formed which were fighting for the Kashmiri cause and also aimed at Islamic social reform to reform the Muslim population. Women also participated in large numbers which was not questioned by men. Dukhtaran-e-Millat, meaning Daughters of Faith, an all women's organization, also took active part in the movement and favoured that Kashmir should be a pure Islamic state. Andrabi says, "I don't believe in Kashmiriyat, I don't believe in nationalism. I believe that there are just two nations- one for Muslims and other non- Muslims."[38] She also says, "we are pro-Islam, not anti-Hindu, Sikh or Christian."[39] The organizational structure of DeM is constituted

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[38] Aditi Bhadhuri interviews Asiya Andrabi, 'Inshallah, Kashmir Will Become Part Of Pakistan', 14th August, 2006, (accessed on 05-04-2010), <http://www.outlookindia.com/article.aspx?232194>

[39] Sidhva Shiraz, 'Dukhtaran-e-Millat: profile of a militant, fundamentalist women's organization', in *Against All Odds- Essays on Women, Religion and Development from India and Pakistan,*

by a President, a general secretary and then there is a central Shura in which there are two members from each district. There are also district presidents and district councils. They also have a publicity secretary.

DeM was started by its President, Asiya Andrabi in 1981 as a women's wing of pro-Pakistan, fundamentalist Jammat-e-Islami.[40] Since 2004, DeM has been working with separatist and militant groups like Lashkar-e-Jabbar to enforce Islamic code of conduct in the valley.[41] Parashar says, " It began as a reform movement to educate Muslim women about Islam and their rights and gradually took to moral policing and advocating support for jihad in Kashmir."[42] Andrabi had grown up in a politicized, fundamentalist family. Her uncle was associated with Al-fatah, a militant group of the 1970s. Her husband is also a militant supporting the Kashmiri cause. Asiya got involved with the position of women in Muslim society when her brother blocked her from studying biochemistry in 'India'. Then, by chance she stumbled upon the book *Khawateen ki diloon ki batten*, which eulogised the heroics of women revolutionaries.[43] The book inspired her to start a movement which based itself on the Islamic principles. She believed that women in the past had much more freedom and their position could be better described in comparison to the present context. She tried to bring back the same values and norms that governed the Islamic society of the past. What Andrabi believes is that the ideology of DeM is religious in its orientation and reformist in its actions. We see that Asiya Andrabi has a great influence on the working of DeM. Her personal beliefs and ideology have dominated the working of the organization.

Kamla Bhasin, Ritu Menon (for India) and Nighat S. Khan (for Pakistan) (eds.), Kali for Women, New Delhi, 1996, p.127.

[40] Jama'at-e- Islami was established in Jammu and Kashmir in 1942. It supported militancy in 1988-89. It seeks establishment of a state based on Islamic order and Nizam-e-Mustafa. It favours Jammu and Kashmir's merger with Pakistan.

[41] Swati Parashar, 'Feminist International Relations and Women Militants: Case Studies from Sri Lanka and Kashmir', *Cambridge Review of International Affairs*, Volume 22, Issue 2, June, 2009 , p. 246.

[42] Ibid.

[43] Rita Manchanda, 'Guns and Burqa: Women in the Kashmir Conflict', in *Women, War and Peace in south Asia- Beyond victimhood to agency*, Rita Manchanda (ed.), Sage Publications, New Delhi, 2001, p. 60.

