THE POLITICS OF WOMEN'S SEXUALITY: "AN EXPLORATION"
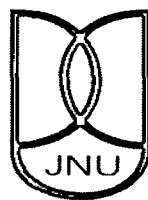
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CERTIFICATE

This is to certify that the dissertation titled **"The Politics of Women's Sexuality: An Exploration"** submitted by **Renu Singh** in partial fulfillment of the requirements for the award of the degree of **Masters of Philosophy** of this university in her original work according to the best of our knowledge and may be placed before the examiners for evaluation.

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I fondly remember my days at the University of Delhi where as an activist I was part of various coalitions that questioned, discussed, and protested against the inequalities, biases, and status quo, particularly regarding the issues of gender and caste. Experiences with the Coalition for Safe University (CSU) were especially unforgettable which gave me the opportunity to interact with the wider student community, especially girl students engaging with them on the issues of sexual harassment. Practical experiences of activism, ranging from going from road to road of DU (north campus) to protest in front of the Vice Chancellor office helped me sharpen my understanding of how patriarchy functions. I also want to offer red salute to my comrades in PSU with whom I learnt the basics of politics. My understanding of how society functions, how inequalities are produced, and reinforced and why there is a need to change the existing system were shaped in their camaraderie. My being

CONTENTS

INTRODUCTION

For almost two decades now, the question of sexuality has assumed an important space in public debate in India. The issue has been debated in the media, both in print and the electronic, and has raised many controversies regarding acceptable and unacceptable depictions of sexuality. School textbooks, drafted to inform children about reproductive health, have been banned in seven states, with the BJP claiming that sex education is a- 'foreign import'! Young couples holding hands in parks have been attacked, as have been young people wishing to celebrate Valentine's Day. Art galleries have been vandalised, while controversies have been generated by the depiction of sexuality in mainstream cinema, giving rise to fierce debates between the so-called moral police on the one hand, and a conglomeration of groups on the other. The strengthening of religious fundamentalism, both the Hindu and Muslim variants, coupled with the decline in the values of secularism among the Indian middle class, has also informed, shaped and defined the discourse on sexuality and has made it a highly contested site. A few NGOs have also been campaigning against Section 377 of the IPC, which criminalizes homosexuality, and the matter is in the Supreme Court of India. The NACO hesitantly has come out in support of these NGOs, while the Government of India refuses to take a firm stand on the issue. The reluctance of the GoI in taking a firm stand on the issue emanates, seemingly, from the fact that since colonial times, the dominant understanding of citizenship is hierarchically structured around sexuality and are mediated by the pre-modern social structures of caste, kinship networks, religion, ethnicities and so on. The unequal citizenship rights, in turn, obtain legitimacy through the social institutions of marriage and family, with the inherent patriarchal bias, legitimise discrimination against sexual minorities by the state (Narrain, 2007)).[1]

The AIDS epidemic in the country has pushed people to think of issues of sexuality as never before. Sex workers/ people in prostitution, meanwhile, have called for repealing of the archaic SITA (Suppression of Immoral Traffic Act, 1956), which was amended and renamed as the PITA (Prevention of Immoral Traffic in Women and Children Act) in 1986. This Act merely extends the SITA applications. Under

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[1] Narrain, Arvind (2007)," Rethinking Citizenship: a Queer Journey", *Indian Journal of Gender Studies*, Vol. 14 No 61 pp 61-71

PITA the powers of the police were expanded, giving them powers of searching any premises without a warrant for curbing traffic in women and children. The Act, making the deep discomfort of the state with 'uncontrolled sexuality' visible, penalises women in prostitution heavily, perceiving them as being 'immoral' and 'threatening' for Indian culture (Gangoli, 2007).[2] Similarly, Prevention of Pushing and Forcing Girl Child into the Flesh Trade and Immoral Traffic Bill, being discussed in Parliament, primarily aimed at preventing the entry of girl children into prostitution, carries patriarchal biases and prejudices forward. It perceives forcing girls into prostitution as a serious criminal offence while continues to see prostitution merely as 'flesh trade' or 'immoral traffic.' The Bill, in continuing with the heavy penalisation of the women in prostitution almost exclusively, while leaving their male 'customers' with mild punishment ignores the socio-economic realities and the role of patriarchal forces that push women into prostitution

Sexual violence has always been used by patriarchal forces not only as a mean of controlling and subjugating women alone, but also for the perpetuation of social hierarchies. The fact that violence, which is inherent in the caste system, extends also to the use of violence to enforce the caste-based gender codes. It has been born out by many recent cases of atrocities on Dalits. Upper castes have always invoked stringent penalties on Dalits for exercising the democratic rights guaranteed by the Constitution. These penalties have almost always included sexual violence against women of the community, including rape. Thus, in a very recent case in Khairlanji, the assertion of a Dalit family was met with brutal repression including gang rape of its women members (Teltumbde, 2007).[4] Similarly, the judgment in the Bhanwari Devi rape case, not only reaffirmed the continuing and unchallenged power of the upper castes in the society, but also reflected the extent of internalization of the Brahminical patriarchal values even among the urban elites. In quashing the charge of rape, the judge of the lower court, held that it was impossible to believe that Indian culture had reached such a low that elderly men belonging to different

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[2] Gangoli, Geetanjali (2007) *Indian Feminism: Law, Patriarchies And Violence In India,* Ashgate Publishing Limited, London
[4] Teltumbde, Anand (2007) "Khairlanji and its Aftermaths: Exploding Some Myths, *Economic and Political Weekly,* Vol. 42 No.12 (Mar. 24- Mar. 30) pp 1019-1025

(Upper) castes would have joined together in raping a 'low' caste woman (Chakravarti, 2003).[5]

Patriarchal attempts at upholding and reinforcing socially sanctioned norms and practices against women get reflected in the everyday life of women in the institutions of family and marriage, as well. The preliminary findings of 2005-2006 National Family Health Survey (NFHS 3) indicate large-scale prevalence of domestic violence in the country. The survey found that though there are great variations among the states, overall 40 per cent of married women experienced domestic violence. However more worrying is the fact that 54 per cent of them justified it on certain grounds (IIPS, 2007).[6] The justification of the domestic violence by its victims reveals the distribution of power within family and the familial, economic and social status of women in the household domain. The prevalence of domestic violence has important bearings on the sexuality of women; as the lack of participation in the decision making process within family seriously affects their capacity of making decisions about their reproductive capacities. The inferior status of women in Indian society is also reflected by the continuation of dowry murders, despite a stringent law against dowry harassment and violence related to dowry harassment. The common sense perception of dowry as an integral part of Indian culture is a misnomer. It is actually a gross form of domestic violence. In fact, dowry murders are the worst form, which gendered violence in family can assume (Narayan, 1997).[7] The practice of dowry exposes the role of rituals and customs sanctioned by personal laws of different religion in denying women their rights in the institution of family and marriage. It also reveals the complicity of the legal system in limiting women's access to economic assets owned by the family (Saheli, 2007).[8] The sustained struggle by the women's movement against domestic violence led to the enactment of the Prevention of Domestic Violence Act 2006 that provides for the right of the woman to residence in the shared household, the right to protection, and the mandatory return of Streedhan. The Act defines violence in all its

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[5] Chakravarti, Uma (2003) *Gendering Caste: Through A Feminist Lens*, Stree, Calcutta.

[6] International Institute for Population Sciences (IIPS) and Macro International (2007). *National Family Health Survey (NFHS-3), 2005-06, India: Key Findings* IIPS, Mumbai.

[7] Narayan, Uma (1997) *Dislocating Cultures: Identities, Tradition And Third World Feminism*, Routledge, London.

[8] Saheli (2007) *Talking Marriage, Caste And Community: Voices From Within*, Saheli Women's Resource Center, Delhi.

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forms, from physical to sexual, and seeks to eliminate them (Venkatesan, 2008).[9] However, the most significant advance made by the Act is the recognition of the right to live in the shared household, while making a distinction between ownership and the right to live in it. Thus, it tries to do away with the threat of dispossession, used by the families as an effective mechanism of quelling resistance.

Furthermore, the discourse has been influenced by the construction of a public vs private distinction, the attempts of patriarchal structures like caste, kinship networks and religion to control women's sexuality, the attempts of the state to regulate the sexuality of its subjects by legitimizing only one of the sexual behaviours, and the resistance put up by women's movement as well as other progressive movements, particularly the Left forces. Though these forces have had fluctuating relations with one another, from collaboration to confrontation, barring the women's and other progressive movements, all of them have attempted to maintain and strengthen the subjugation of women, control of their sexuality and using their fertility in the service of their ideologies. The subjugation of women under patriarchal structures and the control over their sexuality gets reflected in the recurrent incidents of sexual harassment, gender discrimination against women in public as well as private spaces, and sexual assault on women, and targeting of women during communal and ethnic violence. Women often bear the brunt of the violence during conflicts because of being perceived as the site of the honour of the community. The brutalisation of Muslim women in the 2002 pogrom of Gujarat showed the complicity of the state authorities with the right- wing Hindu fundamentalist forces, in reinforcing the paranoid threats of the 'Other' and thus making the women of the Other community liable to assault and violence. Right- wing Hindu anxieties and fear of the allegedly ultra-virile Muslim male bodies and over-fertile Muslim women, which may lead to the ultimate outnumbering of the Hindu majority, are used to propagate communal hatred and recruiting members of majority community in its killing brigades. These forces targeted women's bodies as a site of almost inexhaustible violence, with varied forms of torture. An unmistakable fact was the conscious mutilation and savagery of their sexual and reproductive organs, and in killing born as well as

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[9] Venkatesan, V (2008) Lacunae In Law, *Frontline,* Vol. 24 No. 25 (25 Dec. 2007 - 04, Jan. 2008) pp 20-23

unborn children (Sarkar, 2002).[10] Thus, the attempt of controlling (or eliminating) the 'Other' by targeting the sexuality of 'their' women formed the dominant pattern of Gujarat violence.

It also gets reflected in the fact that the state legitimizes attempts at regulating women's sexuality in the name of protecting 'Indian cultural values'. Despite the proliferation of often vulgar "Western" norms in the depiction of women and sex in the media, hardly any aspect of sexuality is exempt from some form of regulation, whether it is the state governing sexual speech, the role of judiciary in determining legitimate sexual relations and which sexual acts constitute violence and what behaviours constitute indecency in public, and thus, are subject to criminal or legal sanctions.

The regulation of women's sexuality is also carried out by extra-constitutional bodies like caste panchayats, which deny women (and men) even the basic Constitutional rights like choosing one's life partner. The recurrent reports of honour killings from many parts of the country, dissolution of marriages by the caste panchayats, and denying victims recourse to the state agencies by using brute force make it evident that even after sixty years of independence, the rule of law has no place at the grass roots, and women are the worst victims of the government's failure in doing so.

Finally, the growing assault of the Hindu Right on sexual freedom and its attempt of cultural policing have brought the role of the state and non-state actors in defining sexuality in sharp focus. Here, the role of the Hindu Right requires special mention. Based in the ideology of revivalism, Hindu Right sought to revitalise Hindu culture since the early days of the struggle against colonial rule. It adopted revivalism as a strategy not only of resisting colonialism but also of creating the notion of 'Other' in the form of non-Hindus, particularly Muslims and Christians. The Hindu right has been promoting a vision for women shaped by the dominant sexual ideology, in a way that it has been able to take seemingly moderate positions, while at the same time inscribing women's role within the 'traditional', so-called culturally bound,

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[10] Sarkar, Tanika (2002) Semiotics Of Terror, *EPW* Vol. 37 No. 28 (July 13-July19) pp 2872-2876

patriarchal family congruent with the sexual normativity supposedly prescribed by religion for the upper castes. It has appropriated many issues that were on the feminist agenda for a long time, and has refashioned them in ways that do not challenge prevailing sexual and cultural norms, or women's traditional roles. For example, the Hindu Right's version of public violence is constituted within a communal discourse, while violence in private sphere is constituted through the feminization discourse. This discursive strategy then reinforces the construction of the Muslim community as the dangerous Other while absolving Hindu men of any blame for violence, either inside or outside the family. Thus, it succeeds into replacing the anger building up in the women towards the 'Other' while compelling women to adhere to norms and values set by it to get protection against the 'threatening Other'.

The social construction of sexuality, and the gender relations emanating from it play a crucial role in shaping women's life and health conditions. Though the attempts of controlling women's sexuality have a long history, in modern times, women's sexuality became a site of the struggle between the adherents of the declining feudal system and the emerging capitalist forces. After emerging victorious in this struggle, the capitalist state, in collusion with regressive social structures of caste, class, ethnicity, race, religion and so on, create condition which hinders women from gaining control over their own bodies and reproductive capacities in order to perpetuate the dominant social order. The capitalist state invested heavily in getting the ideal of marriage and motherhood within conjugal family internalised by the masses, and thus succeeded in ensuring a continuous supply of labour, crucial for its survival. The capitalist state succeeded in confining the discussion of sexuality in the realm of the male and the heterosexual, and denied women and other alternative sexualities from having any say in the matter. It also succeeded in gaining the support of organised religion in controlling women's sexuality in order to keep them in control, indeed subjugation, despite being engaged in bitter conflict with it on many other issues.

The state used the developments in the medical sciences to gain support for the motherhood ideology and also for making the inferior status of women in society seem natural. Therefore, women's reproductive organs were seen as the location of

the personality characteristics of the women that qualified them only for childbearing and bringing up the children, while also to making them unfit for other activities, too.

The primary objectives of this preliminary study are to analysed and understand the role of various factors in shaping the discourse of sexuality and how these factors interact with host of other issues in shaping the power relations in society. The specific objectives of this study are:

- To trace how the notion of sexuality has emerged in its present form. This would include an attempt at historicising the issue and locating the role of changes in socio-economic organisation of society in shaping the normative social and sexual behaviours. I also attempt to understand how these changes have influenced various theoretical positions on sexuality. I also make an attempt at understanding the role of dominant notions of sexuality in shaping the life and health conditions of women and also in shaping their access to health services.

- I would make an attempt of understanding the notion of sexuality in the Indian context. While trying to locate the issue in the historical evolution of Indian society, I try to understand how the emergence of norms and values of sexual behaviour have been entwined with the evolution of caste system, slavery and the subjugation of many sections of Indian society. I try to trace the internalisation of patriarchal values in the Indian society, the legitimation of the patriarchy by religion and the absence of resistance to this subjugation by the upper caste/upper class women.

- I attempt, briefly, to understand the impact of the colonial encounter in mediating the customs, values, and norms of social and sexual behaviour in Indian society. This would include the attempt at understanding how the elite sections of Indian society negotiated with the western ideals of liberty, equality, and rationality in the public and private spaces. I also attempt to understand how the colonial encounter helped in reification of religious and

caste identities, the stringent division of space into public and private ones, and the construction of the notion of 'threatening Other'. Also, I attempt to trace the impact of the discourse of colonial modernity in giving women and other underprivileged groups access to education and thus in building up a women's movement.

- Finally, I attempt to trace the women's resistance to their subjugation in society and in particular, their attempts at reclaiming the right to control their own bodies, sexuality and fertility. I attempt to understand the emergence of the concept of the reproductive rights, its critique by the women of colour and Third World feminists, and the emergence of the concept of reproductive justice.

The first chapter of the study attempts to provide an overview of the notion of sexuality. It is an attempt at understanding the genesis of the notion, how it came to represent the intricacies of human interactions particularly in the realm of sexual behaviour. The first chapter presents an account of the theoretical perspectives and the contesting notions, the role of capitalism in perpetuating women's subjugation and the emergence of women's movement aimed at reclaiming the right to control their own bodies. This chapter also presents an analysis of the role of patriarchal ideology, legitimised by the religion, and its complicated relationship with the bourgeois state rooted in liberal ideology, in confining women in private spaces, illegitimising sexualities other than heterosexual ones within the conjugal nuclear family setting, and of criminalising other sexualities as deviant. Finally, I attempt to trace the linkages between women's health and life conditions and how they are produced and perpetuated.

The second chapter attempts to put the discourse on sexuality in the Indian context. Here I try to trace the relationship between the subjugation of men belonging to several communities and all women under Brahminical patriarchy. This chapter attempts to produce an analysis of the intricate relationship between the emergence of private property, alienation of a section of population from their sources of livelihood and tightening of the laws of patrilineal inheritance. In this chapter, I also

endeavour to present the evolution of the profession of prostitution and slavery and how they contributed in giving rise to Brahminical social order. Finally, this chapter presents an analysis of the role of colonial encounter in shaping the discourse of sexuality in its present form. It seeks to discuss the contradictions as well as consensus between the colonial rulers over the questions of regulation of the private domain, as in introducing reform legislation in the nineteenth century, and how it informed the debate on sexuality in postcolonial India.

Finally, the third chapter seeks to analyse the role of women's movement in resisting their inferior status in society and its mobilisation for regaining control over their sexuality and fertility. In this chapter, I attempt to delineate the development of women's movement, the expansion of its scope and finally the emergence of the concept of reproductive health and rights. This chapter also provides a brief account of the Third-World critiques of the notion and the subsequent demand for reproductive justice. Finally, this chapter attempts to locate the discourse of sexuality, fertility and population control in India in the broader international context and its impact over women's access to their body, fertility and the basic health services.

This is a modest study, a beginning, with many hesitant steps. But a beginning, nevertheless, of an area that I hope to study more deeply in my academic life.

WOMEN AND SEXUALITY: AN OVERVIEW

> Sexuality must not be thought of as a kind of a natural given which power tries to hold in check, or as an obscure domain which knowledge tries gradually to uncover. It is the name that can be given to a historical construct (Foucault, 1979:105).[1]

The term 'sexuality' generally refers to the sexual orientation (and behaviours) of individuals. It is considered to be a natural and essential characteristic of an individual that finds expression through sexual activities and relationships. This common sense perception of sexuality is a misnomer. Sexuality incorporates not only the matters of body, the sexual pleasures attached to it, and the normative sexual behaviours acceptable in a culture, but also the question of power and its exercise through various channels in society. It transcends the private realm and is mediated, shaped and defined by the socio-economic organisation of the society reflecting the power distribution in the society. Like many other sociological concepts, the concept of sexuality too is a historical construct and has undergone many changes over time. Sexuality, as we understand it today, is a product of modern times and is embedded in growth of industrial capitalism and the discourse of enlightenment and rationalism (Cocks and Holbrook, 2006).[2] As the project of modernity (and the growth of industrial capitalism tied to it) liberated scores of men and women from feudal ties and brought them to the emerging townships as workers, it shook the norms of social and sexual behaviour that had almost been naturalised earlier. The triumph of capitalism gave rise to the capitalist social relations rooted in the ideology of individualism. Central here was the construction of the nuclear family, which made the regulation of the sexuality of the individuals by the state possible in order to ensure the production of goods and the reproduction of the labour force. As a consequence, the notion of sexuality, too, transcended the private domain and came into public discourse. Thus since the nineteenth century, sexuality became the focus of fierce ethical and political debates and divisions

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[1] Foucault, M. (1979), *The History Of Sexuality: An Introduction Vol. 1*, Penguin, London
[2] Cocks, H.G. & Houlbrook, M. (eds.) (2006), *The Modern History Of Sexuality*, Palgrave, Macmillan, New York.

between traditional moralists and liberals, between the high priests of sexual restraint and the advocates of sexual liberation, and so on (Weeks, 1986).[3]

This does not mean that before this period men, women and children were asexual beings, not dominated by the hegemonic control of the ruling ideology on sexuality in those times. Their sexual behaviour, like any other aspect of social life, was shaped, defined and controlled by the male power and the underlying structure of patriarchy, socio-economic organization of the society and their status in it, and religious and legal prescriptions. However, the debate on the nature, definitions, uses and abuses of sexuality is a recent historical construct. As Martha Vicinus points out:

> The very notion of sexuality as a thing in itself, rather than a collection of acts or eroticized bodies is part of our modern history; the first use of the word "sexuality," according to the Oxford English Dictionary, dates from 1800. Our social and psychological structuring of sex is congruent with and influenced by the rise of industrial capitalism (Vicinus, 1982:135).[4]

Genesis of the Notion of Sexuality

The earliest definitions of sexuality were rooted in the development of science, particularly of botany. For example, the first recorded use of the term 'sexuality' referred to the 'lives of plants' and their sex and reproduction. Thus, it becomes apparent that sexuality has not always been used in the context of an exclusive human domain (Bristow, 2007).[5] The first uses of the term were to denote the reproduction of living beings (whether amoebae, plants or insects). However, very soon the term got de-linked from the process of reproduction and began to be more closely associated with the peculiarities of human interaction with particular reference to interactions with sexual connotations. By 1890s, the term was being used to refer to the sexual behaviour, the types of sexual person and kinds of sexual attraction. Yet, the nineteenth century usages of the term were largely determined and shaped by the emerging scientific knowledge and borrowed much from the hydraulic model. In this model, sex was viewed as a limited energy system linked

[3] Weeks, J (1986), *Sexuality*, Routledge, New York
[4] Vicinus, Martha (1982), "Sexuality and Power: A Review of Current Work in the History of Sexuality", *Feminist Studies,* Vol. 8, No. 1. (Spring), pp 132-156
[5] Bristow, Josef (2007), *Sexuality,* Routledge, New York, p 3
6. Vicinus, Martha (1982), op. cit. p 136

only with males, who needed to discharge the energy (and regain it) to remain socially productive. Thus, the dominant paradigm for sexuality was largely male and heterosexual, and sexuality was defined in terms of male orgasm in which women and other alternative sexualities had no role to play (Vicinus, 1982).[6] This model shaped the early discourse of sexuality to such an extent that even the definitions of female sexuality were male definitions. Sexuality was always defined by the ruling aristocracy (or the secular power) and the religious heads (the religious power), and in both these domains women were passive spectators. As Weeks (2000) puts it:

> ...all hitherto existing definitions of female sexuality (at least in recorded history) are male definitions, so that the category of sexuality itself is corrupted by male power and the actual practice of 'masculinity' (Weeks, 2000:134).[7]

The Church, of course, played a vital role in defining the contours of appropriate and socially acceptable sexual behaviour. It held any sexual activity outside wedlock as 'sinful', and believed that the sole purpose of sexual intercourse was procreation. The Church, simultaneously, supported changes in customs associated with marriage rituals and legitimised only one of them, one that took place in the church and was solemnised by a priest. Thus, the Church along with the bourgeois state shaped the way acceptable sexuality was defined and codified. Thus other ways of 'marrying' such as through various folk customs, in private betrothals and so on were sought to be done away with. Before this period, these marriages carried social acceptance and the customs were accepted as common law (Robb, 2006).[8] The reasons behind this development were rooted in changes in the society with the advent of industrial capitalism. With the decline of feudalism, wider kinship networks were becoming redundant, and there was no rationale left for using marriage as an instrument of strengthening property holdings and communal bonds. Rather, the logic of the emerging system emphasised the conjugal family over these kinship networks as it suited the new mode of production (Trumbach, 1978).[9] Therefore, the state now took the lead in regulating sexual behaviour and enacted various legislations in defining marriage practices, inheritance and so on, supplanting customary laws. For example, the British government defined a legal marriage in specific and

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[8] Robb, George (2006), "Marriage and Reproduction", in Cocks, H.G. & Houlbrook (eds.), *Modern History Of Sexuality*, ibid. pp 87-108

[9] Trumbach, Randolph (1978), *The Rise Of Egalitarian Family: Aristocratic Kinship And Domestic Relations In Eighteenth Century England*, Oxford: Oxford University Press

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unambiguous terms through the 1753 Hardwick Marriage Act and refused to recognise any marriages incongruent with the act. Simultaneously, it criminalised officiating at any "irregular" marriage and falsifying marriage licenses. The state, furthermore, became more and more intolerant towards children born out of wedlock. Thus, the New Poor Law of 1834 in Britain made the unwed mother solely responsible for maintaining children and snatched away their right to sue the alleged father for maintenance. The state, increasingly, usurped whatever rights and liberties possessed by the children born out of wedlock.