In its attempt to reform the Kashmiri society and portray Kashmir as a Muslim state, DeM has tried to impose *burqa* on Kashmiri women. They believe that it is compulsory for every Muslim women to wear *burqa* in order to respect Islamic culture. For Andrabi, being a Muslim means that *purdah* is obligatory. This imposition was in the early 1990s, when there was mass mobilization against the Indian state. As, *burqa* was never a part of Kashmiri culture and it was only limited to the high classes, the sudden imposition by DeM was not accepted readily. Women openly resented and refused to wear it. Initially, it is claimed that DeM workers threw acid / colours on women who did not wear it. However, subsequently, with increased cases of sexual abuse by the militants and the military in the Valley, women were forced to succumb and adopt *burqa* as a part of their identity. It was psychologically constructed by the patriarchal forces that it is much easier for *burqa*- clad women to move in the public spaces which are heavily militarized. Andrabi justifies her stand on imposition of *burqa* by saying that imposition of *burqa* is not synonymous with seclusion behind four walls. She says in prophet's time, women were in business, in medicine and even in the battlefield.[44] But, one cannot deny the fact that *burqa* has re-enforced sexist distinctions between men and women. The wearing of *burqa* has invited other kinds of problems as the security forces wouldn't trust women and felt that the *burqa*- clad women may be carrying arms, or helping the militants in hiding away from the security forces. So, one may see the wearing of the *burqa* as a site of contested meaning with reference to the different forces in Kashnir.

Since the early 1990s, we see that there is a marked difference in the very identity of the Kashmiri Women. There are restrictions imposed on her in the public spaces. If we analyse the recent imposition of *burqa*, we see that the initial hesitance was later changed to personal acceptance. This personal acceptance may be a forced one as it was borne out of fear. There was fear of two kinds- one, fear of sexual abuse by the militants and the military. Second, fear from the Islamic fundamentalists who would attack women for

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[44] Manchanda(2001), op. cit., p. 60.

not abiding by the Islamic norms. We see that both these fears erupt from the patriarchal structure that places men in the dominant position who are able to direct women's actions failing which the latter fear fierce remarks and behaviour. It may be against the personal choice of most of the women. But, with constant pressure women have accepted it as a part of their life and identity. Therefore, one may say that forced socialisation made women to adopt something which was initially against their wishes. Apart from the imposition of *burqa*, Andrabi has issued bans on beauty parlours, cinema halls and wine shops. They have also ransacked internet cafes and restaurants for allowing young couples to meet privately.[45] Initially, this group was formed as a protest against Kashmiri girls being selected to act as hostesses for foreign cultural groups.

Apart from reforming the society, DeM believes that the future of Kashmir lay in its merger with Pakistan. Its pro-Pakistan attitude has propelled it to aid and help the separatist militants. Its members has helped the militants with carrying of arms, acting as couriers for militants and functioning as decoys. They believe that women play a vital role in the valley's militant propaganda network. In 2000, Andrabi openly advocated to her husband to take more wives, perhaps from the widows of the insurgents.[46] She says, "I call upon all the Muslims of Kashmir for taking more than one wife..."[47] She in a way has questioned the attributes of an ideal woman. Though her identity is very much of a religious Islamic women, but her actions have often trespassed the dominant norms of a patriarchal society. Justifications may also be given by saying that polygamy is allowed in Muslim if reasons given for more than one marriage are just. But, arguments given by a woman in favour of polygamy is not common.

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[45] Parashar, op. cit., p. 248.
[46] Murtaza Shabili, 'Asiya Andrabi- Head of Dukhtaran-e-Millat', Kashmir Affairs, (accessed on 25-05-2010)
<http://www.kashmiraffairs.org/shibli%20interview%20aasiya%20andrabi.html>
[47] Ibid.

Therefore, we see that at the organizational and collective level, DeM is both religious and political in its actions. On the one hand, they are attacking the indigenous society for not following the Islamic laws and favour Islamic social reforms. On the other hand, politically they are attacking the Indian nation state for its coercive rule. Their political and religious aspects often overlap with each other. Before the self – determination movement, DeM has also raised its voice against dowry and claims that the money should be given to the needy and the poor. In Islamic religion, there is no culture of dowry but Mehr or Dower, it is price that the bridegroom gives to the bride. It belongs solely to the bride and it depends on her will wherever she wishes to spend it. This way DeM has empowered women and helped them in not been considered a burden on the family. However, after the 1990s, the focus of the organization has totally changed. They have engaged themselves with the self-determination movement.