The state derived the legitimacy for cracking down on 'deviant' (and simultaneously arrogating the power to define what is deviant) sexual behaviour guided by new Victorian norms of morality, which ingrained itself in British society with the support of the Church. The Victorians, paradoxically, revered the institution of marriage and motherhood as the bedrock of progress while vilifying sexuality, particularly of women (Stage, 1975).[10] The scientific discourse of the times, together with the journals offering sexual advice, helped in creating a myth that women have no sexual desires, are inferior to men, and indeed are sexually frigid. Their bodies were perceived as only an inferior and inverted version of male bodies and their reproductive organs were taken to be only as underdeveloped homologues of male organs (Laquer, 1986).[11] In fact, till the early eighteenth century, none of the science journals had felt the need to even publish an illustration of a female skeleton (Schiebinger, 1986).[12] Illustrations of male skeletons were believed to be enough for the understanding of human anatomy. However, after that, when illustrations of women's skeletons first appeared, they depicted women with as wide a pelvis as could be found, along with a narrow neck, a small rib cage, and a tiny skull (ibid).[13] The tiny skulls, it was clear, represented the patriarchal prejudice of presenting women as childlike and then childish. This depiction suited the dominant social classes, as the wider pelvis emphasised the 'natural' role of women as child-bearers,

[10] Stage, Sarah J. (1975), "Out Of The Attic: Studies Of Victorian Sexuality", *American Quarterly*, Vol. 27, No. 4, pp 480-485

[11] Laqueur, Thomas (1986), "Orgasm, Generation And The Politics Of Reproductive Biology", *Representations,* No.14, The Making Of The Modern Body: Sexuality And The Society In The Nineteenth Century, Spring, pp 1-41

[12] Schiebinger, Londa (1986) "Skeletons in the Closet: The First Illustrations of the Female Skeleton in Eighteenth-Century Anatomy", *Representations,* No.14, The Making Of The Modern Body: Sexuality And The Society In The Nineteenth Century, Spring

[13] ibid

and their tiny skulls made them incapable of intellectual capacities, and thus strengthened the consolidation of ownership of private property under the men. Simultaneously, the discourse helped the patriarchal ruling forces in locating the subjugation of women in the realm of biology, and thus as something 'natural'.

This dominant notion of sexuality was challenged by the emerging voices of resistance, largely shaped by the space provided by the new political regime as well as technological progresses enshrined in the times. There emerged writings of homosexuals, lesbians and other 'sexual deviants' (circulated through legal or illegal, clandestine process), that brought the issue out of the closet (These writings included those like *My Secret Life* by 'Walter' who believed that lower class women would always look up to upper class men as a reaction against the repressive sexual ethos of the upper class women and thus provide the men with an opportunity of greater sexual experimentation (Marcus, 1979)).[14] Then there were movements opposing legislation aimed at regulating the sexuality of lower class women like the contagious diseases acts of 1864, 1866 and 1869, which suggested the medical inspection of the prostitutes, but not of their customers. The working classes and the feminists saw these legislations as an institutional invasion in the lives of the poor and downtrodden, and pointed towards the double standards of regulating the 'threatening' sexuality of the women which needs to be kept under check on one the one hand, and, while on the other, protecting natural (and thus unavoidable) promiscuity of the men. The Ladies National Association, which was founded in 1869 as a feminist organisation under the leadership of Josephine Butler, opposed these acts arguing that the acts denied poor women of their constitutional rights and forced them to submit to a degrading medical check up of their private parts but also sanctioned a double standard of sexual morality. It rejected the prevailing social view of 'fallen women' and argued instead that the prostitutes were victims of male pollution, 'as women who had been invaded by men's bodies, men's laws and by that "steel penis", the speculum (Walkowitz, 1980).[15] In the process of challenging

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[15] Walkowitz, Judith R. (1980), "The Politics of Prostitution", *Signs*, Vol. 6, No. 1, Women: Sex and Sexuality, Part 2, Pp 123-135

the legislation and finally getting it repealed in 1880s, the movement challenged the dominant notions of sexuality and became instrumental in bringing about a new discourse on the issue.

However, the imagery used by the movement in defending the rights of prostitutes and in its effort of restoring dignity to them, was shaped by the institution of marriage and family. In using the metaphor of 'mothers' and 'sisters' while fighting for the rights of prostitutes the movement ended up strengthening and extending the traditional role of women in families on the one hand, and, on the other, subverted patriarchal authority by giving the mothers and not the fathers the right to control the sexuality of the daughters.

The state, nevertheless, dealt with the movement in contradictory ways. Though it was compelled to yield to the demands of the movement on several occasions, at others it subverted the demands of the movement in the opposite direction. For example, while yielding to the demand of raising the age of consent for young girls through the Criminal Law Amendment Act of 1885, it gave the police a summary jurisdiction over poor working class women and children. Furthermore, by a clause in the same act, the state criminalized 'indecent' act between consenting males and thus paved the way for legal prosecution of homosexuals in Britain. Simultaneously, increased state regulation and the consequent police vigilance of female sexuality resulted in making prostitutes much more vulnerable than they were earlier. It transformed the women in prostitution into mere bodies, at the disposal of the bourgeoisie.. Prostitutes, now, became much more dependent on the male pimps and lost whatever little autonomy they had. Furthermore, the state, instead of cracking down on the profession, institutionalised it by using the argument of necessary evil. Her body was now defined as the sewer in which the social body excreted its excess the 'seminal drain' (Corbin, 1986).[16] The state, therefore, I would argue, succeeded in using and subverting a pro-women movement for its agenda of building a dichotomous, bipolar, construction of sexuality: that of an ideal, good housewife and mother in a family at one end and, that of the prostitute, threatening and evil, at the

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16. Corbin, Alain (1986), "Commercial Sexuality in Nineteenth-Century France: A System of Images and Regulations", *Representations*, No.14, The Making Of The Modern Body: Sexuality And The Society In The Nineteenth Century, Spring

other. However, the movement did play a crucial role in expanding the meaning and expression of sexuality and in bringing them into mainstream discourse.

Another important factor that contributed in challenging and restructuring the hegemonic notions of sexuality was the emergence of sexology as a legitimate discipline of scientific inquiry (Waters, 2006).[17] Chris Waters argue that sexologists like Henry Havelock Ellis were some of the most sophisticated historians of sexuality in the nineteenth century. Ellis maintained that the earlier work in sexology was an inalienable part of the more general project of classifying and understanding sexual behaviours. At the same time, sexologists tried to list and specify the various forms of sexuality and perversity. They also tried to show that many of the sexual behaviours, then termed abnormal in Europe, were commonly accepted in past cultures. Accepting these, they believed, would lead to a more tolerant, natural and healthy sexuality, freed from the confines of the customs. However, sexology was attacked by many writers including Foucault for criminalising and psychiatrising alternative sexual behaviours. But, as a matter of fact, sexology proved to be neither a vehicle of ushering sexual repression in the society nor of rescuing it and bringing it back into mainstream discourse. In the words of Chris Waters it would be far better to see sexology as

> ...a complex social practice it is, a contested form of knowledge with effects that reach deep into the structures of everyday life. It is a practice through which power is both exercised and resisted, a practice that constitutes desires and identities, that shapes the self, and within which a number of selves can, on many levels, refashion their own self-understandings (Waters, 2006: 59).[18]

Political mobilizations around the question of gender injustice and the subjugation of women played a crucial role in bringing the notion of sexuality into mainstream political discourse. The struggle against the subjugation of women in society got a major impetus during the last decades of nineteenth century, with the rise of first wave feminism, concerned basically with issues like the subjugation of women in

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[18] Waters, Chris (2006), "Sexology" pp 59 in Cocks, H. G. & Houlbrook, M. (eds.), ibid

society, male power over women, the meanings of being active citizens and the corresponding demand of universal suffrage and so on. Though the movement made important advances and won suffrage rights for women of many countries, it failed to challenge the public/private divide and the confinement of women in the private space (Arneil 1999).[19] Rather, it seems, the protagonists of the movement assumed that this distinction was natural, and so argued in some cases that women's role in private sphere enhanced their claim to be both more cultured and more rational than men and consequently, worthy of citizenship. Mary Woolstonecraft, in her essay *A Vindication On The Rights Of Women* in 1792, forcefully argued for women's right to citizenship on the ground that women have the capacity for reason by nature. She further argued that women could fulfill their roles in the private sphere and thus defined familial functions as part of the duties of women's citizenship. She called upon the men to come forward for doing this as it would benefit them too. She argues that

> Would men but generously snap our chains, and be content with rational fellowship instead of slavish obedience, they would find us more observant daughters, more affectionate sisters, more faithful wives, more reasonable mothers- in a word, better citizens (Woolstonecraft, 1792: 263).[20]

Other suffragists like John Stuart Mill, bought the idea and also advocated for suffrage rights for women on the same grounds. Furthermore, the movement spoke in a language congruent with Victorian morality and denied sexuality (and in fact even body) to women. It absorbed the sexist ideology that claimed virtuous women had no sexual impulses. The movement remained confined to middle-class, white women and had no links with the women of the working classes.

In USA, unlike in Britain, the movement attracted a large number of Black women, who not only attacked the sexist, patriarchal ideology but also criticized White, middle class women for failing to include the demands of Black and working class women. The arbitrary disjunction made between White women who were cultured, rational and devoid of sexual impulse and poor, working class, and Black women,

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[19] Arneil, Barbara (1999), *Politics and Feminism*, Blackwell, Oxford. P 156
[20] quoted from Arneil, Barbara (1999) p 157

who were perceived as being impulsive and sexually loose, came under attack from activists like Sojourner Truth, who stood steadfast for the voting rights of Black women as against several White suffragists who were fiercely opposed to the enfranchisement of Black men till White women get enfranchised.

> If Saxon men have legislated thus for their own mothers, wives and daughters, what can we hope for at the hands of Chinese, Indians and Africans? ... I protest against the enfranchisement of another man of any race of clime until the daughters of Jefferson, Hancock, and Adams are crowned with their rights (Stanton, 1850: 127).[21]

Sojourner Truth, the only Black woman who attended the first national women's rights convention in 1850, on the other hand, questioned not only the male definition of women but illustrated how the living realities were different for Black and White women. As she put in a speech which haunts the feminist movement even today

> That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or give me any best place! And ain't I a woman? Look at me! Look at my arm! I have ploughed, and planted, and gathered into barns, and no man could head me! And ain't I a woman? (Truth, 1850: 94)[22]

Unlike many of White feminists, Black feminists struggled against denial of vote because of both gender and race. They also helped in construing a new image of Black women from the margins and restoring dignity to them. Furthermore, in doing so, they succeeded in exposing the sinister design of the state of dividing the disenfranchised people on the basis of their race, gender and other identities. Thus, Black women, exposed the ideological underpinnings of the pro-family campaigns in which many White women were engaged – that a segment of White women made their interest of gender autonomy subservient to an allegedly broader interest of

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[21] quoted from Hooks, Bell (1981), *Ain't I A Woman? Black Women And Feminism,* South End Press, Boston.

[22] Truth, Sojourner (1972), Ain't I A Woman?, in Schneir, Miriam (1972) *Feminism: The Essential Historical Writings,* Random House, New York.

sustaining and strengthening the racial hegemony of Whites (Adams, 2007)[23] (this is very similar to the development of brahminical patriarchy in India where, as Uma Chakravarti argues, upper caste women entered into a caste/class bargain where they compromised their gender rights for ensuring the supremacy of upper castes as a whole (Chakravarti, 2008)).[24]

The movement succeeded in winning the suffrage rights for women in most of the countries in Europe and in the USA by the first few decades of twentieth century, and therefore prepared a base for building a new movement based on more radical issues. The situation in Europe after the World War I was grim with a tremendous upsurge in reactionary ideologies leading to fascism. These were the times when vicious attacks of fascist forces on 'sexually deviant' communities, on inferior races, and on the voices of the Left, coupled with attempts at confining women in the absolutist 'mother image', made the intricate relationship between sexual values and behaviour and politics quite visible. The importance of the times in defining the contours of the debate on sexuality is underlined by the fact that the term 'sexual politics' entered the discourse through the writings of Freudian-Marxists like Wilhelm Reich. Reich, in fact, emphasised the point that the politics of fascism is dependent upon, and is an extension of, the authoritarian family in the political sphere (Reich, 1975).[25]

However, the most important impetus to the growth of the concept of sexuality came in the decades of 1960s and 70s in the West. The Women's Liberation Movement, as it was called, had many agendas. One was questioning the central role of marriage in women's lives. There were also hectic discussions about the right to abortion. Questions were raised too over the control of women's bodies exerted by the medical profession. Simultaneously, the women of colour raised issues of racism and gender, and indeed of the role of the women's movement itself in facilitating this. In addition, the decade of 1960, referred to as the decade of sexual revolution, with the advent of the birth control pill, witnessed an unprecedented growth in

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[23] Adams, Michele (2007), "Women's Rights And Wedding Bells: Nineteenth Century Pro-Family Rhetoric And (Re) Enforcement Of Gender Status Quo", *Journal Of Family Studies*, Vol. 28 No. 4, pp 501-528

[24] Chakravarti, Uma (2003), *Gendering Caste: Through A Feminist Lens*, Stree, Calcutta.

[25] Reich, Wilhelm (1975), *The Mass Psychology of Fascism* Harmondsworth, Penguin. p 88

theories of sexuality, of gender and of rights. Many of the small feminist groups that emerged at this time transformed the debate radically by bringing in the question of the politics of sexuality. They questioned the silence, which scuttled the debates over the issues of sex and sexuality, and argued for the politicisation of the issue. John and Nair (1998) assert that the major issue in the decade was that

> The subject of sex, it was forcefully argued, could only be approached as a political institution- involving the questions of power and an understanding of patriarchy- which structures the denial of abortion rights, the fear of rape or the sexual politics of literature (John and Nair 1998: 3).[26]

The assertive politics of sexuality brought many questions about sexual preferences, identities and choices to the frontlines of political struggles. The notion of sexuality became such an important issue as even the movements seemingly unconcerned with it, attacked the normative sexual beliefs and behaviours of the bourgeois and tried to unravel the intricate forms of power and domination which are used in subjugating women and the sexual minorities. For example, the May 68 movement in France led by students with active support of the working classes (though abandoned by the French Communist Party) was one of those great political uprisings of the times that located the questions of democratic right to choose equality, liberty not only in socio-economic organisation of the society but also in sexual organisation of the same. The effects of the movement were immense, it became pivotal in initiating and institutionalising a new debate centred on the question of sexuality, its organisation and repression by the ruling classes, the power discourse involved and thus paved the way for intellectual scholarship on the issue (Hobsbawm, 1998).[27] The movement challenged the hegemonic understanding of politics, education, and almost all aspects of social and personal lives, and called for smashing them. It derided the university system as a place for transforming youth into cogs in the capitalist machine and called the students for forging solidarity with workers. However, the most important contribution of the movement was its rejection of understanding politics in electoral, parliamentary terms. Rather, the movement

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[26] John, Mary E. & Nair, Janaki (eds.) (1998), 'A Question Of Silence? The Sexual Economies Of Modern India' Kali For Women, New Delhi, Introduction, pp-3

[27] Hobsbawm, E. J. (1998), "Revolution And Sex", in Hobsbawm E J; Uncommon People: Resistance Rebellion And Jazz, New Press, New York; Kristeva, Julia (1982), "Women's Time", in Keohane, N O, Rosaldo, M Z & Gelpi, B C (eds.), Feminist Theory: A Critique Of Ideology, The Harvester Press, Sussex.

asserted, that politics is how the people lived, what they did, and how they interacted. The movement, thus, brought the issues of private domain out of it and became pivotal in generating a debate over them. Soon an autonomous movement for women's liberation emerged within the movement questioning both the exploitative regime and the sexual division of labour in the movement itself (Duchen, 1986).[28] The group soon started publishing a newspaper with articles by working class women concerned with daily lives, social as well as sexual. Simultaneously, the group used to conduct surveys with sexually explicit questions to 'shock and startle the public' (Ibid)[29] and thus bringing the sexuality question into public discourse.

Defining Sexuality:

As is clear from the history of sexuality briefly discussed above, far from being a natural or a biological construct, sexuality is a social construction. It is a concept that encompasses the physical capacity for sexual arousal and pleasure (libido) as well as personalised and shared social meaning attached both to the sexual behaviour, and the formation of sexual and gender identities. It does not remain confined to the sexual orientation of men and women; it mediates with the control they exert over their respective bodies, their mobility, and their access to resources, and thus plays an important role in not only defining but also shaping their status in society. Thus, John & Nair (1998) stress that:

> ...far from signifying biological genitality, 'sexuality' must connote a way of addressing sexual relations, their spheres of legitimacy and illegitimacy, through the institutions and practices, as well as discourses and forms of representation, that have long been producing, framing, distributing and controlling the subject of 'sex' (John & Nair 1998: 1).[30]

Sexuality, thus, incorporates not only the matters of the body, sexual pleasures attached to it and the normative sexual behaviours in any given culture, but also the questions of power and its exercise through various channels in society. It is

28. Duchen, Claire (1986), *Feminism in France: From May '68 to Mitterand,* Routledge, London and New York, p 6

[29]ibid , p 10

[30] John, Mary E. & Nair, Janaki (eds.) (2002) '*A Question Of Silence? The Sexual Economies Of Modern India*' Kali For Women, New Delhi, pp-1

[32] Freud, S. (1916-17), "Introductory Lectures On Psychoanalysis", Vol. 16 in Freud, S (1953-1974) *The Standard Edition Of The Complete Psychological Works Of Sigmund Freud,* (ed.), James Strachey, Hogarth Press, And The Institute of Psychoanalysis, London

something that transcends the private realm and is mediated, shaped, and defined by the socio-economic organisation of the society, the legitimate (and illegitimate sexual practices) accepted by the state and its law enforcing agencies and the health system. Thus, sexuality may be defined as

> a historical construction, which brings together a host of different biological
> and mental possibilities, and cultural forms- gender identity, bodily difference,
> reproductive capacities, needs, desires, fantasies, erotic practices, institutions
> and values-which need not be linked together (Weeks, 1968:7)[31]

Theoretical Perspectives on Sexuality:

The first major theoretical input in setting up a discourse of sexuality came in 1905 with the publication of *Three Essays on Sexuality* by Sigmund Freud. Freud argued that sexuality is formed in the gradual organisation of the libidinal drive to focus upon a particular object. The character of that object depends upon the subject's particular path through the various stages of psychic development. Thus, he argued that sexuality is indeed a social process involving both institutional and experimental dimensions of sexual relationship. Freud looks at sexuality as a property mainly individualistic in nature and shaped by the psychosexual experience of early childhood (Freud, 1916). [32]

However, his theory was challenged by many and was accused of being too 'deterministic' and 'reductionist', as a theory that did not leave any agency to the individual, and left everything to the (repressed) memories of childhood. His aphorism that *anatomy is destiny* came under particular attack, as it did not acknowledge that the environment, culture and society play any role in the development of the individual and his/her sexuality. The body, though being important, did never have absolute autonomy in shaping a person's development in the social as well as the sexual realm. Rather, development was much more dependent on the individual's location in the family, the family's status in the society, and the broader organisation of society in religious, social and economic realms. Chodorow made the point persuasively

We live an embodied life: we live with those genital and reproductive organs and capacities, those hormones and chromosomes that locate us physiologically as male and female. But there is nothing self-evident about this biology. How anyone understands, fantasizes about, symbolizes, internally represents, or feels about her or his physiology is a product of development and experience in the family and not a direct product of biology itself (Chodorow, cited in Weeks, 1986: 127)[33]

Moreover, the Freudian theory of sexuality and sexual development is highly influenced by the worldview shaped by the ideology of patriarchy, which operated both in the conscious and unconscious domains. Karen Horney criticised the notion of unconscious socialisation of the child as patriarchal and male-biased. She, instead, suggested that the theory of penis envy was a manifestation of nothing else but male envy and fear of the womb (Ramsey, 1999).[34] The basic problem with the Freudian theory of sexuality then becomes that it does not accept women to be complete human beings. They are defined only with their reproductive capacities and become an appendage to men in the functioning of the society. Adams (2002) observes that Freud affirms that:

For the most part, women's "nature is determined by their sexual function," Freud remarks that "we do not overlook the fact that an individual woman may be a human being in other respects as well" (1933, 135). He does not, however, suggest what aspects of a woman's life other than her "sexual function" might define her humanity (Adams, 2002: 477).[35]

Freud's theory of sexuality gave rise to a fierce debate on the relationship between sex and human behaviour. The earliest usage of the term 'sex' in the sixteenth century referred to the division of the society into male and female human beings. Thus it was a term which essentially described the social construct of a biological and, thus, 'natural' division. It also referred to the intimate relations between members of different sexes. This also led to a belief that sexual relations, and attraction is 'natural' and 'normal' only between members of different sexes, and thus stigmatised and criminalised any sexual relations between members of the same sex, which was considered to be 'unnatural' by definition. Thus it is evident that the

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[34] Ramsey, D, (1999), "Feminism And Psychoanalysis" in Gamble S. (1999), The Routledge *Dictionary Of Feminism And Post feminism,* New York

[35] Adams, A. E. (2002), "Making Theoretical Space: Psychoanalysis and Lesbian Sexual Difference", *Signs,* Vol. 27, No. 2. (Winter), p. 47

category of the term 'sex' is, from the start, normative; it is what Foucault has called the 'regulatory ideal'. In this sense, 'sex' not only functions as a norm, but is part of a regularity practice that produces the bodies that governs, i.e., whose regulatory force is made clear as a kind of productive power, the power to produce, demarcate, circulate, differentiate, the bodies it controls (Butler, 1993).[36] Thus, 'sex' is a regulatory ideal whose materialization is compelled, and this materialisation takes place (or fails to take place) through certain highly regulated practices. In other words, 'sex' is an ideal construct , which is forcibly materialized through time (Butler, 1993).[37] According to Weeks (1986)[38], the term refers both to an act and to a category of persons, to a practice and to a gender. Modern culture has assumed an intimate connection between the fact of being biologically male or female (that is, having appropriate sex organs and reproductive potentials) and the correct form of erotic behaviour (usually genital intercourse between men and women). This whole discourse eventually gave rise to the idea that 'sex' is the basic biological datum on which the cultural and social divides of gender is built (Weeks, 1986).

Later theoreticians criticised the belief that the term 'sex' defines all the differences between men and women. Even Freud (1916) himself emphasised that the differences between the members of different sexes might not be as natural as they seemed to be (Freud, 1916)[39]. He underlined the difficulty of agreeing with 'any generally recognised criterion of the sexual nature of a process'. His research, as well as those carried out by the other members of the 'psychoanalytic school', emphasised that it is more a process of socialization (or 'the early childhood experiences' to be more precise), which shape and define later behaviour (including sexual) of individuals. This led to a general agreement that sex and gender are two different terms signifying essentially different things that, though, are based on a biological reality. Simone de Beauvoir (1981)[40] held that the primary reason of women's continued subjugation was located in their failure to overcome their biology and their acceptance and internalisation of the patriarchal norms. She, unlike

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[36] Butler, Judith (1993), *Bodies That Matter: On The Discursive Limits Of 'Sex'*, Routledge, Great Britain, p 235
[37] Butler, Judith (1993), ibid.
[38] Weeks, J. (1986), op. cit.
[39] Freud, Sigmund (1916), op. cit.
[40] Beauvoir, Simone De (1949), *The Second Sex,* Vintage, New York.

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many of the first wave feminists, saw the women's role as mothers and wives as primary obstacles in the path to independence. She held that the dominant patriarchal ideology successfully tried to convince the women that:

> They are women in virtue of their anatomy and physiology. Throughout
> history, they have always been subordinated to men... their dependency is
> not the result of a historical event... a women's otherness is a natural
> condition beyond a possibility of change (de Beauvoir, 1949: 18-19).[41]

However, later feminists attacked the whole notion of 'natural' differences based on a 'biological reality'. They did not believe that biological differences play any role in shaping the fate of women in society. Millet argued that the best medical research comes to the conclusion that sexual stereotypes have no basis in biology. She asserted that there is insufficient evidence for the thesis that there are 'real' differences between men and women. To quote her:

> Whatever the 'real' differences between the sexes may be, we are not
> likely to know them until the sexes are treated differently, that is alike.
> And this is very far from being the case today (Millet, 1970: 29).[42]

She further emphasised the cultural character of gender, i.e., personality structure in terms of sexual category. She argued that though gender as a concept is based on a biological reality, it develops in society and is highly culture specific. Individuals grow up in society and their general adherence to the prescribed, normative gender roles gets shaped by their encounters with others, beginning with the family. It is not something, which is universal, but is located in the collective understanding of the society. To quote her again:

> Gender is a term that has psychological or cultural rather than biological
> connotations. If the proper term for sex is 'male' and 'female', the
> corresponding terms for gender is 'masculine' and 'feminine' (Millet,
> 1971: 30).[43]

Early socialization plays a very crucial role in shaping and defining the sexuality of individuals. This socialisation, in turn, involves interaction of several important social structures like religion, kinship and family system, social and economic organisation of the society, social (including legal) regulation and political

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[41] Beauvoir, Simone De (1949), ibid
[42] Millet, K (1971), *Sexual Politics*, Avon Books, New York
[43] Ibid pp 30

intervention. The sexuality of individuals (as well as groups) is mediated and shaped by the interaction of these factors. Thus we might locate the social history of sexuality (or sexualities in fact) in the evolution of humankind reflected by the development of different civilisations.

Foucault (1979) questioned the basic assumptions of the psychoanalytic school in his seminal work on sexuality, *The History Of Sexuality: An Introduction* [44]. He makes the powerful argument that the very concept of sexuality was an invention of modernity. He questioned the very notion of sexual repression and its historicity, as well as its claim of being an analysis of the dominant power structure. He argued that the sexual repression that was so central to the analysis of sexuality and its regulation, in the psychoanalytic perspective was a product of modernity and the changed power structured it brought with it especially since 1750s. He started with several fundamental doubts in his analysis of sexuality:

> Is sexual repression truly an established historical fact? Is what first comes into view- and consequently permits one to advance an initial hypothesis- really the accentuation or even the establishment of a regime of sexual repression beginning in seventeenth century? Do the workings of power, and in particular those mechanisms that are brought into play in societies such as ours, really belong primarily to the category of repression? ... Did the critical discourse that addresses itself to repression come to act as roadblock to a power mechanism that had operated unchallenged up to that point, or is not in fact part of the same historical network as the thing it denounces (and doubtless misrepresents) by calling it "repression"? (Foucault, 1979:10). [45]

In seeking answers to these three questions, he argues that the dominant discourse on sexuality made not only an attempt at understanding desires for sexual pleasures, and the body's capacity for the same, but also an attempt at organising the body and the mind into the social fabric to sustain the power dynamics that was dominant in those times. Foucault maintained that the discourse of power, its organisation in society and dynamics was central to the discourse of sexuality. A new understanding

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[44] Foucault, M. (1979), *The History Of Sexuality: An Introduction Vol. 1* Penguin, London
[45] Foucault, M. (1979), ibid,

and a new discourse on sexuality were warranted because of the onset of a new era of modernity riding on the back of the industrial revolution. The industrial revolution has brought in gigantic changes in the organisation of society, as it needed to restructure the organizing principles of both production and reproduction. The state and politics were changed fundamentally in the process. Now the state needed to manage the human existence in totality, and this included maintaining the quantity and quality of the population, controlling sexuality and reproduction, the safety of the conjugal family, promoting health and reducing disease in order to ensure a continuous supply of workers to run the new world order based on capitalist principles. He asserted that current notion of sexuality got its shape with the rise of what he calls 'biopower', which for him is leaving the means of extra-economic means of coercion (like brute force or threat of death) behind and moving towards more insidious ways of rule and control, many of which were focused on sexuality, morality and reproduction. The need for finding a new way for use of power arose from the fact that society has witnessed gigantic changes since the industrial revolution and devising new ways became essential for making the population amenable to these changes and to continue to tap their productivity. Foucault (1980) has argued that:

> 'nothing is more material, physical, corporal than the exercise of power', but that
> the ponderous forms of nineteenth-century control are no longer necessary since
> industrial societies can manage with much looser forms of power:... 'one needs to
> study what kind of body the current society needs (Foucault, 1980: 57-58). [46]

Foucault argues that since the nineteenth century the state aspired to, and succeeded in, 'psychiatrisation of perverse pleasure', by identifying and separating the supposedly perverse manifestations of sexuality from the supposedly healthy ones. Furthermore, by implying the notion of biopower, the state argued that there can be only one notion representing healthy sexuality, and only that is entitled to have state support and protection. Thus, the regulation and control of sexuality identifies the hysterical woman, the masturbating child, the Malthusian couple and finally the perverse adult (Foucault, 1979),[47] and devises ways to keep the pathological expressions of sexuality in constant check. Foucault points that by deploying biopower in various ways, especially by classification, stigmatisation and then surveillance of sexual

[46] Foucault, Michel (1980), "Body/ Power", in Gordon, C (1980), *Michel Foucault: Power/Knowledge* Hemel Hempstead: Harvester Wheatsheaf. pp 57-58
[47] Foucault, M. (1979), ibid, pp 104-105

perversions, several hitherto normal expressions of sexuality were criminalised. He says that:

> There is no question that the appearance in nineteenth-century psychiatry, jurisprudence and literature of a whole series of discourses on species and subspecies of homosexuality, inversion, pederasty, and 'psychic hermaphroditism' made possible a strong advance of social controls into this area of 'perversity' (Foucault, 1979: 101).[48]

Because of this control, Foucault argued, 'sexuality was carefully confined' and a 'single locus of sexuality was acknowledged in social space as well as in the heart of household' (Ibid).[49] The only accepted and expected form of sexuality was one that could contribute to production. Now, according to him, the state launched an offensive on sexual delinquents by supporting the attempts at mapping and measuring sexual pathology and deviance. These were duly recorded, classified, categorised and, in the end, criminalised. Thus, all forms of sexuality, barring one supported by the state were criminalised by using state power. Foucault thus, showed how the use of power snatched the notions of pleasure and exploration away from the notion of sexuality and dissolved it with socially constructed notion of sexuality, one that was commensurate with the organisation of knowledge and power in the times.

The emergence of radical feminist politics in the 1970s gave further impetus to the women's movement against subjugation. Radical feminists saw patriarchy as the fundamental form of oppression that subjugated women across the world. The idea of shared oppression, irrespective of class, race, or culture, became the basis of a militant notion of sisterhood, and the radical feminists called for a unified struggle against patriarchy. As Robin Morgan emphasised:

> Women have been subjugated longer than any other people on the earth. Empires rose and fell but one constant remained, except in a few civilized tribal pockets of the world: everyone could stomp on women (Morgan, 1993: 42).[50]

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[48] Foucault, M. (1979), ibid
[49] Ibid
50. Morgan, Rubin (1993) *The Word Of A Woman: Selected Prose 1968-1992*, Virago, London.

Radical feminism theorised patriarchy as an all-encompassing set of power relations, aimed at subjugating women and putting their bodies under male control. It emphasised that patriarchy succeeded in controlling all aspects of women's lives: their sexuality, reproductive capacities, and labour. Radical feminists, right from the late 1960s, brought issues of women's sexuality, control of their fertility, violence against women, and sexual exploitation to the centre stage of debate and thus breached the public/private divide. As Rowland and Klein point out:

> Radical feminism makes visible male control as it is exercised in every sphere of women's lives, both public and private. So reproduction, marriage, compulsory heterosexuality, and motherhood are primary sites of attack and envisaged positive change (Rowland and Klein, 1996: 11).[51]

Radical feminists critiqued the institution of marriage, in particular, and saw it as one of the most crucial structures that sustained patriarchy. They equated marriage with prostitution, where a woman trades sexual servicing for shelter and food. They argued that compulsory heterosexuality as a social norm was institutionalised by marriage. Sheila Cronan (1973) underscores the point:

> It became increasingly clear to us that the institution of marriage 'protects' women in the same way as the institution of slavery was said to protect Blacks -that is that the word 'protection' in this case is simply a euphemism for oppression (Cited in Gunew, 1990: 294).[52]

The central tenet of radical feminism was an outright rejection of existing theory and scholarship for being male-defined and patriarchal in nature. Radical feminists argued that existing scholarship produce and reproduce patriarchal meanings and values while excluding women's histories, experiences and interests (Weedon, 1999).[53] Radical feminism, therefore, asserted the need of developing useful and self-affirming knowledge rooted in the living experiences of women themselves. Another important tenet of radical feminism is its insistence on building an autonomous women's movement. Many of the early second wave radical feminists emphasised the need of building a women's movement based on living experiences

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[52] Gunew, Sneja Marina (1990), *Feminist Knowledge: Critique And Construct*, Routledge, New York.

[53] Weedon, Chris (1999), *Feminism, Theory And The Politics Of Difference*, Blackwell, Oxford.

of women. However, with the growing distrust of the movement towards all men, gave rise to a stream within the movement, which refused to have anything to do with men at all. The movement now moved towards building a critique of heterosexuality itself and challenged the very idea of family. Adrinne Rich (1979), one of the most influential ideologue of political lesbianism, ruthlessly attacked the institution of family and saw it as the main weapon of patriarchy, which keeps women in perennial subjugation. She argues that:

> This institution-which affects each women's personal experience- is visible in the male dispensation of birth control and abortion; the guardianship of the men over children in the courts and the educational system; the subservience, through most of history of women and children to the patriarchal father; the economic dominance of the father over the family; the usurpation of the birth process by male medical establishments (Cited in Gunew, 1990:295).[54]

Thus emerged the idea of political lesbianism, which broadened the meanings of the term from denoting a sexual preference to that of incorporating, identity, politics and ideology. It brought the question of the continuance of power relations between man and woman, even in intimate personal relations, in the mainstream. Charlotte Bunch argues that lesbianism is much more than:

> sexual preference ; it is a political choice. It is political because relations between men and women are essentially political; they involve power and dominance. Since the lesbian actively rejects that relationship and chooses women, she defies the established political system (Bunch, 1975: 161-162).[55]

Adrienne Rich argues that lesbianism is different from and dissociated with male homosexuality as it is a profoundly female experience like motherhood, and thus it paves way for a powerful new female eroticism. She asserts that female heterosexuality is socially constructed and female homosexuality is natural and lesbianism, far more than being a political position, is a return towards nature. To quote her:

> As we deepen and broaden the range of what we define as lesbian existences, as we delineate a lesbian continuum, we begin to discover the erotic in female terms: as

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[54] Gunew, Sneja Marina (1990), ibid

[55] Charlotte Bunch, "Lesbians in Revolt", in Nancy Myron and Charlotte Bunch (eds.), *Lesbianism and the Women,* Baltimore, MD; Diana, 1975;

that which is unconfined to any single part of the body, or solely to the body itself, as an energy not only diffuse... but an 'empowering joy' (Rich, 1980: 650).[56]

Political lesbianism, thus, viewed 'compulsory heterosexuality' as the key mechanism of women's subjugation and by implication, male sexuality itself as a perversion. The rise of lesbian identity as a political tool raised several very important questions. One of those, about the very nature of female sexuality, has been resonating since the early nineteenth century. In fact, most of the first wave feminist advocated women's claim to justice by emphasising the capability of women of exercising a rational control over their sexuality. On the contrary, political lesbianism shook the very foundations of the dominant, patriarchal notion of sexuality by emphasising the dangers of male sexuality and thus turning discussions of sexuality on their heads. However, the problem with political lesbianism lies in the fact that it emphasises sexual practices as the mechanism of perpetuating patriarchal control rather than sexual relations which reflect the power distribution in society. Furthermore, there remains a potential threat that political lesbianism may construe all heterosexual women as collaborators with patriarchal forces and thus, denies the possibility of a unity among lesbian feminists and others. Carol S Vance resolves this paradox by arguing for what she calls a 'dual focus', which would acknowledge that sexuality is simultaneously a domain of restriction, repression and danger as well as one of exploration, pleasure and agency (Vance, 1984).[57]

Radical feminism, despite its immense contribution in building a thoroughgoing feminist critique of existing scholarship, was critiqued by Black feminists and feminists of the Third World for ignoring the role structures like class and race play in shaping different life experiences of women in different cultural settings, indeed that the politics of radical feminism might be the nihilistic politics of solipsism. They delineated the Eurocentricism inherent in most of the radical feminist writings, and thus ignoring the positive features of non-White women's struggles and resistance against imperialism that radical feminists lose sight of, and indeed benefit

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[56] Rich, Adrienne (1980), "Compulsory Heterosexuality And Lesbian Existence", *Signs*, Vol.5, No. 4, pp 631-660
[57] Vance, Carole S (1984) (ed.), *Pleasure And Danger: Exploring Female Sexuality*, Routledge, New York.

from in their everydayness (Weedon, 1999).[58] Uma Narayan (1997) demonstrated in her book 'Dislocating Cultures' how imperialist perspectives were reproduced and reinforced in Mary Daly's writings on Sati. She underscores how the 'colonial mode of representations' that views Indian culture in an a-historical, unchanging way and fails to locate sati under the material conditions it occurred (Narayan, 1997).[59]

However, recent radical feminist writings are taking the issues of class and race into account, and attempting to bridge the gaps between universal structure of patriarchy and how it differently affects women in different cultures. Stressing this fact, Bell and Klein (1996) write in the introduction to the anthology of radical feminist writing, Radically Speaking: Feminism Reclaimed:

> We need to listen to many women: working class women, lesbian women, Indigenous women, Black women, women who took on the hard issues and stayed with them. The brave, prophetic voices of 60s and early 70s are still speaking. We need to hear them, more than ever joined by new ones. Do you see the violence against women getting any less?
>
> We need to make it plain that radical feminism is global and that it is and always has been driven by issues; that the theory arises from the practices; and that it is women of all classes, creeds, colours and dispositions that are the basis of the movement (Bell and Klein, 1996: xix).[60]

Finally, the emergence of gay and lesbian movement, followed by the rise of third wave feminism, made an immense contribution to the changes in the understanding of sexuality. The emergence of a self-described gay identity in USA in the 1960s and its spread to almost all of the western countries marked a crucial break in the history of sexuality. The gay rights movement not only critiqued the social regulation of sexuality, but also asserted the emergence of a social identity around the question of sex (Plummer, 1980).[61] It attempted to reclaim the discourse of sexuality from the realm of sin and pathology, and restored the notions of desire and pleasure back in it. Simultaneously, they challenged the dominant structures which colluded to criminalise homosexuality and brought it in the mainstream political discourse. As Weeks (1985) comments:

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[58] Weedon (1999), op. cit. p 38
[59] Narayan, Uma (1997), Dislocating Cultures, Routledge, New York
[60] Bell & Klein (1996), op. cit.
[61] Plummer, Kenneth (1980) (ed.), Making Of Modern Homosexual, Hutchinson, London.

The 'sexual outlaws' of the old have constructed a way of life, or more accurately ways of life, which have reversed the expectations of sexology. They have disrupted the categorization of received texts and have become thinking, acting, living subjects in the historical process. The implication of this is that the modern gay identities... are today as much *political* as personal or social identities (Weeks, 1985: 200-201).[62]

In the late 1980s and 1990s, the debate on sexuality got another major impetus with the advent of third wave feminism -- sometimes referred to as post-feminism. Inspired by post-modernism, it began with a definite break with the theoretical frameworks built on the foundations of universality, sameness, and scientific methodology as many of the young third wave feminists found these frameworks incapable of reconciling the issues of identity, difference, particularity, and embodiment (Arniel, 1999).[63] Problematising the very notion of a homogeneous category of 'women', the new wave embraced diversity and difference among 'women' with the ultimate aim of straddling both the 'one' and the 'other'. Third wave feminists rejected many of the views held by earlier feminists, including that of non-deterministic nature of biology. Rather, they argued, it's the embodiment of women that excludes them from being equal partners in liberal democratic societies. As Carole Pateman (1988)[64] points out, the problem with current liberal democratic theory is that giving birth is not given the same importance in defining citizenship as the willingness to die for one's country. Hence, she argues for a 'sexually differentiated' notion of citizenship where equal importance would be given to the capacity of giving birth, which women have and men lack, in defining citizenship. The celebration of difference and multiple identities in third wave feminism is evident in most of the writings of the third wave. For example:

As an educated, married, monogamous, feminist, Christian, African American mother; I suffer from an acute case of multiplicity. Each identity defines me; each is responsible for elements of my character, from each I derive sustenance for my soul... I now know that it is not necessary to shun marriage and family. Instead we must redefine these concepts and break the narrow traditional encasings... we can

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[62] Weeks, J. (1985), op. cit
[63] Arniel, Barbara (1999), *Politics And Feminism*, Blackwell, Oxford. p 186
[64] Pateman, Carole (1988), *The Sexual Contract*, Polity Press, Cambridge.
[66] Ibid

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make the roles fit our identity instead of deriving our identity from these labels (Curry-Johnson, 1995: 221-222, 228).[65]

Despite serving a valuable purpose of exposing the limitations of the claims of universal citizenship in liberal democracy and by bringing the resentment against the 'other' in public discourse, identity politics ends up reifying fixed identities, highlighting sometimes the regressive politics of the nativist and the particular. Furthermore, another problem with identity politics becomes clear by the celebration of multiplicity and difference of identities, for example, the multiple identities, which Curry-Johnson feels define her; also divide her. 'Each identity defines me; each is responsible for elements of my character; from each I devise some sustenance for my soul.' (Curry–Johnson, 1995: 228)[66] However, as is clear, these identities do not peacefully coexist and, more often than not, divide not only the woman who holds these multiple identities but also movement itself.

Socialist Perspective on Sexuality: Women in Production and Reproduction

Marxism is one of the most important theories that still influences sociological inquiry and addresses the question of women's subordination. Engels in his book, *The Origin of the Family Private Property and the State* argued that the early human societies were egalitarian in nature. He argued that there was a simple and functional division of labour in society, and men and women both were masters of their own domains. Whatever was produced and reproduced used to be common property of the community and not of individuals. He calls this functional division of labour in society as a 'pure and simple outgrowth of nature'. He asserted that when the society moved from the stage of primitive communism to get settled as agriculturists, the ethos of social lives got changed and:

> The administration of household lost its public character... it became a private service. The wife became the first domestic servant, pushed out of participation in social production (Engels, 1847: 73).[67]

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[67] Engels, F. (1847), *The Origion of Family, Private Property and the State*, Progressive Publishers, Moscow,
68. ibid. p 10
69. Lerner, Gerda (1986), *The Creation of patriarchy*, Oxford University Press, New York; Hartmann, H. (1996), "The Unhappy Marriage Of Marxism And Feminism Towards A More Progressive Union", In Lippit, V.D. (ed.), *Radical Political Economy: Explorations In Alternative Economic Analysis*, M E Sharpe, Armonk

Engels asserted that this transformation of women into private property and the disappearance of mother-rights, which was the norm in the earliest civilisations, were nothing less than 'world-historical defeat of the female sex' (Engels, 1847).[68] Thus Engels locates the subordination of women in the origin of private property and the advent of the concept of the family.

This theorisation was criticised by many feminist writers on several accounts. A few of them like Gerda Lerner and Heidi I. Hartmann questioned the viability of Engels' belief in 'natural division of labour', which rests on a 'pure and simple outgrowth of nature' (Lerner 1986, Hartmann, 1996).[69] They asserted that barring child-bearing, all other jobs traditionally associated with women like cooking, cleaning the household, etc., can equally be performed by the men and are not gender-specific. They also claimed that the relationship between production and reproduction is a context specific phenomenon and must be analysed in its historicity. Engels's theory was also criticized for locating the 'world-historical defeat of the female sex' in the creation of male domination of the process of 'production'. It was argued by a group of authors that it was not the control of production, but 'reproduction' which led to the subordination of women. Juliet Mitchell (1971) questioned the theory on another important ground. She agreed to the basic argument that women must be freed into production but asserted that they must also be freed from forced childbearing, child rearing and sexually dissatisfying relationships (Mitchell, 1971).[70] She noted that it's not only the productive potential of the women that gets trapped in the dominant 'male world of production', but also their sexuality. In her view, freeing the sexuality of women became as important as their economic liberation.

Lerner subjecting Engels formulations to an original interpretation argues that the appropriation and objectification as objects of exchange in slave trades was more because of women's sexuality and reproductive capacity. She stresses that subjugation and subordination of women in society was institutionalised and internalised in society in a historical process through the structure of patriarchy. She bases her arguments on an analysis of historical research on ancient civilisations of

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[70] Mitchell, J. (1971), op. cit.