Apart from the social violence committed on women, there exists physical violence which has become a norm in Kashmir. DeM claims to be against the violent means. However, they do support the separatists who have adopted violent means and who favour merger with Pakistan. DeM believes that it is the job of men to raise arms and fight for the cause of their nation. Andrabi believes that women should stay at home and look after the family. She says, " if all of us were to take up arms, our whole setup would be destabilized."[48] Since the organization supports the militants, its workers are arrested many times and the organization is banned by the Indian state.

On a positive note, DeM has also raised their voice against the sexual abuse cases. Their presence was first felt when they gave a call for women to march to the United Nations office on 14 March 1990 against the Channpora rape incident.[49] DeM believes that the more atrocities the security forces

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[48] Manchanda, op. cit., p. 77.
[49] CRPF personnel raided the house in the locality - one woman aged 24 years was taken out of the kitchen and raped by 20 CRPF personnel. Another woman was also raped. Two girls of the age 24 and 16 were molested.

commit, the stronger their voices would be. They have also fought for reservations for women in buses, arranged the marriage of poor girls and run training centres for widows and girls. Andrabi favours widow-remarriage and urges men to keep more than one wife, preferably a widow.[50] Swati Parashar calls Asiya Andrabi a feminist as she has advocated special privileges for women in Kashmir. She has also spoken against the June 2006 Sex scam in which girls were being sexually exploited by politicians and bureaucrats on the pretext of providing them with employment opportunities. Andrabi is present in most of the public agitations against the state like the 2009 Shopian case when two young women were raped and killed. Parashar says that for Andrabi, her identity is very important and that she has not accepted her husband's surname also.[51] But, one is compelled to acknowledge the volatile context of Kashmir where women's actions and roles are placed on an unstable platform from where women's changed subjectivities keep on erupting depending upon their situational social positions. This can be explicated by describing how DeM has adapted to the changing context in Kashmiri.

Thus, we see that DeM is an organization which believes in Islamic social reforms. Its position on some of these social reforms stem from its attempt to prevent the sexual exploitation of women. Though, it has made its appearance on certain issues of sexual abuse against women like the sex scandal in 2006, Shopian issue in 2009 etc. However, they have not raised their voice against the patriarchal structure which governs our society. Kazi says, "the DeM's hostility to women's rights exemplifies the dangers of Kashmir's pan-Islamic currents of resistance that are as authoritarian, undemocratic and patriarchal as the state they oppose."[52] Parashar says, "Women like Andrabi speak the language of violence and militancy and paradoxically serve to silence the voices of other women."[53] Therefore, one can say that Asiya Andrabi is a 'woman of contradictions', as in spite of raising feminist issues, her stand in

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[50] Shabili, op. cit.

[51] Parashar, op. cit. , p. 247.

[52] Kazi, op. cit., p. 171.

[53] Parashar, op. cit., p. 248.

favour of militancy has the unintended consequences of making the position of some women worse off.

Conclusion

Therefore, we see that women's activism at the organizational level is playing a significant role by coping with the militarized context. Their agenda revolves around women's social relations with respect to their family and community i.e. their role as a mother, wife, daughter , widow etc and also their religious identity. Most of the times, women have to succumb to their male counterparts. These organizations represent voices of only a section of the Kashmiri women.[54] Both militancy and militarized context play a major role in acting as impediments to women's activism. However, none can deny the fact that women's organizations can be seen as "instances of liberation" in patriarchal Kashmiri Society. These organizations are a voice against any denial of experience. Women's organizations in Kashmir symbolizes 'expressions of women's voices'.

Therefore, we see that women activism in Kashmir is still in its formative stages. There can be no change if women accepts whatever comes their way. An active interaction with the reality is required to challenge their subdued identity and subjectivity. Even though there exist hurdles on their way, but still women are striving for a better future. Often, in general, men restrict women's action, but in Kashmir, the 'special' context is playing a bigger role. It, many a times, emancipates women to face challenges and work for themselves. In most other cases, the context victimizes and oppresses women. However, one should not ignore the 'acts of empowerment' as they pave way for *instances of moving out* of the social context which is male-dominated.