Sumeria, Mesopotamia, Egypt and Assyria, and argues that the status of women as being property of her male master, whether she is a slave or a wife must not be understood as an appropriation and objectification of women as objects of exchange. Rather, she asserts, it had more to do with the usurpation and appropriation of women's sexuality and reproductive capacity. She also distinguishes between different sorts of female powerlessness and notes that the position of women was:

> Expressed within degrees of unfreedom on a spectrum ranging from slave women, whose sexual and reproductive capacities was commodified as she herself was; to the slave-concubine (mistress) whose sexual performance might elevate her own status or that of her children; then to the 'free' wife whose sexual and reproductive services to one man of the upper classes entitled her to property and legal rights (Lerner 1986:215).[71]

Walby (1990) defines patriarchy as a system of social structures and practices in which men dominate, oppresses and exploit women. She argues that:

> At a less abstract level, patriarchy is composed of six structures: the patriarchal mode of production, patriarchal relations in paid work, patriarchal relations in the state, male violence, patriarchal relations in sexuality and patriarchal relations in cultural institutions (Walby, 1990:20).[72]

Patriarchy took its shape with the formalisation of the institution of marriage and private property. Millet (1971) goes to the extent of saying that the closest analogue to marriage was feudalism. She wondered why and how family became a focal point of the subjugation of women and strong enough to foil all attempts of liberation (Millet, 1971).[73]

Although there is no biological reason why the two central functions of the family (socialisation and reproduction) need be inseparable from, or even take place within it, revolutionary or utopian efforts to remove these functions from the family have been so frustrated, so beset by difficulties, that most experiments so far have

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[71] Lerner, G. (1986), ibid
[72] Walby, Sylvia (1990), *Theorizing Patriarchy*, Blackwell, Oxford
[73] Millet, Kate (1971), *Sexual Politics*, Avon Books, New York,

involved a gradual return to it (Millet, 1971).[74] The answer to this question seems to be quite simple. The ideology of patriarchy has been internalised so much in societies across the globe that any attempt to attack it seems to be a futile exercise. Patriarchy has been ingrained in the basic structure of the society through many channels like the religious, social, cultural, economic and political. In fact, the patriarchal system operates through the established power relations in the society, and power in society is concentrated in male hands. To quote Millet:

> The fact is evident that the military, industry, technology, universities, science, political affairs, finance, in short, every avenue of power within the society, including the coercive force of the police, is entirely in male hands (Millet, 1971:34).[75]

The control over the realms of production and reproduction gives immense power to males to continue with the structure of the patriarchy. The control over women's sexuality, especially through confining it through heterosexual marriages, leads to a situation where men can effectively control the labour power of the women required for the process of production and for the reproduction to ensure a continuous supply of labour. It leads to a sexual division of labour in society, which is not 'natural' but is constructed through the material realities in which women's work is always lower in status and is always un/underpaid. The sexual division of labour, and the control over the sexuality of women, shape the sexual sub-cultures where the experiences and the meaning of sexuality become different for men and women in a culture. As Heidi Hartmann argued:

> The sexual division of labour is also the underpinning of sexual subcultures in which men and women experience life differently: it is the material base of male power which is exercised in our society, not just in not doing housework and in securing superior employment but psychologically as well (Hartmann, 1996: 177).[76]

The naturalization of 'sexual division of labour' comes from the fact that almost all societies give strong support to the notion of male superiority and there is a near total internalisation of the ideology of patriarchy by all, including women

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[74] Millet, Kate (1971), ibid
[75] Millet, K. (1971), ibid, p 34
[76] Hartman, ibid, p 177

themselves. The major reason behind this had been the dominance of religious thought over the concept which more often than not holds 'women' as sinful creatures who must be controlled by 'men' in order to ensure the smooth functioning of the society. The notion of the innate impurity and subordination of women is prevalent among almost all major religions and the reasons may be traced in their sexuality and 'bodily impurity' especially during the menstruation cycles and giving birth (Geetha, 2002).[77] The mechanism of exerting this control over women was through 'controlling their sexuality' and averting any conscious or unconscious public displays of that. The fundamental belief behind all this was that sex and sexuality are disruptive notions and their disruptive powers can only be controlled by a clear-cut morality, intricately embedded in a particular set of social institutions-marriage, heterosexuality, family life and monogamy. Thus women were not only confined to the private sphere of household and debarred of any ownership of means of production, they were also stopped from exploring any possible mechanisms of exploring their sexuality (and sexual behaviour) in society. The only possible domain of sexual activity became within marriage, sanctioned by the religion. The idea of sex as a marital obligation is rooted deeply in the Christianity, as well as in all other major religions, like Hinduism, Islam, Buddhism, and so on. The women who tried to defy this basic norm were declared to be sinful and a blot on the face of the religion and in most cases religious leaders tried and succeeded in getting them punished.

Cultural norms too play an important role in the social construction of sexuality, which refers to the process by which sexual thoughts, behaviours, and conditions (for instance virginity) are interpreted and ascribed cultural meaning (Ortner & Whitehead, 1981; Vance 1991)[78]. These cultural meanings, shaped by religious beliefs, are internalised by the members of a community and over the years they seem to become 'natural', 'spontaneous' and unchangeable.

Patriarchy, creates a supposedly 'natural' .division of space into 'public' and private domains and then confines the women too the 'private' domain. Rosaldo (1974)[79]

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[77] Geetha, V. (2002), *Gender,* Stree, Calcutta, p 177

[79] Rosaldo, M. Z. (1974), *Woman, Culture, and Society,* Stanford University Press, L Lamphere

emphasises that women's subordination is due to their confinement to the private sphere. She underlines a universal fact that women are confined to the private sphere of family as they bear and rear the children. Walby (1990) too, identifies the difference between public and private forms of patriarchy and underscores the exploitation of women and their sexuality in the private domain of the family. She asserts that as women's household work is not considered to be productive and in turn, economic, their status in family gets lowered and leads to their general inferior status in the society. Raia Prokhovnik (1998) holds that the gendered division of space and confinement of women into the private domain denies them participation in the political process of decision-making and thus builds a sexually segregated citizenry. She attacks the liberal bourgeoisie's support to this dichotomous division for the supposed benefits of ensuring democracy, individual freedom and rights because for her, this division is a mechanism to undermine and deny the existence of women's economic work.

> In this feminist critique, 'public and private' is the source of women's oppression, not only because the private realm is exempt from liberal principles and political accountability, but also because activity and work in the private realm are not valued like that in civil society (Prokhovnik, 1998: 87).[80]

Daphne Spain (1992)[81] underscores the importance of segregation of space for sustaining the ideology of patriarchy. She argues that the sexual segregation of space is carried out with a hidden agenda of building a core masculine space to which women have no access. This is done by containing socially (and economically) valuable knowledge in these masculine spaces, and thus perpetuating women's subordination in the society.

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[80] Raia Prokhovnik (1998), "Public and Private Citizenship: From Gender Invisibility to Feminist Inclusiveness", *Feminist Review*, No. 60, Feminist Ethics and the Politics of Love. (Autumn), pp 84-104

[81] Spain, Daphne (1992), *Gendered Spaces*, UNC Press, North Carolina.

Similarly, Niranjana (2001) notes that:

> Women by virtue of belonging to a domestic domain centering around childbearing, rearing, cooking and other maintenance work are excluded from the public domain, usually seen as involving political and economic activities. Since the public domain is associated with the exercise of power and control over persons and things, the domestic in lacking these qualities, becomes by definition a subordinated space (Niranjana, 2001: 110).[82]

Space, as is evident from this discussion, becomes crucial for subordinating women by confining them to the private domain, by limiting their access to the means of production and by denying the actual economic contribution they make in the private domain. The confinement of the women in the private space makes them no different from other inanimate objects of the house. Thus, far from being living and thinking human beings, women become a part and parcel of the private property of the household, owned by the master of the household. Furthermore, if the women attempt to defy their confinement and try to come out in public space, they are dubbed as women of loose character and easy virtue who are easily available to anyone. This is not to mean that women are confined only to the private spaces. As Walby (1990)[83] points out, with the advent of capitalism public form of property becomes more and more visible. Another realm, in which patriarchy operates, is that of coercive power relations prevalent in the society. Despite being more and more visible in the public sphere, women are compelled to conform to the gender stereotypes and any attempts on their part to break these stereotypes gets resisted by the patriarchal ideology by taking recourse to coercive force, like by enforcing dress codes by religious groups, by denying them access to public places in the night and so on.

The confinement of women to private spaces and its consequences have played a crucial role in the objectification and commodification of the women. With the earliest accounts of history we get evidence that women (rather their bodies) could be bought and sold by individuals for the satisfaction of their sexual desires. The belief that prostitution is the oldest profession not only gives credence to the pervasiveness of this belief but also underlines the alienation of women from their

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[82] Niranjana, S. (2001), *Gender and Space: Feminity, Sexulization and the Female Body*, Sage publication, New Delhi,
[83] Walby, S. (1990), ibid

social environment and their resultant commodification. The ideology of patriarchy succeeded in the getting its values internalised by women. It seems, they began to believe what the dominant social order demanded from them. Thus, we can see a whole range of women's magazines and journals 'educating' women on how to cook, maintain the house, keep her husband happy, and so on, while not questioning these gender stereotypes at all. As Betty Friedan (1963)[84] argues, women failed miserably to use the opportunities created by the developments in the first of twentieth centuries and could not unfetter the bondage and fulfil their potential as human beings. Thus most women were compelled to conform to the prevalent gender roles and stereotypes. However, after that it becomes really tough to account for the persistent inequality and the subordination of the women in society. She finds the answer to this mystery in the creation and internalisation of 'the feminine mystique' that:

> The feminine mystique is so powerful that women grow up no longer knowing that they have these desires and capacities, which the mystique forbids (Friedan, 1963: 56).[85]

The objectification of women began with the notion of the body beautiful which took earliest shapes in the imaginary statues of goddesses in different societies. So whether we look at the pictures of mother Mary in Christian tradition or that of Hindu goddesses Laxmi or Saraswati, we find the notion of a 'pure', 'beautiful' and 'ideal' women to operate behind them. The beauty of these idols rests on the notion of perfection, which often had to do with symmetry of form, colour, figure and so on (Geetha, 2002).[86] This notion of beauty as a symbol of 'goodness' was taken up vigorously by capitalist forces to inculcate and strengthen these notions among women in modern societies. This objectification of women bodies does not operate thorough exercise of coercive force, though that may be utilized to deal with some defiant women who deny these norms and thus question the very notion of this 'natural' consent given by the women to be treated as objects. On the other hand, patriarchal ideology tries to, and more often than not succeeds in, 'creation of

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[84] Friedan, B. (1963), *The Feminine Mystique,*, New York, Dell..
[85] ibid, p 56
[86] Geetha, V. (2002), *Gender*, Stree, Calcutta, p 107

consent' of women and ensures their active participation. Patriarchal ideology tries to rationalise and legitimise this objectification in such a way that women themselves idealize the notion and try to conform to it. This is not done through coercion techniques or by using force. Rather, it is done by a curious mix of using force against the women who dare to defy the patriarchal value system and by rewarding those who meekly surrender to the patriarchal norms. Bestowing those women with love who comply with this becomes one of the most efficient techniques of strengthening and perpetuating patriarchy. Firestone (1973) acknowledges the creative potential of love based on equality, mutuality, reciprocity and integrity. However, she asserts that the myth of love becomes an exploitative and oppressive ideological tool in the hands of patriarchy. She emphasizes that:

> Love, perhaps even more than childbearing, is the pivot of women's oppression today (Firestone 1973:121).[87]

Another way of doing this is aggressively propagating a certain notion of beauty and to make women aspire to it. The capitalist apparatus works overtime to build and propagate this notion of beauty which is based on the patriarchal male definition of beauty. This definition remains highly defined (perfect bodily contours, complexion and shape) and women are told all the time that this is achievable through using cosmetics and modern technologies like plastic surgery. For example, Naomi Wolf in her book *The Beauty Myth* deals with the very process through which this myth is created (Wolf 1991).[88] She asserts that the 'beauty' got converted into 'money' and thus was commodified. Now, it could be bought and sold in the market place, and, she argues, that beauty and sexuality became comparable in the exchange system. In this whole process, technology became the vehicle which took this 'beauty myth' to even small townships and created an artificial consent of the middle class women and girls. Wolf asserts that this 'beauty myth' in essence is nothing more than a 'patriarchal capitalist myth'.

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[87] Firestone, S. (1973), *The Dialectic Of Sex*, Bantam Books, New York p121
[89] Geetha, V (1998), ibid

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Controlling Women's Sexuality Through Use of Violence

Another major tool through which patriarchal ideology resisted, and in most cases pre-empted mobilisation of women against it, is through actual or threatened use of violence. The violence committed on women does not remain confined only in the physical domain; rather it breaks the women and their psyche in all possible domains, emotional, psychological, and physical. The use of violence is all pervasive. It takes place in the private sphere through various mechanisms like discriminating with the girl child, using sex selection techniques for son preferences in many third world countries, wife battering, dowry murders, honour killings, and so on. The most problematic thing about the violence against women is that violence in the private sphere is considered to be 'nothing of consequence'. It is treated as an 'internal' matter of the household' which must not bother the broader society. Even today, despite domestic violence being a cognisable offence punishable under criminal law, cases are not even reported, or not recorded by the police when reported. There is a culture of absolute silence around the issue of violence in the domestic, private domain. As V Geetha (1998)[89] points out, this violence is intentional and is done in order to deliver a clear message about who runs the household. Prem Chowdhury (1998),[90] while discussing the issue of violence in western Uttar Pradesh discusses the social recognition and acceptance to the violence against 'defiant' women. She argues that the perpetrators of the violence believe that it acts as a 'deterrent' for other. In this deterrence notion, the boundary between 'public' and 'private' domains becomes really very thin.

Rape has been one of the worst forms of committing violence on women and strengthens the ideology by keeping women under permanent threat of the possibility of getting sexually violated and thus driving them out of 'insecure' places. Rape not only inflicts physical injury on the victim, but also leaves near permanent scar on her psychological make up. It not only violates the personal dignity of an individual, but also terrifies other women and keeps them and their

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[90] Chowdhury, Prem (1998), "Enforcing Cultural Codes: Gender And Violence In Northern India", in Mary E. John and Janaki Nair (eds.), *A Questions Of Silence? The Sexual Economies Of Modern India,* Kali For Women, Delhi.
91. Brownmiller, S. (1975), *Against Our Will: Men Women and Rape,* Penguin Books, p 391

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sexuality under constant threat. Thus, it becomes a very 'potent' tool in the hands of the ideology of patriarchy.

Susan Brownmiller surveyed a vast amount of literature on rape and finds that this form of violence has been present in all civilizations from the ancient to modern ones. She finds that the violence takes place in all situations whether at wars, in riots, ethnic struggles and even in peacetime. She asserts that all rape are exercises of power and argues that though not all men are rapists, a single male raping a woman can terrify all women and can make them live under the perennial threat of being raped. This perennial threat, in turn, restricts women in negotiating public spaces especially in situations like nighttimes, at secluded places etc. Thus rape becomes a mechanism of threatening a woman, but in restricts all women, turning places and situation into scary and vulnerable ones. Brownmiller asserts that:

> Rape is not a crime of irrational, impulsive, uncontrollable lust, but is a deliberate,
> - hostile violent act of degradation and possession on the part of would be conqueror,
> designed to intimidate and inspiring fear (Brownmiller, 1975: 391).[91]

The reason behind rapes, and other forms of sexual violence committed on women, is located in the dominant male culture that has been created over centuries, a culture which imposes persistent submission and the utter subordination of women. The ideology and phenomenon of rape is rooted very deeply in the objectification and commodification of women and their sexuality. Pornography and prostitution are very highly related to acts of sexual violence as they snatch the 'individuality' of women away and turn them in being 'mere sex objects' and thus commodify their lives and sexuality. As Brownmiller argues:

> When young men learn that females may be bought for a price, and the acts of sex
> command set prices, then how should they not also conclude that which may be
> bought may also be taken without the civility of a monetary exchange (Brownmiller
> 1975: 391).[92]

Another major reason behind the acts of sexual violence is the use of coercive force by different groups in inter-group rivalries. The ideology of patriarchy creates 'models of ideal behaviour' for women and demands that they conform to it. This 'ideal' and 'normative' behaviour pattern gets legitimised and glorified by religion

which in turn turns the women into objects. Simultaneously, this ideology makes the women as the basic reservoir of the 'honour' of the community. Thus, it becomes the duty of the 'males' of the community to protect the women of the community during times of crisis. On the other and, for the opposing group, violating the dignity of the women of the rival group becomes much more than a source of physical pleasure. It becomes a tool for them of not only defeating them but also of humiliation. Thus, women and their sexuality become a ground for deciding the supremacy of two warring groups despite the fact that most of the times they have no say in any decision making process of even their own group.

Thus we can conclude that the systematic ideology of patriarchy subordinates women in families in particular and in society in general. However this is not to imply that the patriarchy operates in a single way and women suffer as a group despite otherwise belonging to different social and economic classes. Women are not a homogeneous group and so the experiences of the ideology of patriarchy and the consequent implications for their sexuality have been quite different for women belonging to different classes, castes and races. Patriarchal ideology remains much more concerned with the inheritance of property rights and thus had the propertied classes under its main adherents. That is why we find that the norms and values for the social and sexual behaviour had been different for upper castes and classes than they were for the deprived sections of the society (Kolenda, 2003).[93] Thus we find remarriages, walking out from a marriage and other such actions are relatively more common for women belonging to the lower castes and classes with no social taboos attached against them. This fact can be easily observed in many instances like idioms decrying the 'looseness' of lower caste women or their explicit sexual behaviours. However, the basic reason behind this was these women and their families generally did not own any property and so there were no economic obstacles in their leaving their husbands or walking out of the homes and the marriages. On the other hand, for the upper castes there was a heavy social and economic premium against these 'rebellious' 'unethical' and 'sinful' actions.

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[93] Kolenda, Pauline (2003), *Caste, Marriage And Inequality: Essays On North And South India,* Rawat Publications, New Delhi.

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Thus patriarchal ideology is largely the world-view of the social classes that justified and explained the superiority of the social classes and their values Thus patriarchal ideology masked the self-interest of its main adherents from the lower castes and classes and superimposed their values as being the 'desired' and 'good' ones over society as a whole. The ruling classes (in fact only men of the ruling class) hegemonised the debate and their ideology was made out to be perceived as general ideology. This hegomonisation is achieved, as Gramsci puts it, by internalisation of values by using social, cultural and legal institution. This hegemonisation is achieved by using the intellectuals of the ruling classes who use their influence and prestige for the worldview which suits the ruling classes. This comprises:

"the 'spontaneous' consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group; this consent is 'historically' caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production (Gramsci 1927: 12).[94]

Further, if the ruling classes fail in hegemonising the people through the intellectuals, it takes recourse to use of brute force. To quote Gramsci again, the process of building consent includes using:

The apparatus of state coercive power which legally enforces discipline on those groups who do not consent either actively or passively. This apparatus is constituted however for the whole of society in anticipation of moment of crisis and command and direction when spontaneous consent has failed (Gramsci 1927: 12).[95]

Sexuality and Health

Women's health, in the modern world, has been believed to be shaped by the interconnections between their sexuality, morality, a perennial threat of getting sexually violated and their vulnerability to ill health and disease. Though pre-modern, religious worldview always saw women as inferior, polluted (and polluting) and unhealthy beings, even with the advent of modern science, too, the situation did not change much. Now, women, especially in Victorian, sexological and psychoanalytical frameworks, were seen as lacking in emotional development and

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[94] Gramsci, Antonio (1996), *Selections From The Prison Note Book,* Orient Longman, Chennai.
[95] ibid

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being incapable of transcending their bodies and sexuality to actualise their potential. The emergence of modern nation states made the question of interconnections between sexuality and health an important one, by turning the women's bodies into the sites of societal health. The enactment of legislations against prostitution was rooted as much in the discourse of morality as it was in the belief that women were the carriers of many sexually transmitted diseases. Further, as women were perpetuators of the race, and a strong nation required a concurrently strong and health race, women's health came under scrutiny, with efforts made to improve mothers' health, since they were the mothers of the nation.

The advent of modern medicine played a crucial role in perpetuating patriarchal biases against women and reduced them into mere reproductive beings. The reasons behind this development were multifaceted, including most importantly, the inherent logic of capitalism to keep women's productive and reproductive power under perennial subjugation. In doing that, capitalist forces joined hands with pre-modern, regressive social structures like organized religion, caste and kinship networks, ethnic and racial groups and so on. Armed with the discourse of modernity, thus, western medicine attacked traditional institution of midwifery, where women were in control of at least the process of childbirth, and succeeded in medicalising pregnancy (Ehrenreich and English, 1979).[96] This development served not only the capitalist forces in securing control over women's fertility but also in expunging women of lower caste/class from the private domain (Malhotra, 2002),[97] and thus served regressive patriarchal structures too.

Furthermore, with the identification of rapid increase in population as the cause of poverty and many other social evils by the capitalist ruling classes, attempts of controlling women's reproduction got legitimised and secured support of strong nation states. This led to the development of health policies across the world, which focused only on the sexual (reproductive) capacities of women while ignoring her personhood in all other respects happily forgetting that fertility is only one aspect of women's sexuality as well as women's personhoods

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[96] Ehrenreich & English (1979), *For Her Own Good: 150 Years Of Experts' Advice To Women*, Pluto Press, London.

[97] Malhotra, Anshu (2002) "Of Dais And Midwives:Middle Class Intervention In The Management Of Women's Reproductive Health", *Indian Journal Of Gender Studies*, Vol. 2, No. 10, pp 229-259

However, the emphasis of the emerging population establishment led to a rapid growth in research and development of reproductive technologies. The development of contraceptives, in general, and the birth control pills, in particular, revolutionized the dynamics of control and power relations between men and women. For the first time in history, women were able to control their health, reproduction and sexuality themselves. This newfound control became particularly remarkable because it came in times when abortion was illegal in most of the developed world, the centre of the second wave feminism. The development became instrumental in building a huge mass base for a rejuvenated feminist movement which was better prepared to take the conservatives head on. The feminist demand of right to abortion, rooted in the right to control over one's body, was fiercely opposed by religious groups as well as pro-life groups. Religious groups opposed not only the right to abortion but contraception itself. in the ensuing debate between feminists and the conservatives, the central argument of the conservatives, interestingly, was not the use or benefits of contraception but the altered social and sexual relations it seemed to usher in. As Mahmoud F Fathalla notes

> In many societies, the predominant objection to contraceptive use has been to reproductive control by women rather than the contraception itself. Male dominated societies have resented giving control of the process of reproduction to women. Men in patriarchal societies have reasoned that if women had control over their reproduction, they would also have the unthinkable control over their sexuality (Fathalla 1994: 224).[98]

Despite giving women a little control over their bodies, it soon became clear that the developments in reproductive technologies, like all other developments, were used by the ruling patriarchal forces to further their agenda, and to put women and their sexuality in continued subjugation. Now the women bodies became the target of the reproductive technologies. Women's bodies and even the simplest biological phenomenon like menstrual cycles and pregnancies were medicalised. Targeting women's' bodies served two purposes in one go first, absolving men of any

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[98] Mahmoud F. Fathalla (1994), "Fertility Control Technology: A Women Centered Approach To Research",in *Population Policies Reconsidered : Health, Empowerment and Rights*, in Gita Sen,Adrienne Germain,Lincoln C. Chen (eds.), March 1994, Harward Center for Population and Development, IWHC, Harward University Press.

responsibility towards contraception and second turning the exploration of sexual joys by the women into a threatening thing. For this reason, population establishments, pharmaceutical companies, governments, international agencies and other actors in reproductive health research have focused largely on women's bodies while ignoring research on developing male contraceptives. As R J Ericsson, an early pioneer in male contraceptive research noted:

> Male contraceptive research has a dismal past. It is almost an illegitimate specialty within reproductive biology. For the most part, the brightest workers avoid it, and those who do work in the area are looked on as rather strange fellows (Cited in Hartmann 1995: 179).[99]

This was apparent in the family planning programmes taken up across the Third World, with the "target group" of these programmes being women. Most of the research in developing contraceptives was focused on women as if implying that men have no role whatsoever in reproduction. Even those contraceptives which were developed for men like non-surgical vasectomy, permanent and temporary contraception by injection, wet heat method and ultra sound methods, are non-hormonal methods and thus making it far safer for the men as compared to the women. Elaine Lessner asks:

> Have you ever wondered why you have not heard of these? Research bias plays a large part. Male-directed funding agencies find reasons not to fund research on male contraception. Male researchers are reluctant to tamper with the male body. As a result, the public is not aware of alternative methods (Leisser, cited in Gangoli 1998:89).[100]

Furthermore, most of the contraceptives techniques introduced for women were under- researched, with much of the research being undertaken in Third World countries, and the users were not told about the side effects of the same. Thus, in many cases these techniques imperiled women's health, instead of providing them with reproductive control. Also, while introducing these techniques in the name of providing reproductive rights, almost no consideration was over structures, which

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[99] Hartman, Betsy (1995), *Reproductive Rights And Wrongs: The Global Politics Of Population Control,* South End Press, Boston.
100. Gangoli, Gitanjali (1998) "reproduction, abortion and women's health, social scientist, Vol. 28, Nos. 11-12 (Nov.-Dec.) pp 83-105

determine women's autonomy and their decision-making capacities in the context of reproductive choices. As Petchesky observes:

A woman cannot avail herself of her right 'to decide freely and responsively the number, spacing and timing of her children' (ICPD Programme of Action, 7.3) if she lacks the financial resources to pay for reproductive health services or the transport to reach them; if she cannot read package inserts or clinic wall posters; if her workplace is contaminated with pesticides or pollutants that have an adverse effect on pregnancy; or if she is harassed by a husband or in-laws who will scorn her or beat her up if she uses birth control (Petchesky, 2000: 13).[101]

Overemphasis on women's reproductive health denies the fact that reproduction is but only one aspect of women's overall personality and sexuality and thus reduces women into merely reproductive beings. As a Dutch study showed that more than sixty per cent of women's health problem are not caused by reproductive morbidity but are caused by factors which affect men and women equally (Gijsbers wan Wijk et al., 1996).[102] For example, in Third World countries like India, where women are discriminated against even in intra-household distribution of food, their health is bound to suffer. Further, for many women, whose access to food, the basic prerequisite for health, is extremely limited (Zurbrigg, 1984)[103], the question of reproductive health can be, at best, a second priority.

Finally, the emergence of a new epidemic HIV/AIDS in the early 1980s and its identification as a disease related with the homosexuality, brought the issue to the foreground of political debate especially in the western societies. Now the people living with HIV/AIDS saw a sea change in normative behaviour paradigms. Instead of being supported and helped, they were discriminated against, and blamed for not only being sexual delinquents but also the carriers of the epidemic. As Weeks puts it:

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[101] Petchesky, R (2000), "Human Rights, Reproductive Health, And Economic Justice: Why They Are Indivisible", *Reproductive Health Matters,* Vol. 8, No. 15 (May), pp 12-17

[102] (Gijsbers wan Wijk et al. (1996) Gender Perspectives And Quality Of Care: Towards Appropriate And Adequate Health Care For Women, *Social Science And Medicine,* Vol. 43, No.5, pp 707-720

[103] Zurbrigg, Sheila (1984), *Rakku's Story: Structures Of Ill Health And The Source Of Change,* Center For Social Action, Banglore.

One of the most striking feature of HIV/AIDS crisis was that, unlike most illnesses, from the first the people who were affected by it, and had to live and die with it, were chiefly blamed for causing the syndrome, whether because of their social attitudes or sexual practices (Weeks 2003: 102).[104]

The emergence of the HIV/AIDS epidemic sent panic waves in international circles; organizations and institutions from the UN to donor agencies rushed into action and brought the question to the forefront of development agenda. However, the most important thing that the emergence of the epidemic did is to underline the importance of sexuality and its various manifestations, the individual right to choose a partner and live with dignity with one's sexual preferences. It helped in bringing not only the issue but also the real people belonging to sexual minorities out of the closet and thus heralding an energetic debate over sexual values and practices, and in challenging the orthodox and fundamentalist beliefs about sexuality.

Another aspect where sexuality and health are very closely related is the psychological health of the women. Because of the continuous control of their sexuality, their near perennial subjugation and subordination in society and the continuous fear of sexual violence makes the emotional health of the women vulnerable.

A less visible but very important area where sexuality and health are tied is the commodification and the objectification of the women body and the consequent pressure on the women to conform to the internalised patriarchal norms of the beauty. Thus, to 'get in shape', for achieving the 'perfect figure' and to keep the signs of aging away, women were subjected to all kind of things from cosmetics to hormone therapy to cosmetic surgery. This exposes them to immense health risks including death (as happened in some cases with extra-thin models).

Therefore, I would argue that social construction of sexuality and gender relations, which define power distribution in society, play a crucial role in shaping women's

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[104] Weeks, J. (2003), *Sexuality*, Second Edition, Routledge, New York (first published in 1986) pp 102

health conditions. I would also argue that, capitalist state in collusion with regressive social structures of caste, class, ethnicity, race, religion and so on, create condition which hinders women from gaining control over their own bodies and reproductive capacities in order to perpetuate the dominant social order. Therefore, women's health cannot be achieved without challenging the internal logic of capitalism, which subjugates women's productive and reproductive capacities and turns them into commodities.

PATRIARCHY IN CASTE SOCIETY AND THE CONTROL OVER WOMEN'S SEXUALITY

Sexuality, like all other aspects of social life, is shaped, mediated, and defined by the social milieu. It is the prevailing cultural norms, economic, and political organisation of the society and the power relations that give meaning to the sexual experiences of individuals and of acceptable and unacceptable sexual behaviours. As Mishra and Chandiramani (2005) argue:

> Cultures provide widely different categories, schema, and labels for framing sexual experiences. These constructions not only influence individual subjectivity and behaviour, but they also organize and give meaning to collective sexual experience through, for example the impact of sexual identities, definitions, ideologies and regulations (Mishra & Chandiramani, 2005: 15).[1]

This socio-cultural construction of sexuality remains a political process deeply rooted in the historical evolution of the societies and the distribution and redistribution of power between and within societies. Owing to these power relations and dominance of different social groups, some forms of sexuality emerge as the socially 'acceptable' norms, while others are widely perceived (at least by the dominant power groups) as obscene, immoral, and against the social ethos. The process of emergence of the dichotomous notion of 'good' and 'bad' sexuality, and the resistance to any 'deviation' from the 'normal' sexuality is located, not merely in the 'passive' evolution of the society, but in the actual politics of it. At the same time, the ideologies that legitimise and ensure the dominance of the particular social groups play a crucial role in defining and concretising this bipolar notion of sexuality.

It is generally believed by historians that gender relations in most ancient societies were not as hierarchical as they are today. The belief that there was a 'natural' and spontaneous 'sexual division of labour' (where men hunted and women and children gathered food) in the prehistoric societies in the Indian subcontinent is highly contested today (Roy, 1999).[2] Archaeological evidence like those from the cave paintings of Bhimbetka in central India depicts women as gatherers and hunters, as well as performing motherly roles. These paintings are highly indicative of the important role played by the women in the economy and the absence of any concrete 'sexual division of labour'. Moreover, the status of women in those early prehistoric societies seems to

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[1] Mishra, G & Chandiramani, R (2005) (eds.), *Sexuality, Gender and Rights: Exploring Theory And Practice In South And South-East Asia,* Sage Publications, New Delhi.
[2] Roy, Kumkum (1999), *Women in Early Indian Societies,* Manohar, New Delhi.

have been enhanced by the importance attached to the reproductive role of women as the depictions of pregnant women, women in nurturing roles and even those of childbirths – later identified as the figure of a mother goddess reveal. The pervasiveness of the figures of 'Mother Goddess' from these pre-historic societies to the scattered local Mother Goddess cults signify that there was a time when women and their sexuality was considered to be 'divine' and 'powerful', rather than problematic. The absence of corresponding figures of 'father' furthers the notions that women were central to society and they were supposed to have dramatic and mysterious powers (Chakravarti, 2003).[3] At the same time, the notion is also believed to be representative of a relatively simple, even 'primitive' situation, where women are in control of the economy and where marriage is non-existent (Dasgupta, 1977). Though the evidence does signify a continued veneration of the life-giving power of women, their special relationship to the process of reproduction, and an acceptance of their sexuality, they do not, in any way, prove conclusively that women enjoyed an equal status in society, and that they did not suffer exploitation. Historical research has, instead, shown the existence of some sort of social stratification in most of these ancient civilisations. For example, in a brilliant and convincing analysis of the Mesopotamian civilisation, Gerda Lerner (1986)[4] delineates various stages in the creation and consolidation of patriarchy. She argues that men appropriated women's sexual and reproductive capacities through a complex process of exchange, involving abduction and sexual slavery. This process, she asserts, started in the most ancient societies and consolidated with the spread of agriculture and with the evolution of kingdoms. Though the script of the Harappan civilisation is yet to be deciphered, borrowing from this argument, we can safely assume that Harappan civilisation, too, being a complex urban civilisation, with evidence of social stratification and rudimentary forms of state, might have begun to exert some forms of control over women's sexuality despite celebrating it in the form of mother-goddesses.

The demise of the Harappan civilisation brought forth a new stage of the evolution of Indian society and the process of the subjugation of the women and control of their sexuality began to take a definitive shape. Altekar (1938) has argued that the condition of women in early Hindu civilisation was good and it was only later developments that led to the deteriorations in their conditions. He holds that in the age of the *Rgveda*

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[3] Chakravarti, U. (2003), *Gendering Caste: Through A Feminist Lens*, Stree, Calcutta, p 41
[4] Lerner, G. (1986), *The Creation Of Patriarchy*, Oxford University Press, New York

(c.2500 to c.1500 BC) "women once enjoyed considerable freedom and privileges in the spheres of family, religion and public life."(Altekar, 1938: 335)[5] According to him, this position began to worsen with the onset of the age of later samhitas, brahamans, and upnishads (c. 1500 BC to 500 BC) through the age of the sutras, epics, and early smiritis (c.500 BC to c. AD 500) and culminated in the age of later smiritis, commentators, and digest writers (c. AD 500 to c. AD 1800).[6] Altekar then proceeds to trace the reasons behind the progressive deterioration in the condition of women in society and situates them in the physical weakness of women and their consequent inability to defend property. However, Chakravarti (1999) challenges this conceptualization and argues that Altekar's arguments are based on the vedic scriptures, and are historically located in the nationalist discourse that was a reaction to colonial discourse that characterised Hindu society and religion as regressive and full of barbaric injustices committed on women. She asserts that Altekar:

> in his inability to see women within a specific social organization and recognizing patriarchal subordination of women was reflecting a deeply internalized belief in biological determinism and therefore in the physical inferiority of women (Chakravarti, 1999: 77).[7]

Despite the claims of revivalists, feminist scholars have put *Rgveda* to rigorous scrutiny and have proved conclusively the strong patriarchal nature of the society it represents For example, Kumkum Roy (2002)[8] shows that in the family books – Mandalas 2nd to 7th, regarded as the earlier segments of the *Rgveda* only 22 hymns are addressed to the goddesses, while 407 have been addressed to the gods. Moreover, a few hymns suggest hostility between the warrior god Indra and the goddess Usha.

The basic reason behind the worsening of gender relations, beginning from the time of the *Rgveda* and the consequent subjugation of women later, seem to be closely associated with the socio-economic organization of the society. It appears that in the early-Vedic times the concept of individual ownership of property was not prevalent. *Rgveda* is full of references to 'common wealth', or collective ownership

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[5] Altekar, A.S. (1978), *The Position Of Women In Hindu Civilization: From Prehistoric Times To The Present Day,* Delhi, Motilal Banarasidas, (Reprint) 1st edition, 1938

[6] Altekar, A.S. (1978), ibid

[7] Chakravarti, U. (1999), "Beyond the Altekarian Paradigm: Towards a New Understanding of Gender Relation in Early Indian History", in Roy, Kumkum (ed.) (1999) op. cit.

[8] Roy, Kumkum (2002), "Goddesses in Rgveda: An Enquiry", in Nilima Chitkopekar (ed.), *Invoking The Goddess: Gender Politics In Indian Religion,* Shakti Books, Delhi

(Bhattacharya, 1999).[9] Moreover, land was not singularly important as a form of property in the early Vedic ages as the Vedic tribes were largely pastoral warriors who counted wealth in terms of cattle. During those times, women, too, were entitled to have some share of cattle wealth as marriage gifts, as suggested by wedding hymns of the period. These gifts were known as stridhana. On the other hand, women of the 'other' defeated tribes had no such rights and they were frequently abducted and incorporated into victorious tribes/clans, and in turn providing both productive and reproductive labour to the victorious clan (Chakravarti, 2003).[10] Simultaneously, the reference to the practice of niyoga and remarriage of a widow to the brother of her husband suggests that the sexuality of the women and their reproductive capacities had begun to be understood as the resources in the hands of the marital family. The function of women as reproducers is very strongly indicated in the marriage rituals of the later Vedic texts such as the *Brahamana* and *Grihya Sutras* (c.800 BC). These seem to be no sudden development; instead they are indicative of a gradual process by which women lost whatever little control they had on property and even on their body and sexuality.

However, a fundamental problem with all these contending arguments has been their use of the term 'women' as a broad category. Women are not an a-historical and homogeneous group. Rather, all the differentiations and stratifications within society get manifested in the differential treatment offered to women belonging to different categories. Therefore, Kumkum Roy comments:

> Perhaps the most serious unresolved issues stem from the use of the category of 'woman'. Thus, we encounter essentialist, a-historical statements about women's nature as being determined by concerns of reproduction, or as being more religious than men, all of which envisage women as constituting an undifferentiated, changeless category (Roy, 1999: 10).[11]

With the transition of society from a pastoral culture to that of settled agriculture, the emerging stratifications based on caste, class, and gender lines became more and more apparent. With the emergence of the notion of private property and a centralized state in the later Vedic period, these stratifications started overlapping and strengthening one another. That is why the patriarchal character of the society is more than reflected by the abundance of misogynistic passages in the later Vedic texts. For example, the

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[9] Bhattacharya, N. N. (1999), "Property Rights of Women in Ancient India", in Roy, Kumkum (ed.) (1999) op. cit.
[10] Chakravarti, Uma (2003), op. cit. p 43
[11] . Roy, Kumkum (1999), op. cit.

Satapatha Brahamana (IV.4.2.3) explicitly asserts that women can neither own any property nor inherit it. The *Satapatha Brahamana* is a glaring evidence of the completion of the patriarchal project of early Brahminism as it put women (even of the higher castes), sudras, and crows in the same club and held them to be the embodiments of untruth, sin and darkness (Saxena, 2006).[12] However, later texts, especially the *Dharmasutras* and *Smritis*, deprived women of their proprietary rights and made the males exclusive owners of the property of the family. Here, the close links between the creation and strengthening of patriarchy as the dominant ideology, and social stratification on caste/class lines become apparent. Kumkum Roy (1994)[13] analysed the brahmanical texts of the period B.C 800 to B.C. 400 with a feminist perspective and found that the stratification of Indian society along the axis of caste/class and gender took place through the same social processes. She asserts that the rituals outlined in the brahmanical texts performed by the rajan (king) on the one hand and the yajman (individual head of households of upper castes) on the other gave legitimacy to varna stratification and control of production and reproduction. Thus, while great coronation rituals like ashwamedha, vajpeya and rajsuya legitimised the king's control of the productive and reproductive recourses of the realm, the household rituals like marriage and samskaras gave legitimacy to the yajman's control of the productive and reproductive resources of the household. Apart from being an appendage to the yajman (king or the male head of household) women had no role in these rituals. Though it was considered better for the yajman to perform rituals with his wife, this was not mandatory and the yajman could do so without her. On the other hand, women were not allowed to conduct or perform a ritual without their husbands. They could not have gone out to employ a brahmana for performing these rituals. Again, we can see a clear parallel in the fates of women and sudras; they were both not allowed to perform religious rituals on their own and were thus debarred from controlling the processes of production and reproduction as all these religious rituals were associated with them.

These developments led to a situation where women were being progressively alienated from owning productive assets and of being equal partners in the domain of productive activity. The consequences included a sharp decline in their status in the society. As N. N. Bhattacharya puts it:

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[12] Saxena, M. (2006), "Ganikas In Early India: Its Genesis And Dimensions", *Social Scientist*, Vol.34, No.11-12
[13] Roy, Kumkum (1994), *The Emergence Of Monarchy In Northern India As Reflected In The Brahmanical Tradition, C.8th To 4th Century BC*, Oxford University Press, New Delhi

> The Dharmasutras are openly in favour of an extremely patrilineal form of inheritance in which, in the absence of sons, the property will rather go to the near and remote agnates (sapinda and sakulya relation) of the property holder than to the daughters of his own seed (Bhattacharya, 1999: 118).[14]

Now, far from being equal partners as they were in the prehistoric times, or being 'separate but equal' in the words of Lerner (1986) during ancient urban civilisations, they became a mere appendage, considered inessential for the functioning of the community but essential for its reproduction. They lost even the symbolic importance attached to them during religious rituals, and started being seen as 'impure' and perennially 'sinful'. This was, probably, also the beginning of the process where their bodies and sexuality became a seat of community's honour that needed to be protected against the advances of inimical groups. This development was a crucial blow to the status of women in society on two counts: one, they were now confined to private space to keep the community's honour intact and, second, they were being more and more targeted in times of conflict between different tribes or clans. While trying to analyse reasons behind this deterioration of the status of women in society, we need to look at other developments in the society. Almost at the same time, stratification based on caste was coming into existence, and it had led to the subordination of a huge group under the hands of ruling classes (Chakravarti, 2003).[15] These people were not only being alienated from the productive assets, but also from the control of their own labour power. A few historians like Altekar (1938) attribute the subjugation of women to their alienation from the process of production with the emergence of caste-based stratification as it ensured cheap labour. He argues that the subjugation of sudras, as a whole, led to a situation where women were no more required to participate in the process of economic production and so lost the status they enjoyed earlier.

However, this position is questionable as it ignores the important difference between being owners of property (means of production) and mere participants in the process of production. For unlike women, the sudras were still a part of production process, albeit only as manual labour and had no control or ownership of the same. Furthermore, both sudras and women were looked upon by the shashtras as reservoirs of pollution and were believed to be capable of bringing bad luck to the community if not kept in check.

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[14] Bhattacharya, N. N. (1999), "Proprietary Rights of Women in Ancient India", in Roy, Kumkum (ed.), op. cit.

[15] Chakravarti, Uma (2003), op. cit.

These two simultaneous processes of alienating them from the productive assets and dehumanising them by casting aspersions on their character proved to be crucial in shaping and maintaining their lower status in the society.

This is the reason why *Satapatha Brahamana* talks about the potentially harmful nature of women's sexuality and calls for keeping women (and their sexuality) under check by the husbands lest the women should 'go to other men' (1.3.1.21), and thus make the progeny impure. This concern with the purity of further generations became crucial in successfully mobilising the state to control and regulate women's sexuality. For this reason, *Satapatha Brahaman*, further suggests that the king must be concerned with maintaining 'orderly sexual relations' within marriage and divine king Varuna is entrusted with the duty of punishing adulterous women (Chakravarti, 2003).[16] This seems to be the first instance in the Vedic literature where the 'state' enters into the domain of controlling the sexuality of the women in the household and thus turning women into a site of application of state's power. The fears about uncontrolled sexuality of women are presented with great concern in *Grihya Sutra*, which shows a great concern with the dangers presented by the wife as she enters her husband's house. It advises that the wife should be carefully selected, carefully groomed, and carefully controlled. It discusses the disruptive powers of the uncontrolled sexuality of the wife that can not only harm the husband but also bring devastation to the whole household. These texts traced the genesis of such 'dangerous' and overtly sexual behaviour of the women to their innate nature. Women were believed to be impulsive and incapable of making rational decisions. There innate nature was believed to be sinful, and it was believed that they can defile themselves and be lured away by 'other' men at the slightest of provocation. In an obvious reference to their incapacity of controlling their sexual urge, women were likened to kings and creeping vines in that they would embrace whatever is beside them (Bhattacharji, 1994)[17]

These texts also made a detailed difference between the notions of 'motherhood' that was ritualised, and idealised and 'female sexuality' which was believed to be essentially sinful and dangerous. 'Mothering a son' was believed to be the ultimate actualisation of the potential of being a woman as it ensured a smooth patrilineal succession in a strongly controlled structure of reproduction within the family. There were many rituals that were to be followed beginning with marriage, conception, and

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[16] Chakravarti, Uma (2003), op cit, p 44

[17] Bhattacharji, S. (1994), *Women And Society In Ancient India,* Basumati Corporation, Calcutta, p 266

then giving birth to a son and finally rearing him up to make him capable of inheriting the family property. The *Manusmiriti* (200 BC. – 200 AD), the most revered of brahmanical texts, dealing with the laws of social organization, states that it is the nature of women that requires them to be controlled by men. As the *Manusmiriti* states:

> Women do not care for beauty, nor is their attention fixed on age; thinking that it is enough if he is a man, they give themselves to the handsome and the ugly. Through their passions for men, through their mutable tempers, through their natural heartlessness they become disloyal towards their husbands, however carefully they may be guarded (IX 15-16) (cited in Chakravarti, 2003: 71).[18]

Manu further assigns love for the bed and the seat, ornaments, lust, anger and crookedness, a malicious nature and bad conduct as the six characteristic features of the women. Later texts like the *Mahabharata* and the *Ramayana* too held similar views and tried to inculcate the patriarchal ideology. Thus they emphasised the religious virtue of adhering to one's dharma as defined by the shashtras and scriptures and the future benefits this adherence was supposed to bring. These texts created a strong ideology of pativrata and stridharma, and ask the male kinsmen and/or the king to apply force to check women who defy social and religious norms. In this context, brahmanical texts decreed in no uncertain terms that for the survival of the community it is incumbent to keep female sexuality in check. They asserted that if the men failed to control women sexuality, the progeny would be impure and therefore incapable of ensuring its survival. Invoking this near perennial fear of getting future generations polluted is, in fact, a defining tactic of keeping sudras and women subjugated and ensuring smooth reproduction of class relations. Thus, the *Apastamba Dharmasutra* (c. 5th to 3rd century BC) ruled that the husband should ensure that no other man goes near his wife lest his 'seed' gets into her. Later Smritis, the *Manusmiriti* being the most notable of them, held that only Dharma of women is to produce children. Moreover these children must be legitimate, i.e., fathered by the husband of the mother and none else. Manu enjoins the husbands to guard their wives, as this is the only way to keep their progeny pure. He asserts that the offspring are the future of the individual and the community, and to safeguard them from getting polluted by the lower castes (or indeed even from one's own kinsmen), keeping the women in rigorous control is important. What makes women's chastity so important according to the brahmanical scriptures is the fundamental difference between male and female bodies in respect of their

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[18] Chakravarti, Uma (2003), op. cit.

vulnerability to incur impurity through sexual intercourse. As Dubey (1996)[19] points out, according to brahmanical texts, sexual involvement is a much more serious matter for a woman since the acts affects her internally while it affects a man only externally. In the case of inter-caste sexual relations a man incurs external pollution, which can be washed off easily, but a woman incurs internal pollution, which pollutes her permanently.

Thus, these texts present us with an irresolvable paradox —the dharma of the women was to be chaste and loyal (epitomised by the pativrata), but their essential nature was that of disturbing, uncontrolled sexuality, which must be controlled to safeguard lineage, caste, and indeed the society.