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[54] Ayesha Ray, *Kashmiri Women and the Politics of Identity* , Paper Prepared for Presentation at the SHUR Final Conference on Human Rights and Civil Society, Luiss University, Rome, Italy, June 4-5, 2009, p. 16, (accessed on 05-06-2010), <http://www.luiss.it/shur/wp-content/uploads/2009/05/ray.pdf>

CONCLUSION

Individuals are the active *subjects* of their social context i.e. individuals interact with their reality actively and yet they are influenced by their social context in a dominant way. We see that it is the context which determines the individual's *way of life.* Patriarchy seems to be a universal component of the social context in which individuals find themselves. So, there exists an interactive dynamics between the particularity of the context and ubiquity of patriarchy. A militarized context is an instance of patriarchy which plays a dominant role in particular social context. For instance, we have studied the patriarchal context of the militarized Kashmir valley. We saw how the context of Kashmir is an instance of 'double – patriarchy' viz. domination of men, in general and the militarized patriarchal rule. In the context of 'double – patriarchy' in Kashmir, women have reacted against the modes of domination as both agents and victims. Their subjectivity is defined by the very context in which they are placed. In Kashmir valley, women's context is marked by the armed conflict between the military and the militants. So, women's subjectivity in Kashmir is defined through the body facing harsh realities. They have to face the violence of being sexually abused, molested, and raped. There are thousands of 'half-widows' or widows whose husbands are either 'disappeared' or killed. Apart from being a victim of patriarchal ideology, their subjectivity is also actively defined as an agency who moves out in the public sphere and earns the daily bread for the family. Also, the conflict situation provides them with the impetus to act as agents of social change.

During times of contestations and instability, women have always proved their strength and integrity. In Kashmir, women have helped the combatants, acted as peace activists and have well performed their duties and responsibilities. Also women have provided protection and support to their families. It is generally seen that women affected by conflict are determined and brave. They have adopted their own ways of coping with the conflict. They have even become heads of the family and started earning an income.

Conclusion

To define women's subjectivity, one has to challenge the status-quo in gender identities associated with dominant patterns of masculinity and femininity. In Kashmir, we see that women have not only taken part in the public sphere during the self- determination movement and other instances of people's assertion like in the Shopian case of 2009, but they have also taken part in various organizations like the APDP, MKM, DeM, WISCOMP's *Athwaas* as explained in chapter three. Therefore, we see that women have been actively involved in the public sphere. They have challenged the boundaries that restrict them inside the four walls of the house. Now what is the role of patriarchy in this? How does patriarchy adjust with such social changes tilted towards women's activism?

To interrogate the above question further, let us see how Philomena Goodman describes the notion of *patriotic femininity* which exists *for the duration of the conflict situation.* We have already discussed this concept in Chapter One. *Patriotic femininity* is when during war, women come out of their private sphere and act for the nation. Goodman says, "... for a brief period images of women were to be revised as domestic responsibilities were downgraded, employment opportunities expanded and state policy created new services and spaces for women. Indeed, for some women their own definition of what femininity meant had to change. They had to discover for themselves what feminine identity had come to mean in the context of war."[1] But, it is only *for the duration* i.e. they retract back after their job is done in the public sphere. Now, let us apply these two notions in the context of Kashmir. However, there are certain limitations. For instance, Goodman is writing in the context of second world war in Britain and its aftermath. My context is that of Kashmir during the self-determination phase and consequent militarization by the state since 1990s. Goodman has analysed Britain after the war was over. In Kashmir, the self determination movement is still going on and may continue for a long time. One cannot predict what the position of women would be after the self-determination movement is over. However, one can always put forth the probabilities of the outcome in a given situation.

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[1] Philomena Goodman, *Women, Sexuality and War,* Palgrave, New York , 2002, p. 16.