What is striking about the development of this particular mode of patriarchal control over women in society in general, and in families in particular, is the way it is tied to the development of the caste system. As the Rgvedic system of social organization was dependent upon endogamy, largely in order to ensure smooth patrilineal inheritance, it led to closed status groups on a continuum of hierarchy. In this situation, the role of upper caste women became crucial, as the reproduction of the endogamous caste groups was highly dependent upon them. This seems to be the major reason behind the brahmanical need of controlling female sexuality, as this was the only way to sustain the notions of purity and pollution on which the chaturvarna theory was based. Thus the evolution of patriarchy in India was closely tied with the origin of the notion of individual property, the emergence of the caste system and the subordination of women and the sudras, as well as the "untouchables", who in the beginning were not part of the caste system but were later incorporated into its fold.

The institution of slavery, which played an important role in institutionalizing subjugation of lower castes, as well as women of all castes, was coming up around these times. Many nationalist authors, like P. V. Kane, asserted that the institution of slavery did not exist in ancient India. They based their argument on the observation made by the Greek scholar Megasthenes in his book *Indica* on the non-existence of slavery in India. Kane argues that:

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[19] Dubey, L. (1996), "Caste and Women", in Srinivas, M. N. (1996), *Caste: Its Twentieth Century Avatar*, Viking, Penguin, pp 1-27

Slavery was probably not much in evidence in India in the 4th century B C, or the treatment of slaves in India was so good that a foreign observer like Megasthenes accustomed to the treatment of slaves in Greece thought that there was no slavery (Kane, 1974: 381-382).[20]

But further explorations in this issue reveals otherwise. It has been conclusively established that slavery *did* exist in ancient India. Rather, by the advent of Mauryan times, it became institutionalised to the extent that Kautilya's *Arthshastra*, talks not only about nine types of slaves, but also prescribes rules and regulation for dealing with the slaves (Sharma, 1978).[21] However, historical evidence shows stark differences in the nature of the slavery practiced at both these places. The Greek practice of slavery tied the slave to the land, making him/her produce the surplus to be appropriated by the owner. It was this model of slavery that Megasthenes had in mind when he made his point. But in India, slavery existed in a very different form, which was largely domestic in nature. It was embedded with the everyday life, with the caste system being its main pillar of strength.

Kautilya's *Arthasshastra* also discusses the issue of female slaves in detail, and the rank and status of dasis (female slaves) belonging to different categories. Kautliya held ganikas (prostitutes) as slaves and treated them as state property (Sharma, 1978).[22] Furthermore, the reference to the institution of devadasis buttresses the fact that the institution of slavery played a crucial role in subjugating women in ancient Indian society. The term 'devdasi' means a female slave of the god. In this system, women were tied to a temple where they performed music devoted to the particular god the temple housed. But underlying it, the women were also expected to offer themselves to the brahmins, who were in charge of that particular temple. This practice continued to be abated well into the twentieth century in many parts of India.

The condition of women was not much different in the Buddhist period. Though their status improved a bit, it is generally agreed that this was not of much consequence. As Horner (1999)[23] argues, women were still confined primarily to the domestic sphere.

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[20] Kane, Pandurang V. (1974), History of Dharmasastras Vol II Bhandarkar Oriental Research Institute, Poona

[21] Sharma, Rekha Rani(1978) "Slavery In The Mauryan Period: (C. 300 B.C.- C.200 B.C.)", *Journal Of The Economic And Social History Of The Orient*, Vol. 21 No. 2 (May) pp 185-194

[22] Ibid

[23] Horner, I. B. (1999), "Women Under Primitive Buddhism: Laywomen and Almswomen", pp 86, in Roy, Kumkum (ed.)op. cit.

However, the Buddha gave dhamma even to women and it did bring in a change in their lives and social status. Moreover, despite a high premium on endogamy, Buddhism resisted the inherent hierarchical organisation of the society and allowed women to become monks, thus challenging the dominant brahmanical notion that women are 'sinful' and 'impure' by nature and that their sexuality must be controlled. However men still controlled society as:

> Men were the repositories of the learning, of stories and legends, and the task of repeating the material to monks for incorporation into the texts which they were editing would fall mainly, if not entirely, on men. They would tend to remember chiefly events and customs concerning themselves, and to let those concerning their women-folk fall into oblivion (Horner, 1999: 86).[24]

Thus, as the discussion highlights so far, it is evident that brahminical patriarchy succeeded in creating a world order based on its values. Furthermore, it got the values internalised by its own victims, women and sudras. This process of internalisation was not achieved merely through psychological conviction or religious sanctions (and associated rewards with it in the afterlife), but by creating a system that Ambedkar refers to as a 'system of graded inequalities', where groups on each rung were better off than people on lower rungs (cited in Moon, 1979).[25] Thus, in case of a general dissolution, each group was going to loose more than those beneath, and thus guarded the system vigilantly. Similarly, women belonging to different social strata had very different stakes, and for those at the upper echelons, it seems that ensuring smooth functioning of the society was more fruitful than resisting patriarchal ideology. Chakravarti (1998)[26] refers to this phenomenon as a kind of caste-patriarchal bargain, owing to which high caste women accepted a life of subordination and seclusion in exchange for a share in the status and wealth of their husbands (Chakravarti, 1998)

However, this does not mean that Brahmanical patriarchy accorded this choice to all women. This bargain was a privilege for only upper-caste women, while the sudra and untouchable women could not restrict their exploitation to only 'domestic' or the 'private' sphere as could upper caste women. Instead, the patriarchal order in the Vedic ages succeeded in creating a polarised notion of female sexualities. On one end stood

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[24] Ibid
[25] Moon, Vasant (ed.) (1979), *Dr Babasaheb Ambedkar: Writing And Speeches;* Vol. 1, Education Department, Government Of Maharastra, Bombay p 72
[26] Chakravarty, U. (1998), *Rewriting History: The Life And Times Of Pandita Ramabai,* Kali for Women, Delhi

the respectable female sexuality related to the reproductive social economy of families and, on the other, disrespectable sexuality of the low-castes and the atisudra sexual worker and others whose sexualities should be controlled and put to use by state power, and not by individual heads of the household (Nair, 2000)[27]. These women, invariably, hailed from the sudra and other untouchable castes some of whom were pushed into prostitution. Actually brahmainical patriarchy not only created such a dichotomous notion of sexualities, but also endorsed and legitimised prostitution. Gail Omvedt (2000) maintains that brahmainical scriptures emphasise that prostitutes have an important role in society and are crucial for the satisfaction of men who live or work away from their homes; as a profession only sudra women can take to it (Omvedt, 2000)[28]

The earliest references to prostitution occur in the *Rgveda* itself. It begins with the notions of illicit love affairs (jara and jarini) though it does not talk about any payments associated with the act. However what these references signify is that love affairs out of wedlock were not quite uncommon. Later, brahmanical scriptures of the period 8th to 5th centuries BC discuss prostitution in great detail. This was largely the time when the subordination of women and sudras in society had nearly been completed and women were supposed to be sources of men's enjoyment. As Sharma points out, the concept of women as chattel or a commodity for men is emphasised by the fact that pretty and young women were given to the Brahmin priests as dana or dakshina for performing religious rituals. Besides this, there were women who were pawned, lost or gained in battles or given as gifts at sacrifices and in weddings. These processes signify nothing but the relegation of women as slaves and chattels in palaces and in rich households (Sharma, 1983).[29] The evidence suggests that it was not only women who were abducted from defeated tribes who were pushed to prostitution. As Bhattacharji demonstrates, there were women even from the upper caste/upper classes who lost their status in society for some reasons and ended up becoming prostitutes. In her own words prostitutes were women who

> either those who could not find suitable husbands, or because of early widowhood,
> unsatisfactory married life or other social pressures, especially if they had been

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[27] Nair, J. (2000), *Women and Law in Colonial India: A Social History*, Kali for Women, Delhi pp146

[28] Omvedt, Gail (2000), "Towards A Theory Of Brahminical Patriarchy"; *EPW*, Vol. 35, No. 4 (Jan. 22)

[29] Sharma, R. S. (1983), *Material Culture and Social Formations in Ancient India*, Macmillan, Delhi, pp 37-40

violated, abducted or forcibly enjoyed and so denied an honorable status in society, or had been given away as gifts in religious or secular events (Bhattacharji, 1987:35).[30]

These women were the only women in the society who were not dependent on any specific males for their survival and in fact, this 'detachment' or 'being unattached' was a major reason behind their becoming prostitutes. Ancient brahmanical texts warn against the independence of women as this would lead to the channelisation of their 'aggressive', 'bad', and 'dangerous' sexuality into harming society. These scriptures lay down strongly that women should always remain under the protection of male members of the family. They should be taken care of by their fathers in childhood, by their husbands in youth, and by sons in old age. In fact, not being attached to a male member was considered to be such a disadvantage as these texts advise the men to marry only the girls who have brothers. For example:

> One should marry a woman whose virginity is intact, endowed with auspicious marks, not previously wed by another, dear to one's heart, of the same varna, not a sapinda, younger than oneself, not diseased, not from the same pravara and gotra, possessing a brother... Yajnavalkya smiriti 1.52-55 (cited in Chakravarti, 2003:28)[31]

For this reason, we find instances in the *Rgveda* of brotherless girls who wished to take up prostitution because they had no proper protection. Early Vedic texts do not talk much about prostitution as a profession although there are references to 'public women' of easy virtue. By the later Vedic period, a regularised form of prostitution has taken shape as the *Vajasaneyi Samhita* referred to prostitution as a profession.

Despite actually promoting and legitimising the profession of prostitution, the Dharmashastras despised the prostitutes. The Puranas, too, are unequivocal in their condemnation of prostitutes. They lay down that the woman who attached her body and soul to her husband is called a pativrata, one who lends herself to two paramours is a kulata, to three is a dharsini, to four is a pungschalee, and the one attached to five is a vesya. The woman who gives herself to more than five people is a yungi and above that she becomes a mahavesya (Saxena, 2006).[32] The smiritis made thieves and other criminals to be constant companion of the prostitutes. The *Manusmiriti* forbade brahamans from taking food offered by ganas and ganikas. However, the smiritis deal

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[30] Bhattacharji, S. (1987), "Prostitution in Ancient India", *Social Scientist*, Vol. 15, No. 2, p 35
[31] Chakravarti(2003) op. cit.
[32] Saxena, M. (2006), op. cit. p 8

with the social and legal status of prostitutes and give detailed information about their fee, and punishments to those who violate the contract with them or force them into unnatural sex. These references do point to the state's role in controlling the sexuality of the women while deriding the profession as such (Bhattacharji, 1999).[33]

However, not all prostitutes enjoyed similar state protection or support. Even prostitution was strongly stratified with the ganikas at the top and the rupajivis, rupadasis and vesyas at the bottom. Of these, only the ganikas who were accomplished in various arts were patronised by the kings, royal courts, and other influential members of the society. In fact, Kautilya's *Arthshastra* states that a woman, if pretty and accomplished, received a fix sum of money from the king as her installation expenses, so that she could set up herself as a ganika. Kautilya provided for a whole state department to supervise the profession and the head of the department was known as ganikadhyaksh. Ganikas and occasionally rupajivis too received free training in various arts at state expense and in turn paid taxes to the state (Shamashastry, 1960).[34]

Within prostitution, there was another group of women known as the devdasis, who were attached to the temples. The temples and other religious institutions were governed, directly or indirectly, by the state and thus enjoyed state protection and privileges. However, the privileges were confined to the priests and the devadasis and other lower staff (like musicians) had no claim to them. This unique situation made the condition of devadasis even worse than other prostitutes as they had no way of safeguarding their interests and were completely at the mercy of the temple priests. These women got attached to temples in various ways. There were a few who were gifted to the temples by their parents, others who were abducted and then donated to temples, girls of poor families who were sold to temples or recruited through superstitious practices.(Bhattacharji, 1999)[35] These devadasis seem to be worst victims of the subjugation of women and their sexuality in the patriarchal set up, as they did not enjoy even the token support of the state. Though their overt duty was to dance to please gods during worshiping and other ritual festivities, they were treated as nothing more than concubines by the temple priests. As these priests enjoyed privileges both through their religious position and royal patronage, no one dared raise any questions. Thus, devadasis did not even enjoy those protections, which were available to

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[33] Bhattacharji (1999) op. cit.
[34] Shamasatry, R. (1960) (ed.),.Kautilya's Arthshashtra, Mysore
[35] Bhattacharji, (1999) op. cit.

prostitutes in brothels as, at least for the latter, there were enunciated rules and rights, which could not be violated. (Shamashastry,1960).[36] However, what is apparent is that in case of the devadasis the religious sanction to prostitution is clearly manifested, albeit in a veiled form (Chakravarti, 2003).[37]

Although there is not much evidence on what castes prostitutes (including ganikas) hailed from, the relationship of caste-patriarchal nexus is evident in the devadasi practice that started sometime in the later Vedic period and continued into the twentieth century. Uma Chakravarti (2003) points out that devadasis belonged to a particular non-brahman but not untouchable caste and all the men of the caste to which the devdasi belonged also performed functions such as drumming or playing of musical instruments at the temple (Chakravarti, 2003). Thus, it was not only the subjugation of women that forced them into prostitution, but also the subjugation of a whole caste/community: the kinsmen of the prostitutes were compelled to become musicians, drummers, etc.

Thus, it is evident that the state not only played a role in regularising the profession, but also devised detailed rules and laws to control women in prostitution. It was the first clear example of the state's successful attempts to control and regulate the sexuality of women (those in public spheres), which met little or no resistance. What is also evident in the devadasi tradition is that the state, the secular power, allowed the priesthood to enjoy the services of prostitutes and thus pre-empted any religious resistance to the practice. Thus the religious and the secular power seem to have been complicit in every single instance where the question was to subjugate women and to control their sexuality.

The profession of prostitution gives a clear example of the paradox with which ancient Indian traditions treated the question of women's sexuality. The men of upper social echelons longed for the companionship of the prostitutes, while despising them and their profession. They longed for uninhibited sexuality and the resultant sexual pleasure they could offer, while deploring them for being available to everyone for a price. Bhattacharji (1999) sums this paradox aptly:

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[36] Shamasatry, R. (1960) (ed.), op. cit.
[37] Chakravarti, (2003) op. cit.

> All that charmed a man in a prostitute was forbidden for the wife, who should be
> uneducated, demure and plainly dressed except on ritual occasions. She was primarily
> a housewife...this was bound to make her less attractive to her husband who craved for
> charm and companionship in a woman. This very need of combining sexual pleasure
> with intellectual-aesthetic companionship or simply with the charm of a good looking,
> youthful person tastefully decked out in clothes, and jewelery attracted men to
> prostitutes. And repelled them, precisely because she could not be exclusively
> possessed, for she was enjoyed by many (Bhattacharji, 1999: 120).[38]

There is a substantial literature about prostitutes and their lives in later periods also. The most notables of them are Vatsyayan's *Kamasutra*, (2nd to 4th century AD), Sudraka's *Mrichhkatika* (probably 5th century AD), and Damodaragupta's *Kuttanimata* (8th to 9th century AD) *Rajtaringini* of Kalhan (11th century AD) and *Kathasaritsagar* of Somadeva (10th to 12th century AD). All these texts, barring *Mrichhkatika,* deplore prostitution and refer to prostitutes as reservoirs of everything sinful. Though these texts talk about eroticism and sexual pleasure, these are limited to vesyas, the women of easy virtue and it seems as if women of the household have nothing to do with that.

Thus, we find that the patriarchal creation of a supposed difference between good and bad sexuality held for many centuries without much change. The only change came in the position of the ganikas who fell from their high social status with the passage of time, when the institution decayed with the lack of the patronage of the royal court. The status of women did not change in the Indian society even with the advent of Muslim rulers as the socio economic organisation of the society remained largely intact with caste-based stratification, and the Brahmin priest still enjoying high religious and social position in society.

Muslim rulers did not want to disturb the internal organisation of the Hindu caste system that the majority of their subjects adhered to, as this might have brought adverse repercussions. Upper caste Brahmins and kshatriyas were integral part of ruling classes as they were the big landowners, jamindars, and rulers of small princely states. Any organised resistance brought out by them might have created havoc for the Mughal Empire. Furthermore, the internal organisation of the Hindu caste system served the purpose of ensuring a continuous supply of cheap labour in the production process as well and no ruler wanted a disruption of this. The first real changes to this came with

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[38] Bhattacharji, S. (1999), op. cit.

the advent of the British rulers who threw the doors of the educational institutions open to the sudras and to women. This sudden development proved to be an important point of rupture as it broke centuries old tradition of keeping the majority of people away from education. Furthermore, as the British army began to recruit people from the lower castes, including the untouchables, it challenged the hereditary specialisation of occupations another foundation of social stratification prevailing in India. At the same time, access to education gave the lower castes an opportunity to read the shashtras, and thus, for the first time, the interpretation of the Brahmanical scriptures remained no longer restricted in the hands of the Brahmans. This, in turn, gave the sudras access to the brahmanical scriptures and challenged, in the process, the hegemonic brahmanical interpretations of the same. This access, in turn, gave the sudras an opportunity of reconstructing their history (Deshpande, 2002).[39] Thus, the British colonial rulers shook the very foundations of brahmanical patriarchy by allowing lower castes and women, in howsoever small a manner, to go beyond the choices offered to them and altered the inherent social relations. Phule (1873), therefore, saw the disregard of the colonial rulers for brahmanical rituals and laws as a source of hope for the sudras:

> Happily for our sudra bretheren of the present day our enlightened British rulers have not recognized these preposterous, inhuman, and unjust penal enactments of the Brahmin legislators. They no doubt regard them more as ridiculous fooleries than as equitable laws. Indeed, no man possessing even a grain of common sense would regard them as otherwise (Phule, Jotirao cited in Deshpande, 2002: 29)[40]

At the same time, the plight of the underprivileged groups in Indian society was appropriated by the British rulers to legitimise their rule in the garb of the 'white man's burden' to civilise the world. Actually the colonisers used the status of women as an index of the degeneration of Indian society, highlighting esoteric practices as indicative of the barbarity of native manners and customs. The argument then was used to legitimise British rule as being in the interest of the 'inferior' Hindus, incapable of ruling themselves. Therefore, most of the early imperialist historians (and colonial administrators) tried their best to show the colonial rulers as benevolent custodians of their subjects, especially of women. As Janaki Nair (1996) puts it:

> The bulk of early productions of British writers were aimed at highlighting the peculiarities of Hindu traditions and especially the "barbarities" to which the Indian women was subject. A strategy which was followed by nearly all imperial powers in

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[39] Deshpande, G. P. (2002), *Selected Writings Of Jotirao Phule,* LeftWord. Delhi.
[40] Ibid

the nineteenth century was the denigration of politically and economically subjugated cultures by foregrounding the position of women in these societies, compared with the more obvious freedom of the European women. This was done by singling out the most extraordinary of cultural practices for attention, which were then taken as emblematic of the culture as a whole and worthy of reform (Nair, 1996: 51).[41]

Thus, the colonial intervention for putting an end to such 'barbaric practices' as sati did not arise out of a vacuum. It was intended as much to give moral legitimacy as to reform a 'traditional' and 'barbaric' society. Moreover, as many historians have shown, the attempts to reform were also rooted in the desire of the British to build a group of collaborators from among the Indian middle classes that would support them for modernising Indian society. To cater to the demands of this emerging group, the British enacted many progressive legislations on issues like abolition of sati in 1829, the Age of Consent bill in 1850, and so on. However, the genesis of even these 'progressive' legislations were rooted more in 'different' interpretation of 'shastras' by modern Hindu intellectuals like Raja Rammohan Roy than in secular readings of natural justice. Despite that, the abolition of sati met with fierce resistance by the traditionalists who saw such legislation as an 'attack on their religion'. In countering these, as Lata Mani (1991) argued, the official position taken by the colonial rulers was primarily concerned not with "its 'cruelty' or 'barbarity' – although many officials did maintain that sati was horrid even as an act of volition. Rather, as Mani further argues:

> Official discourse on sati rested on three interlocking assumptions: the hegemony of religious texts, a total indigenous submission to their dictates, and the religious basis of sati. These assumptions shaped the nature and the process of British intervention in outlawing the practice (Mani ,1991: 128).[42]

While petitioning for the abolition of sati, Roy became more and more reliant on the brahmanical scriptures and tried to prove that the practice had no religious sanction. The colonial rulers, too, agreed to the interpretation as well as the 'forced' nature of consent of the widow and thus outlawed the practice. Similarly, the debate over the conditions of the Hindu widows (primarily from the upper castes) exposes the British apathy towards the condition of women and conclusively demonstrates their acceptance of prevailing prejudices against them. Widows were compelled to live in such terrible conditions so that even death seemed preferable. In fact, the deplorable conditions to

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[41] Nair, Janaki (1996), *Women And Law In Colonial India: A Social History*, Kali For Women, New Delhi, p 51

[42] Mani, Lata (1991), "Contentious Traditions: The Debate on Sati in Colonial India", *Cultural Critique*, No 7, The Nature and Context of Minority Discourse2nd (Autumn, 1987)

which patriarchal order condemned widows to live in was a testimony not only to their fears of the widow being a financial burden on the family or the fears of her asking shares of the same. Rather, it manifested the paradoxical fear of voracious female sexual appetites, unrestrained by marriage. The Law Commission recognised a link between the prevailing high rate of infanticide and the prohibition against the remarriage of the widows. It is obvious that in making such a connection, the Law Commission did not fundamentally disagree with prevailing Indian notion of a threatening female sexuality nor did it seek solutions beyond the institution of the marriage (Nair, 1996). Later in 1937 the Indian Law Commission sought opinions of the Sadr courts of Calcutta, Allahabad, Madras, and Bombay on the issue and asked them if there were any objections to legislation for allowing remarriage to the widows. The prompt reply to this question came from Calcutta Sadr Court, stating that it would be against the pledged faith of the government to the Indians as:

> it was distinctly clear by their *shashtras* and distinctively believed by them that remarriage of a widow involved guilt and disgrace on earth and exclusion from heaven.
> (cited in Nair, 2000: 60)[43]

Again, it is evident that the British government was reliant on the interpretation of religious texts and their interpretation by the Brahmans. In doing so, it did not take observations of other (especially lower) caste groups who did not condemn the widow to such ghastly conditions and, in fact, even allowed remarriage. The differences in the life experiences of the widows of the upper caste and lower caste emanated from the fact that patriarchal formulations for women of the high caste and women of the low caste were structurally integrated into the ideology of the hierarchical caste system (Chakravarti, 2003)[44], and the demands of the production system it catered to. Thus, while the remarriage of widows among the upper castes would have meant conflicts over property rights and may have led to the division of the property owned by the family, remarriage of the widows among the lower caste groups did not produce any such threats. Instead, it ensured continuous abundant supply of a cheap labour force for toiling in the service of upper caste male patriarchs. Ultimately, the question of legally permitting widow remarriage arose again through a campaign taken up by Ishwar Chandra Vidyasagar. Despite the fact that he had written against child marriage without invoking the shastras, this time he relied heavily on the shastras and, in fact, argued that " a total disregard for the shastras and a careful observance of mere usages and external

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[43] Nair, Janaki (1996), op. cit.
[44] Chakravarti, Uma (2003), op. cit. p 84

form is the source of the irresistible stream of vice which overflows in the country"(Heimsath, 1964).[45] Again, the proposals met with stiff resistance from the conservative sections across the country. Armed with the arguments of Vidyasagar, citing shastric support to the proposed act, the British government chose to pass the legislation. It argued on the lines of Vidyasagar that a ban on widow remarriage led to depraved morals. Finally, the bill, The Hindu Widow Remarriage Act XV of 1856, got passed and enacted, but produced meager returns. Undoubtedly, the hold of the conservative forces was not weak.

Interestingly, as Uma Chakravarti (1998)[46] argues, women became subject to dual authority structures as a result of colonial encounter. While their social lives continued to be regulated by structures like caste panchayats, the disputes related with property came under the jurisdiction of the courts. Not only did both the structures uphold the patriarchal values embedded in Indian culture, but also defined the Indian culture in the process as a homogeneous one by imposing the upper-caste norms and practices as 'the Hindu ones', on the lower castes. The courts, at many occasions, overruled decisions of the caste councils in the name of preserving 'public morality' in which the question of sexuality of women was inevitably involved. She argues that there were several cases of overlap between state jurisdiction and caste law, for which a body of case law was built up. Cases not resolved conclusively by caste panchayats were adjudicated by courts. Courts often inquired into panchayat decisions and even reversed them in some cases. Chakravati cites the example of women of teli and aheer castes, who were permitted to remarry if the first husband contracted leprosy or took a second wife. However, the colonial state snatched this right away from the women and charged such women with bigamy, citing a fear that 'adultery would be legalised' by not doing the same.(Ibid).

The reason behind the reluctance of the colonial state in enforcing social reforms lies partly in the fact that it did not want to upset the support it obtained from sections of the upper stratas of the society. It was content with the conversion of the feudal form of brahmanism into a kind of modernised, reformed, and updated version without in any way disturbing the internal structure of the society (Nair 1996). It had taken recourse to similar practices of non-interference in internal (religious) matters of the communities

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[45] Heimsath, C. (1964), *Indian Nationalism And Hindu Social Reform,* Princeton University Press, Princeton

[46] Chakravarti (1998), op. cit.

it ruled elsewhere, even if that meant tolerating huge injustices being committed. As Susan Pedersen (1991)[47] has shown, in Kenya it stopped short of abolishing a brutal gendered practice of clitoridectomy for the fears of a popular backlash and, in fact, justified its decision in the name of respecting a 'time honoured practice'. It allowed to extend African men 'the right to control "their" women', while reserving the right to control the whole of the country to itself. Thus, it becomes evident that colonialism was not necessarily a 'modernising' force that improved the condition of women in the society despite its protestations to the contrary. At best, it can be what Sarkar terms as a partial modernizing force, which can produce only 'a weak and distorted caricature', and 'not a full blooded bourgeois modernity' (Sarkar, 1975).[48] The British were more concerned with maintaining and safeguarding their rule over the country referred to as the jewel in the crown of the British monarch than hurting the 'sentiments' of influence natives. As Nair aptly puts it:

> The political exigencies of maintaining power in an increasingly contested terrain often made the colonial authorities allies rather than opponents, of the nationalist sexual politics (Nair, 1996: 149).[49]

On the other hand, despite playing an important role in bringing women's question into the mainstream political discourse, the reformers failed categorically in addressing the concerns of lower caste/lower class women. As is evident in the discussion so far, most of the issues raised concerned the lives of women belonging to the propertied classes and had little to do with majority of women of the lower class and castes. Another important question that emerges from the debate is why even the nationalist reformers were opposed to any reforms aimed at even loosening control (not actually ending) over women's sexuality and was looking for religious sanction for all the demands. After all, the reasons of denigration of women in society were rooted in ideology that drew its legitimacy from the same religious scriptures.

The emergence of the nation states in the erstwhile colonies was a result of multi-faceted historical process. In these countries, including India, the nationalist forces have confronted as well as engaged with not only the ruling colonial powers, but also with the inherent contradictions of the 'native' society. The contradictions of Indian society,

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[47] Pedersen, S (1991), "National Bodies, Unspeakable Acts: The Sexual Politics Of Colonial Policy Making", *The Journal Of Modern History*, Vol. 63, No 4, p 677
[48] Sarkar, Sumit (1975), "Rammohan Roy And The Break With The Past", p 63 in Joshi V C (ed.) *Rammohan Roy And The Modernization In India*, Vikas, Delhi
[49] Nair, J. (1996), p 149, op. cit.

organised mostly on the basis of structures of primordial solidarities like caste and kinship, gave rise to a hierarchical society and the continuation of barbaric practices like untouchability and sati, although outlawed. The emerging nationalist forces were, thus, faced with a tough situation of mobilising the masses in the anti-colonial struggle, while addressing the social issues that could alienate a section of the same masses, and a section of the elites. A much more important fact was that these sections, which were to lose most in case of a radical restructuring of society, were also the elites and powerful of the society, and whose participation in the freedom struggle was crucial for its success. Simultaneously, the colonial rulers used the continuation of pre-modern, barbaric practices—like sati and child marriage—as the sources of legitimising their rule and the need for continuing the 'civilisaing mission' they were engaged in. Nationalist forces, thus, were compelled to find ways of challenging this colonial portrayal of Indian society, while fighting against the social evils within. In doing so, they relied heavily on building upon a discourse rooted in the epistemology of western modernity and gave a heavy premium to the notion of citizenship based on universal franchise. On the other hand, they fiercely advocated against any interventions of the British rulers in the 'internal affairs' of Indian society, and believed that the continuation of the barbaric practices as sati reflected nothing more than the degeneration of the great ancient civilisation, which can rectify them on its own. Thus, the colonial rulers (and their civilisation) were construed, as the 'other' of our own culture, and proving the superiority of our own culture became an important project of nationalist forces. As Partha Chaterjee puts it:

> Nationalism...located its own subjectivity in the spiritual domain of culture, where it considered itself superior to the west and hence undominated and soverign. It could not permit an encroachment by the colonial power into that domain (Chaterjee, 1989: 249).[50]

Thus, having identified the home and family as private spaces, it was imperative for the nationalists and the cultural 'revivalists', i.e., the Hindu and Muslim conservatives, to oppose the attempts of social reformers at curbing practices like sati and child marriage. Simultaneously, they resisted any attempts of the British government to enact legislation that allowed widows to remarry. However, the attempts of even these reformers were informed and shaped by the same shashtras and they, in no way,

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[50] Chaterjee, P. (1989), "The Nationalist Resolution Of The Women's Question", in Sangari, K. & Vaid, S. (eds.), *Recasting Women: Essays In Colonial History*, Kali For Women, New Delhi

questioned the basic structures like caste, brahmanism, and patriarchy prevalent in those shastras. Therefore, we find a definite rupture in the contours of the anti-colonial struggle: a rupture between its political programme and its system of knowledge and their ethics. This rupture gets translated in denying the women individual agency and making them subordinate to the community. As Radhakrishnan argues:

> The national subject straddles two regions or spaces, internalising western epistemological modes at the...purely pragmatic level, and at the inner level maintaining a traditional identity that will not be influenced by the merely pragmatic nature of the outward changes. In other words, the place where the true nationalist subject really is and the place from where it produces historical-material knowledge about itself are mutually heterogeneous. The locus of the true self, the inner/traditional/spiritual sense of place, is exiled from processes of history, while the locus of historical knowledge fails to speak for the true identity of national subjects (Radhakrishnan, 1992: 85).[51]

Rather, as Sarkar (2001) argues, the reformers were guided more by the immediate and acute problems of interpersonal adjustments within the family and of their felt need of limited emancipation of the wives from the yoke of prevailing social order. Simultaneously, the reformers were concerned with the question of women's emancipation, more because of its perceived connections with the health and well being of the future generations, and was believed to be the primary reason for getting defeated by the colonial powers. Therefore, in 1887, at the foundation of national social conference, Mahendralal Sircar said that:

> The Hindu race consists at the present day...by virtue of this blessed custom, of abortion and premature births...And are you surprised that the people of a nation so constituted should have fallen easy victim to every blessed tyrant that ever chose to trample upon them (cited in Nair, 1996: 73).[52]

Even the reformers hardly challenged the basic foundations of the injustice against women as women like Tarabai Shinde and Savitriben Phule did. As it was the latter who questioned and challenged the authenticity of the shastras themselves.We see, therefore, that the women's question, as it was raised in the nineteenth century, was not a question concerning women's lives; rather it was a symbol of defiance against colonial rule as a final frontier.

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[51] Radhakrisnan, R. (1992), *"Nationalism, Gender, And The Narrative Of Identity", In Parker, A et All Nationalism And Sexualities,* Routledge, New York
[52] Nair, J. (1996) op. cit.

Second, the writings of the women of the period rarely reflected the concerns of the colonial empire or even of the emerging nationalist writers such as Raja Rammohan Roy and raised more fundamental questions about structures that give rise to patriarchal control over women's lives, bodies, and sexuality. In addition, these writings confront the patriarchal ideology inherent in the nationalist discourse and attempt to raise questions here too. Thus, Tarabai Shinde (1850-1910) produced a critique of patriarchal society, which went far beyond concerns like widow remarriage, or abolition of sati taken up by the reformers of her era. She wrote an essay of about forty pages tearing apart the normative beliefs of the Indian society, upheld by the religious scriptures. She took up the issues of sexuality and sexual relations and showed the inherent inconsistency of the shastras, while highlighting the rupture between the shastras and the living realities of her times. She asks:

> Can adultery be considered an act of the most heinous nature? Our *shastras* certainly do not seem to think so! There is no need to think that such things did not happen in the past. In fact, those very shastras most freely sanctioned such practices in several circumstances.

And further

> If we ask ourselves what's the worst thoughtlessness women can be guilt of, it would be adultery-that's the peak of *Meru* here. But whoever caused it should get the blame. When a woman gets into adultery, who is it who takes the first steps by planting bad desires in her mind? Her or your? (Shinde cited in O'Hanlon, 1994: 110-118)[53]

Similarly, the court case involving Rukhmabai proved to be one of the precursors to the Age of the Consent Act of 1891 – a legislation that raised the age of consent for girls in India from 10 to twelve years of age, making sexual intercourse illegal with a girl below this stipulated age. It was probably the first act that shook the patriarchal Indian society that believed that the wife is nothing but the property of the husband. The act divided the traditional intellectual, social reformers as well as the political leaders. A few prominent nationalist leaders like B G Tilak opposed the act vociferously on the ground that it violated the post-Mutiny promise of the British crown of not interfering in religious customs. Actually, it was Rukhmabai's trial for refusing to go to her husband with whom she was married at the age of eleven that brought the issues of sexuality in Indian society into mainstream political discourse in Britain. As Burton

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[53] Rosalind, O'Hanlon (1994), *A Comparison Between Women And Men: Tarabai Shinde And The Critique Of Gender Relations In Colonial India, OUP*, New Delhi. pp 100-118

(1998)[54] notes, the debate that followed in the wake of the Rukhmabai's trial took a variety of directions, moving public attention beyond the question of child marriage per se to 'the problem of Indian women' and its relationship-both practical and symbolic to the projects of empire. At the same time, this trial helped to foreground the ways in which the regulation of Hindu sexual morality was a 'vital political topic' considered crucial to the stability of British rule in India.

The third important voice among women was that of Pandita Ramabai. After a remarkable childhood education in scriptures, marriage, and early widowhood, she became a vigorous campaigner for the women's right to education and a life with freedom and dignity. Though starting as a devout Hindu, she became progressively critical of the religious sanction given by its scriptures to the subjugation of women. Reviewing the sanctions to the discriminatory practices against women and its support by reformers she indicted patriarchy itself for the plight of women. As she says:

> There were contradictory statements about almost everything...but there were two things on which all those books, the Dharmashastras, the sacred epics, the Puranas and modern poets, the popular preachers of the present day and orthodox high caste men were agreed, that women of the high and low caste, as a class were all bad, very bad, worse than demons, as unholy as untruth and they could not get *moksha* like men. The only hope of their getting this much-desired liberation from karma and its results that is countless deaths and untold sufferings was the worship of their husbands. The husband is said to be the woman's god; there is no other god for her. This god may be the worst sinner and a great criminal; still *he is her god*, and she must worship him (Ramabai cited in Kosambi, 2000: 71).[55]

However, the nationalist forces could not afford keeping the women (and other oppressed groups) away from the struggle for long. The primary reasons behind this compulsion were two-fold. One, drawing the legitimacy of the struggle from the discourse of modernity the nationalist leadership could not sustain its critique of the inequality practiced by the British if they did not (at least seem to) oppose that. Second, mass participation was crucial for the success of the struggle, and without the participation of the women the movement was doomed to fail. Therefore, in the late nineteenth century nationalist forces, under the leadership of the Indian National

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[54] Burton, Antoninette (1998), "From Child Bride to "Hindoo Lady": Rukhmabai and the Debate on Sexual Respectability in Imperial Britain", *The American Historical Review*, Vol. 103, No. 4 (Oct. 1998) p.1133
[55] Kosambi, M. (2000), (ed.), *Pandita Ramabai Through Her Own Words: Selected Works*, Oxford University Press, New Delhi.

Congress, started calling upon women to take part in the freedom struggle. The freedom struggle, in doing so, inspired, mobilised, shaped, and simultaneously, constrained the women's movement from being an autonomous struggle by themselves for equality and freedom. The nationalist struggle tried to – and largely succeeded – in denying the women's movement to enter in a dialogue with the colonial rulers for the enactment pf progressive legislation and instead arrogated to itself the position of being the sole negotiator on all issues including the women's question. It also succeeded in convincingly arguing its case for the suspension of all social struggles till political freedom was achieved. This was the nationalist resolution of women's question in the words of Partha Chaterjee:

> The reason why the issue of 'female emancipation' seems to disappear from the public
> agenda of nationalist agitation, in the late nineteenth century is not because it was
> overtaken by the more emotive issues concerning political power. Rather, the reason
> lies in the refusal of nationalism to make the women's question an issue of political
> negotiation with the colonial state (Chaterjee, 1989: 249).[56]

Reflecting the greater prominence of women in nationalist arenas, in 1917, the Indian National Congress re-instituted a commitment to social reform in its platform reversing the policies adopted in two decades of its existence during which INC leaders had contended, against the claims of social reformers that the achievement of national autonomy ought to precede the reform of societal inequalities. In the same year, the INC elected Annie Besant as its president of the Calcutta congress session. However, in her presidential address, she dwelt upon the valour of Hindu women reflected through their capacity of self-sacrifice, and thus chose to break from the discourse of emancipation set by reformers like Raja Rammohan Roy and others. She valourised customs as Sati 'as a source of strength, both ennobling and sustaining' (Besant cited in Kumar, 1993:57).[57] Following the line, Sarojani Naidu, in the same session spoke about the importance of women's participation in the freedom struggle, though not as equal partners but as adjuncts. She said:

> I am only a woman, and I should like to say to you all, when your hour strikes, when
> you need torch bearers in darkness to lead you, when you need standard bearers to
> uphold your banners and when you die for the want of faith, the womanhood of India
> will be with you as the holders of your banner, and the sustainer of your strength. And

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[56] Chaterjee, P. (1989), op. cit.
[57] Kumar, R. (1993), *The History Of Doing: An Illustrated Account Of Women's Rights And Feminism In India 1800-1990*, Kali For Women, New Delhi.

if you die, remember that the spirit of Padmini of Chittoor is enshrined with the manhood of India (cited in Kumar, 1993: 57).[58]

As we can see, the basic tone of the speech was of being mere adjuncts to the 'manhood' of India, and there was no demand whatsoever of equality. Furthermore, the symbol chosen by Naidu to call upon the 'womanhood' to rally behind manhood is that of Padmini, a Rajput princess who committed jauhar (self immolation by Rajput women if their husbands lost in a battle since it was always better to end one's life than to fall in the hands of the enemy and being dishonoured) and thus invoking a discourse of valour, chastity, and self-sacrifice, which suited the nationalist discourse well. It also legitimised, in a way, the refusal of nationalist forces to include demands against patriarchy and women's exploitation in the mainstream political agenda. Chaterjee & Riley elaborate upon this point by asserting that:

> As guardians of "tradition" or culture, women were constructed as the embodiments of a national difference that was spiritual, and, since the interior/domestic was the space of cultural resistance to colonial domination, these women/mothers were to be responsible for the raising of citizens for nation building. Patriarchal nationalism drew on the movement for female emancipation, subordinating it to the goal of political independence. Thus, women's suffrage was supported because it challenged the colonial regime, but reform of laws such as those governing marriage, divorce, and inheritance aroused major controversy because they challenged male dominance in the domestic arena (Chaterjee & Riley, 2001: 819).[59]

At the same time, it was in confirmation with the nationalist agenda of creating what Chaterjee calls as 'new patriarchy'. Now women were considered as the custodians of the morality of the society, the mothers of an emerging strong notion. The leadership of the freedom struggle as well as the emerging middle classes constructed the notion of a 'good woman' who was a chaste wife/ mother, was educated and enlightened yet pious, was caring and loving yet could become the shakti (represented by Goddess Durga). This woman was opposed to and different from both the 'immoral and individualistic western woman' as well as 'dirty, ignorant, superstitious and sexually promiscuous' common Indian woman. Furthermore, the imagery of 'mother' and 'shakti' derived from Hindu scriptures conferred upon the women an immense social responsibility, and by associating the task of 'female emancipation' with the historic goal of sovereign

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[58] Ibid.

[59] Chatterjee, N. & N.E. Riley (2001), "Planning an Indian Modernity: The Gendered Politics of Fertility Control", *Signs*, Vol. 26, No. 3. (Spring, 2001), pp. 811-845.

nationhood, bound them to a new, and yet entirely legitimate, subordination (Chaterjee, 1989: 248)[60]

Thus, nationalist forces succeeded in establishing hegemony, not by using coercive force but through ensuring internalisation of the value system of this new patriarchy among women and pursuing them for actively participating in propagating it. With the advent of Gandhi on the national scene, the process only accelerated. Gandhi's belief in brahmcharya (search for god) meant to him a "control in thought, word and action, and all the senses at all times and in all places and could be achieved principally through maintaining absolute sexual abstinence (Gandhi, 1924).[61] He used sexual abstinence as an important tool of garnering respect and support from the masses. In doing so he was furthering the notion of 'desexualised mother goddess', which represented the energy of Indian womanhood, which could not be colonised or won over by the British rulers. At the same time, Gandhi perceived sexual intercourse as perverse and repulsive if it was engaged in for any purposes other than reproduction. As he wrote

I cannot imagine a thing as ugly as the intercourse between a man and woman (Gandhi, 1924: 102).[62]

The Gandhian notion of sexuality was rooted in the idea of sex as sinful and degenerative even as he upheld many unscientific notions about it. He endorsed many quaint ideas about the linkages between semen and mental and physical potency, and thus regarded any discharge of semen, not related with procreation, as a criminal waste. Writing on sexual matters in his news paper Harijan in 1936, he adverted to a discussion of the:

"vital fluid" insisting that any expenditure of it other than for the purpose of procreation constituted a "criminal waste" and the "consequent excitement caused to man and woman" being an "equally criminal waste of precious energy". "It is now easy to understand", wrote Gandhi, "why the scientists of old have put such great value upon the vital fluid and why they have insisted upon its strong transmutation into the highest form of energy for the benefit of society" (Gandhi cited in Lal, 2000: 135).

Thus, while endorsing the need of greater participation of women in the freedom struggle, Gandhi (and the nationalist movement) restrained their participation from going beyond traditional roles of being mother and wives. The movement did not give any importance to the sexuality question and, in fact, tried to resolve the paradox of the

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[60] Ibid
[61] Gandhi, M. (1924), *What Is Brahmcharya*, Young India, June, 5
[62] Gandhi, M., Collected Works Of Mahatma Gandhi (1924), Vol. 23, p 102

necessity of women's participation in public struggles and their identification with the private/domestic space by making these sites political. Though a few scholars believe this to be a progressive action, which enhanced the autonomy of women (Kishwar, 1985), in fact it restrained women under the patriarchal values and systems despite 'feminising the realm of high politics' (Patel, 1988: 377-387). The vision of the Indian women upheld by Gandhi was the same vision of desexualised mother goddesses, crucial for giving birth to a strong progeny (and the project of the freedom struggle was incumbent upon the fulfillment of this role by the women) and thus being the foundation of a sovereign, independent nation. Therefore, the only roles acceptable to Gandhi for Indian women were either that of a chaste woman or of self-sacrificing widow. Gandhi deeply believed in the notion that women are the sites of the honour of a community, and thus valorised the women during Partition who chose to embrace death over being sexually assaulted. It is because of this that Gandhi appreciated the courage of the women who either sacrificed their lives or were killed by their husbands to avoid being assaulted. To quote him:

> I have heard that many women who did not want to lose their honour chose to die. Many men killed their own wives. I think that is really great, because I know that such things make India brave. After all, life and death is a transitory game.... [The women] have gone with courage. They have not sold away their honour. Not that their lives were not dear to them, but they felt it was better to die with courage rather than be forcibly converted to Islam by the Muslims and allow them to assault their bodies. And so those women died. They were not just a handful, but quite a few. When I hear all these things I dance with joy that there are such brave women in India (Gandhi, 1947: 388-89).

This anxiety of Gandhi with bodily purity was rooted deeply in his world-view, which in turn was based on his belief in Hinduism, and is also reflected in his support of the varnashram system, despite his attempts of doing away with some of most brutal atrocities based on it. Interestingly, the right-wing positions in the freedom struggle who were opposed to Gandhi and the Congress on almost all other issues, had also used female iconography and, in fact, went a little further by developing an imagery of a monstrous mothergoddess and a woman raped and dishonoured by foreign conquests. While the masculinity Gandhi sought to construct was deeply feminised, that of the

latter, was virulently like the supposed rapacious masculinity of the Muslim male (Nussbaum, 2007).[63]

These ideological underpinnings of the freedom struggle defined a well-contoured space for women, any violation of which warranted repercussions. So, despite the fact that the struggle was rooted in the western epistemological traditions and was driving its legitimacy from a modern discourse of citizenship, based on liberty, equality, and fraternity, women were not being perceived as future citizens. They were, rather, confined in an inner space, which was private and spiritual, and was to become the hallmark of Indian culture and nationalism as opposed to the British one. In denying them equal rights as citizens and restraining them from being actively participating in national agenda, nationalist patriarchy was invoking the deep-rooted prejudices against women, legitimised by the shastras and scriptures. Furthermore, as I have stated earlier, the leadership of the struggle did not want to disturb/disrupt women's status in the caste, kinship, and community as this could have alienated them from the struggle. Thus women's rights were compromised time and again in the name of primacy of the anti-colonial struggle over all other social questions of the times. As V Geetha argues:

> ...women's rights to equality are constantly undercut by perceptions of their feminity
> and sexuality. So women remain essentially 'sexed' beings, denizens of the home and
> the (caste) community, and not of the republic (Geetha 2007: 118).[64]

In this, the nationalist struggle in India was not different from many such anti-colonial struggles across the globe that held the same predicament for the women. The observation of Sayigh in case of Palestinian liberation struggle seems to be correct for the Indian one too:

> The tendency of anti-colonialist nationalisms to construct an inner level or inner
> domain as sanctuary against alien domination has implications for women, identifying
> them with home and cultural authenticity. As part of the same process, gender ideology
> is exempted from historic change, becoming part of reconstructed traditional identity,
> preserved fossil-like within a modernizing nationalist program (Sayigh, 1998: 166).[65]

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[63] Nussbaum, Martha (2007), *The Clash Within: Democracy, Religious Violence, and India's Future*, Harvard University Press

[64] Geetha, V. (2002), Gender, Stree, Calcutta

[65] Sayigh, R. (1998), "Gender, Sexuality And Class In National Narrations: Palestinian Camp Women Tell Their Stories", *Frontiers*, Vol. 19, No. 2

Thus, the ideology of the anti-colonial struggle was dominantly brahminical patriarchy with very definite paternalist undertones. Most of the stands the movement took on women's issue were informed with paternalism and the need to put an end to some of the brutalities inflicted upon them, not because of compassion or empathy towards suffering women, but because of the perception of women as mothers of future generations.