Let us first take up *patriotic femininity* in the context of militarized Kashmir marked by the self-determination movement. *Patriotic femininity* was first observed during the initial phase of self-determination in the early 1990s. Then women came out in large numbers asserting their Kashmiri identity and shouting pro-independence and anti-India slogans. They helped the *mujahids*[2] to hide from the police forces, provided them food and shelter, helped them in carrying arms etc. Young girls wanted to get married to the *mujahids* as they considered them their heroes. It is the feeling of patriotism that engulfs all men and women. Then, men supported and even encouraged women's presence in the public sphere. For women, the unstable context of militarization and self - determination has created different and newer responsibilities and demanded decisions and actions that are not previously considered. However, one has to cogitate whether women's activism in the public sphere existed *for the duration* or more than 'the duration'? Also, to what level *patriotic femininity* was experienced by the Kashmiri women ?

Generally, war is considered a masculine affair. During militarization and self-determination, the public sphere is volatile and violent. Women are generally prohibited to enter the masculine sphere of war. However, in Kashmir, *patriotic femininity* was observed *for the duration* i.e. first few years of the self-determination movement. Women were retracted back in the private sphere when the public sphere became politicized. There was politicization of the issue as foreign militants also joined. Pakistan played an important role in the exploitation of the state of affairs. Various separatist parties also got together making the Kashmir issue a political one. Therefore, we see that *for the duration* was applicable in the initial phase of the self-determination movement. However, one should also accept the fact that women's organizations like APDP, MKM, DeM, WISCOMP's *Athwaas* are also active in Kashmir. Women have not totally retracted back to the private sphere. Also, when ever there is public outrage in the Valley, women have always shown their presence.

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[2] Young men who went out in the early 1990s to fight for *azaad* Kashmir following the Islamic struggle.

Conclusion

It is difficult to gauge the level of *patriotic femininity* in Kashmir. The level of patriotic femininity is determined by particular circumstances and the way men have accepted women's role in the public sphere. It is generally seen in the case of Kashmir that women have always come to the public forum when they had to assert their Kashmiri identity along with men or support them in the public voice against the state's coercive activities. However, it is important to note that one has to avoid stereotyping. One should promote gender sensitivity and gender equality. Generally, we see that women in traditional roles are always accepted. But, what happens when women 'stretch' their traditional roles[3] or go beyond their traditional roles.

In Kashmir, it is abrupt 'necessity' which has made women work outside the four walls. For instance, the killing of the head of the family or if he has 'disappeared'. Apart from taking part in the public sphere, they have looked after the domestic sphere as well. Women in Kashmir did not actively take part in acts of violence, but supported forms of violence where men played an essential role. Women should be seen as political actors who can bring about social change. They have addressed women's need and aimed at bringing about structural change.

One cannot deny the fact that conflict has provided women with new opportunities and responsibilities. The new spaces redefine social relations and promote gender equality. However, after conflict, new gender relations tend not to be sustained and pre-existing gender relations may emerge. One should be able to understand particular experiences of women. However, one should not 'essentialise' women's subjectivity into one category. There exists 'multiple subjectivities' and one cannot homogenize the category 'women'. In Kashmir, women as a category is constructed in different ways as some are agents of social change who act as peace activists, others are victims of oppression who are denied agency to work in the public sphere and also victims of sexual abuse. Therefore, women as a category is constructed in different ways with multiple subjectivities. Women have got 'multiple-identities' constructed in the particular context of Kashmir valley where patriarchy plays an important role.

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[3]Rita Manchanda, 'Women in the Kashmir Conflict', in *Women, War and Peace in South Asia-Beyond Victimhood to Agency*, Rita Manchanda (ed.), Sage, New Delhi, 2001, p. 75.

Therefore, we see that the state of Jammu and Kashmir is a 'state of paradoxes'. One the one hand, the coercive state and militarization subjugates women's spaces and restricts them in the private sphere. On the other hand, the same patriarchal mode of domination provides women with spaces where they can act as agents of social change.

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