Sumathi Ramaswamy portrays this paradox forcefully in her brilliant analysis of the convergence of the erotic and the patriotic in pre and post-colonial Tamilnadu. However, her analysis goes beyond the region and correctly identifies the inherent tension in the national freedom struggle. She identifies a triangle of desire that figures in written discourses and was largely produced by the male nationalists. In her own words:

> Analytically speaking, this triangles constituted by three protagonists: the nation, imagined as a beautiful, desirable but virginal mother; the male nationalist, typically cast as young, heterosexual, virile, and desiring; and the female nationalist, young and heterosexual like her male counterpart, beautiful and desirable like her mother/nation, but destined to be a married mother entrusted with the task of reproducing the nation (Ramaswamy, 1999: 16-17).[66]

Implications of the politics of sexuality for women's health:

The debate over women's sexuality did not remain confined to the realm of politics alone. It got manifested in a highly contested territory of the women's right over their own bodies, their rights to control, or at least regulates, their sexuality (mostly in decisions regarding the time of consummation of marriage and bearing children) and their access to health care. Western observers wrote extensively about the pitiable conditions Indian women were living in, and about serious implications for their health (as well as the health of their progeny). Mary Carpenter (1868) saw women's condition as:

> All enlightened natives know... that their race is becoming physically deteriorated by the social customs to which they are bound. Mothers at twelve, grandmothers at five-

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[66] Ramaswamy, S. (1999), "Virgin Mother, Beloved Other the Erotics Of Tamil Nationalism In Colonial And Post Colonial India", in Sunder Rajan, Rajeshwari (ed.), *Signposts: Gender Issues In Post Independence India,* Kali For Women, New Delhi

and-twenty, cannot be parents of a strong and hardy race; nor can those who are confined to sunless apartments to which we have been introduced... inspire their children with the genial influence of god's beautiful world...those who are acquainted with the native customs with regard to women, are well aware why these are too often old and shriveled [sic] when they might be in the full beauty of women-hood-why there minds are dwarfed to measure of childhood, when they should be able to draw out the faculties of their children, and inspire them with thoughts and principles which should guide their minds through life (cited in Burton, 1998: 1126).[67]

The subordination of women not only restricted their access to the comforts of life. It also seriously limited availability of basic necessities of life to them. Even the simplest of things like warm clothing were denied to them in the name of decency. Anandibai Joshi described the condition of the women in a letter to her American friend:

We have the same dress for all the seasons. We never put on warm clothes as it is considered indecent, nor do we wear shoes or boots as we seldom go outdoors. In short all these luxuries are for men, who feel cold, warm and autumn, [weather] and not for women who are supposed to be impervious to all these changes of climate. Should we not envy you then? (Cited in Kosambi, 2000: 142).[68]

Almost all indicators of health status of the people painted a gory picture of the health condition of Indian women. The rates of maternal mortality, infant mortality, and life expectancy were all quite alarming. The general belief among people was that:

Most foreigners and some thinking Indians strongly believe that people of our country have a frail body and short life span, and that is certainly not far from the truth (Chikitsa Samiti cited in Bose, 2006).[69]

The British rulers tried to locate this perceived weakness of Indian society in racial terms. They attributed the racial inferiority to the degeneration brought out by religious and culture beliefs of Hindus, like polytheism and celebrating the sexuality of their gods. They further attributed the defeat of Hindus first in the hands of Muslims and then under themselves, as a conclusive evidence of the racial inferiority of the Indians. They argued that Indian men have lost the valour, sense of duty, and strength tied inalienably with the notion of manhood and have instead become feminine. As Kumkum Roy (1999) argues:

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[67] Burton, A. (1998), op. cit. p 1126
[68] Kosambi, M. (2000), op. cit. p 142
[69] Revival Of National Physical Health, Chikitsa Sammilini, Baisakh (April-May), B.S. 1292(1885 AD) as quoted in Bose, P K (2006) (ed.), *Health And Society In Bengal; A Selection From Late 19th Century Bengali Periodicals, Sage*, New Delhi.

> ...On the one hand, the colonizers attempted to define the entire colonial population, including and especially its males, as feminine. Amongst other things, this involved denying and/or denigrating the past of subject population in order to rationalize and naturalize the colonial enterprise (Roy, 1999: 2).[70]

Therefore, the colonial administrators attributed the prevailing ill-health to social customs like Purdah, child marriage, rituals associated with birth, and so on. Especially the Purdah system, which was a mark of respect, social status, and dominance for the upper castes, was seen as a major obstacle that limited the women's access to medical care. The Purdah system in nineteenth century was perceived as a threat to the health of Indian women as it obstructed their access to satisfactory medical care. However, the effects of the system were much more far reaching, as it became an effective tool for controlling women's mobility, sexuality, and reproduction, as it defined the rules for social interaction for women in the home and outside it. It was also believed that behind the Purdah lies a dark, unhygienic, and unhealthy sphere and started being associated with even specific diseases (Lal 2006). As Lal puts it:

> Purdah, initially viewed by Indian women as a hindrance to education, became easily linked to disease, seen not only as directly threatening to the health of Indian women, but also to the vigour of their offsprings and to the moral and physical strength of the citizens of the future Indian nation (Lal, 2006: 110).[71]

Similarly the whole controversy about the age of consent bill revolved around opposing convictions: the conservatives believing that onset of puberty is the right age for starting cohabitation, while reformists arguing against it cited evidences from ancient Indian as well as western medical sciences. Reformists interestingly invested the argument not only with the health of the girl, but also her children, who would be weak and sick as a result of early cohabitation. They argued that as a result of this the physical, mental and intellectual capacities of the progeny would suffer, making them vulnerable to colonial subjugation. They also cited from the works of an ancient authority on medicine, Sushruta, "if a man of less than 25 years begets a child to a woman less than 16 years, it remains in the womb. If it is born, it does not live long, and if it lives at all, it is weak. Therefore the marriage should not be consummated while the girl is a child" (cited in Kosambi, 2000).[72] Reformists also quoted western medical doctors like Dr Edith Pechy-Phipson who asserted the differences between

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[70] Roy, Kumkum (1999), ibid
[71] Lal, M. (2006), "Purdah as Pathology", pp 85-114; in Hodges, Sarah (ed.), *Reproductive Health In India: History, Politics, Controversies*, Orient Longman, New Delhi
[72] Quoted from Kosambi (2000), op. cit., p 288

puberty and nubility. While delivering a talk in Mumbai on "physiological effects of early marriage" she emphasised that 'true' puberty is reached by a girl only by about her twentieth year, when the body and mind are fully developed and "when alone a woman attains the capacity for maternity". Consummation at any age earlier than this was therefore harmful, reported *Indu-Prakash*. In another sensational revelation a group of 55 British women doctors brought the brutality to which girl wives were subjected to into the public realm (ibid).[73] They adduced as evidence the cases of 13 wives of which all were between 7-12 years of age barring one and were examined within a day or two of the consummation of the marriage. The common physical injuries included severe haemorrhage, lacerated flesh, crushed pelvic bones, and temporary or permanent paralysis of lower limbs. In the case of one 7 years old girl, the result was death. Similarly, another health hazard emanating from early cohabitation was physical debility. Ananadibai Joshi wrote about this to Mrs. Carpenter:

> As a rule we Indian women suffer from innumerable trifling diseases, unnoticed till they grow serious. The internal diseases to which women are naturally liable are never known to anybody except the sufferers. It is thought indecent to let them go [sic] to the knowledge of the other sex, much more [so to be] examined by the male doctors (cited in Kosambi, 2000: 142).[74]

Here Ananadibai is not only referring to the problems of ill health of women. What she is discussing is much deeper than that. It is a reference to the Indian male's fear of 'exposing' his wife to the 'other' even at the cost of endangering her health. She further analysed the causes of high mortality rates among Indian women and attributed their cause to 'ignorance and loathsomeness to communicate of the parties concerned, and partly through carelessness on the part of their guardians or husbands.' The average family's lack of concern about the health of the women took the shape of stiff resistance at the social level against entrusting women's health to trained medical professionals. Anandibai asserted the need of female physicians in India and set out to USA for acquiring a medical degree. Unfortunately, her untimely death soon after acquiring her degree derailed the whole project and became counterproductive, as her conservative detractors attributed her death to the rigours of medical studies in an inhospitable climate. Moreover, the conservatives vehemently opposed the idea of women obtaining education, as they believed that it would undermine the moral values

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[73] Sudharak, 17 November 1890 as quoted by Kosambi (2000) op. cit.

[74] Kosambi (2000) op. cit.

of Indian women. The *Mahratta*, for example, argued that gender-neutral curriculum offered in government schools was unnatural and unsuitable to the female minds. Moreover, it claimed that women should be the custodians of family's health and should not venture out in men's domains. It openly called them to be 'ministerial angels' unto whom is entrusted the sacred task of relieving the suffering of the sick and the distressed, and for doing that it invoked the stereotypical notion of 'old grandmother' who knew medicinal qualities of herbs inside out:

> [the old grandmother] knew the medicinal qualities of many an indigenous plant and drug and she was also well-acquainted with the nature of the illnesses of the women and the children, and we have seen with our own eyes how these matrons, who are now often described as 'female boors' by the so called enlightened women of the present age, put to shame some of the best Civil Surgeons and Assistant Surgeons in their successful treatment of infants. Why should not the younger female imitate the example of those venerable ladies and with the advantage of the high education she possesses be a domestic physician to the children of her own household and those of her neighbors? (Anon, 1891).[75]

Interestingly, this advice was reserved for women and there were no questions raised about men receiving western medical education. Again, the root cause of efforts of keeping Indian women away was the fear about their generally being of 'easy virtue' and their consequent vulnerability to the European influences capable of violating their (and the family's) dignity. This patriarchal fear of women was as deep-rooted as even the nationalist forces saw any attempts by the 'external' 'western' people to improve women's health as a conscious design to corrupt Indian women, and thus attempted to scuttle them. Thus, the *Mahratta* opposed setting up of the Dufferin fund for medical aid to Indian women and cautioned Indians against it and portrayed it as an attempt of the 'Christians' to lure away Hindu women. Similarly the *Kesari* warned against letting English lady doctors into the Indian homes lest the women get corrupted.

These communal tensions, fueled by revivalist nationalist leaders, continued to play an important role in shaping the life conditions of women. With the advent of communal tensions between Hindus and Muslims, the sexuality and fertility of women became a site of struggle for fundamentalist leaders of both the groups. As Anshu Malhotra (2006) in her study of the weakening of the institution of midwifery in Punjab demonstrates, the emerging middle class and elites of Punjabi society attacked not only

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[75] The Mahratta, 26th July 1891

the low-caste dais as dirty, but also attacked dais hailing from Muslim community. They established and then perpetuated the myths of Muslim fecundity, virility, and masculinity and then contended that Muslim dais associated with childbirth in Hindu houses were treacherous; they were not only a threat to the mother and child in the individual household but for the whole 'Hindu' race. This perceived threat of persecution became crucial in the formation of the middle class identity. As Malhotra argues:

> The Muslim dai serving a Hindu clientele became difficult to accept for the upper caste, middle class of Punjab. Thus, in important ways the issue of women's reproductive health came to shape middle class identity in colonial Punjab, just as the question of their fertility and reproductive ability was significant in defining the image of the community and nation (Malhotra 2006: 202).[76]

Similarly, Charu Gupta (2001)[77] demonstrates how the Hindu publicists tried to fracture the shared cultural practices between Hindus and Muslims, and tried to wean away Hindu men and women from all shared spaces. The calls for economic boycott started coming up as early as in 1890 in Aligarh, followed by similar calls elsewhere. Soon after, the revivalist started focusing upon the threat of uncontrolled sexuality of women, which could have led to the exploitation of Hindu women by Muslim men. As an added dimension to the debate, Hindu revivalists kept on taking recourse to the threat of getting outnumbered because of high rates of growth of Muslim population. The language used by the colonial authorities added fuel to the near paranoid fears of becoming a minority. As the 1921 Census put it:

> Both relatively and absolutely... hindus have lost. Hindus have decreased during the last decade by 347 per 10,000 or just under 3.5 per cent (Census 1921, cited in Gupta 2001: 308).[78]

These developments not only showed the seeds of communal strife between Hindus and Muslims, but also made the women's bodies (and especially their reproductive capacities), a site for carrying out this struggle.

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[76] Malhotra (2006) op. cit

[77] Gupta, Charu (2001), *Sexuality, Obscenity, Community: Women, Muslim And The Hindu Public In Colonial India*, Permanent Black, Delhi

[78] Gupta, Charu (2001), ibid

Thus the male Hindu revivalists' attempts of denying entry to foreign women into the private domain of household, while trying to expunge lower caste women and Muslim women, made the health of Indian women the biggest casualty. Male resistance to the attempts of providing health care to women in households exposed their double standards with respect to their attempts of fighting against imperialism. Despite fighting against the colonial subjugation of their 'motherland', they, it seems, were not ready to forgo their ownership of the bodies of 'their' women. They treated the household and everything belonging to it as the 'final frontier' in which they were not ready to allow entry to the 'foreigner'. The loss of self-esteem because of being a ruled 'race' has led to a situation where their self respect and manly status were increasingly defined around the control of women bodies, and that is why these reform met with increasing internal resistance. Thus as Nussbaum (2007) put it 'the control over the female body came to represent control over the nation. And this, in turn, makes the understanding of the sexual politics of colonial as well as postcolonial India crucial to understand the development of public health system as catering to the need of the women" (Nussbaum, 2007).[79]

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[79] Nussbaum, M (2007), op. cit.

EMERGENCE OF REPRODUCTIVE HEALTH AND RIGHTS

Historical evidence shows that human societies have aspired to control births since ancient times. There is evidence about the use of barrier methods like cervical caps and vaginal sponges several thousands years BC, in the Middle East (Hartmann, 1995).[1] Natural methods of birth control, like abstinence and withdrawal from sexual relations, have been used in societies, often with religious approval. However, the evidence for the usage of these methods and techniques do not imply that they were socially accepted or widely practiced. Rather, the use of these methods was allowed to a very small section of the population, usually the priesthood. Furthermore, the religions prescribed birth control methods like abstinence only for males, usually the members of the priesthood, and did not extend the privilege to women, as they were not allowed in the ranks of priesthood. Instead, religions fervently encouraged procreation with the goal of enlarging and strengthening the community. Most religions, in doing so, used the language of giving precedence to community's rights of strengthening itself over the wife and husband's rights of choice. In fact, as I have shown in earlier chapters, almost all religions sought to control women's sexuality and fertility primarily because of the inherent ideology of patriarchy. As the scriptures of almost all major religions were laden with a clear patriarchal bias, they viewed women as inferior, impulsive, and easily impressionable beings who would not be capable of controlling their behaviours. Thus they were to be controlled by men and live as appendages to men. Also, there was a deep-rooted anxiety against women's reproductive potential and their access to the children, which threatened patriarchy. Therefore, subjugating women under religious control, and confining them and their sexuality under religious and cultural rituals became crucial for the ruling classes. The evidence of the abundance of pollution rituals, fertility cults, prohibitions against abortion, as well as chastity rules imposed upon wives and daughters are signs of men's envy and fear of women's reproductive capacity – of its imagined powers, and also of its

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[1] Hartmann, Betsy (1995), *Reproductive Rights and Wrongs: The Global Politics Of Population Control*, South End Press, Boston.

reality and the consequent need of keeping the reproductive potential of women under control (Petchesky, 1980).[2]

The perceived need to control women's sexuality, and particularly their fertility, also emanated from the fact that being perpetuators of the race, their chastity and virginity has been linked to the social honour of the group. Being the carriers of the honour and prestige of the social group made the groups guard 'their' women anxiously and also made them secure their chastity. This took place either by the exertion of direct control over women's mobility to the point of lifetime seclusion; or through severe socialization of fear and shame concerning sex, or by a mix of both. This sort of anxiety with the purity of the women was inalienably linked to the emergence of hierarchies in society through processes of social stratification. As Sherry B. Ortner observes:

> this sort of concern with the purity of women was part of, and somehow
> structurally, functionally, and symbolically bound up with, the historical emergence
> of systematically stratified state type structures, in the evolution of human society
> (Ortner, 1978: 23).[3]

Later on, with the emergence of modern state, women's bodies and sexuality became primary sites for framing and settling the questions of modernity and tradition, and they became the guardians of the nation's morality. Thus, during moments of struggle between conflicting groups, it was not merely sexuality of women that was at stake, but the 'elaborate codes of honour inscribed on their bodies'. What John and Nair (1998) point out in the Indian context, seems to be constitute women's shared experience across cultures. To quote her:

> Women bear the marks, sometimes violent marks, of caste, ethnic and national
> imaginations. Not only has the middle class, upper caste woman been the ground
> on which questions of modernity and tradition are framed, she is the embodiment of
> the boundaries between licit and illicit forms of sexuality as well as the guardian of
> national morality (John and Nair, 1998: 8).[4]

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[2] Petchesky, Rosalind Pollock (1980), "Reproductive Freedom: Beyond A Woman's Right to Choose", *Signs*, Vol. 5, No. 4, Women: Sex and Sexuality, (Summer), pp. 661-685
[3] Ortner Sherry, B. (1978), "The Virgin And The State", *Feminist Studies* Vol. 4 No.3, pp 19-35
[4] John and Nair, (1998), op. cit.

As a consequence of this, the regulation of female sexuality was achieved by chaperonage or segregation of women or by ideological propaganda for sublimation or repression of the sexual drive, and confining it in the realm of family and for procreation. In the process, women's sexuality became a closely guarded area with the infusion of religious doctrine of morality and thus made it a crucial battle-field for struggles around the question of women's reproductive rights and rights for autonomy (Agnihotri-Gupta, 2000).[5]

With the advent of industrial capitalism, based on the foundations of family and private property, the control over the process of reproduction became crucial in the realm of family for ensuring patrilineal inheritance. As pregnancies took place in women's bodies, the control over their bodies did not remain as only a moral and political question, but became a crucial material necessity to ensure smooth functioning of society (Petchesky, 1980).[6] Patriarchal societies succeeded in establishing control over women's reproduction by actively collaborating with religion, which defined the roles and duties of women in society only as mothers; this was important mostly because of the fact that while the maternity of a child was certain, paternity could only be ascertained by establishing control over women's sexuality, and fertility and confining them in private sphere of households. This was also codified into appropriate laws of inheritance, property rights, citizenship etc. Beneria (1979) stressed the relationship between production and reproduction, and the subordination of women within the families in capitalist societies:

> Women's role in reproduction lies at the root of their subordination, the nature and extent of their participation in production, and the division of labour by sex. However, given the present level of technology, only biological reproduction is necessarily linked with women's specific reproductive functions. Yet, most societies have universally assigned to women two other fundamental aspects of reproduction of the labour force, namely, child care and the set of activities associated with daily family maintenance (Beneria, 1979: 222).[7]

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[5] Agnihotri-Gupta, Jyotsna (2000), *New Reproductive Technologies, Women's Health And Autonomy: Freedom Or Dependency?* Sage Publications, New Delhi.

[6] Petchesky, Rosalind Pollock. (1980), op. cit.

[7] Beneria, L. (1979), "Reproduction, Production And Sexual Division Of Labour", *Cambridge Journal Of Economics*, Vol. 3, pp 203-225

The notion of motherhood played a crucial role in not only defining the identity of the woman, but also making it the only source of bestowing honour on her. Adult women got their identities only with reference to their actual or potential maternity. Indeed, this defined their status in societies. Most religions glorified the notion of motherhood and shaped the cultures in which from a very young age girls are socialized into believing that marriage and motherhood should be the most important, if not the only, goal in their lives and central to their identity. Simultaneously, patriarchal ideology creates structural barriers against women and, therefore, limits the ways in which they can fulfill themselves otherwise. Again, the ideology of motherhood, Badinter (1981)[8] argues, was created with the advent of industrial capitalism in Western Europe. She asserts that the good woman was the motherly housewife whose sole purpose in life was to sacrifice herself in the service of her husband and children, and thus to become the foundation of the emerging nation states (Badinter, 1981).[9] In the nineteenth century, the ruling classes started propagating the domestic role of the women, while making domesticity the privilege of upper class women, as with the accumulation of the surplus value of labour, the upper class household had surplus enough to provide for that.

The notion of motherhood became the central component of the feminist movement emerging in the mid-nineteenth century. It used the language of responsibility and argued that willing mothers would be better wives and mothers and thus called for provisioning of birth control techniques to them. At the same time, the campaign underlined the importance of family and women's role within it, the notion of chaste wives and mothers and accepted the vision of social purity wholeheartedly (Gordon, 1977).[10]

Soon, the neo-Malthusians and the eugenists joined the movement. In fact, the neo-Malthusians were the first major advocates and supporters of birth control. They differed with the principled opposition of Malthus to the use of contraceptive techniques and called for use of contraception in order to solve the problems of

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[8] Badinter, E. (1981), *Mother Love. Myth and Reality: Motherhood in Modern History*, Macmillan Publishing, New York

[9] Badinter, E. (1981), ibid

[10] Gordon, Linda (1977), *Woman's Body, Woman's Right: A Social History of Birth Control in America*, Penguin, New York.

poverty, which they saw as a consequence of overpopulation. The neo-Malthusian movement gained momentum in Britain during 1820s and 1830s with the publication of *Every Woman's Book* by Richard Carlisle, containing information on contraception for the working classes (Agnihotri-Gupta, 2000).[11]

Rooted in the racist ideology of superiority of Anglo-Saxon people over others, the eugenists proved to be strongest supporters of birth control and called for adopting selective breeding by the 'fit' people and preventing the 'unfit' from breeding. In fact, eugenics was more concerned with the future of the race and was troubled by the fact that too much emphasis on traditional sexual morality may ruin the race as it stifled women's sexual desires and thus endangered the procreative urge (Robb, 2006).[12] Therefore, eugenics emphasized that motherhood is more important than marriage in defining the status of women and supported availability of birth control techniques to young women, so as to improve the 'racial stock'.

With the emergence of a new philosophy of sex radicalism in Britain and its spread to the USA, the birth control movement got further strengthened (Hartmann, 1995).[13] The advocates of this philosophy, hailing from sections of intelligentsia and social reformers, viewed sexuality independently of reproduction and ushered in the discourse of pleasure in the debate. Radical and utopian socialists, in the nineteenth century linked birth control to the right to sexual pleasure and challenged the Church's control over knowledge and life (Rowbotham, 1974).[14] While challenging the hegemony of religious ideology over the question of sexuality, the socialists and the utopians supported the right of unwed women to bear a child and keep it, demanding acknowledgement by the church and the state.

These were also the times of rising working class militancy, and a few early socialists like Annie Besant tried to convince their comrades that birth control was beneficial for the working classes, particularly women, and was not merely a capitalist conspiracy. In her book, *The Law of Population,* published immediately

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[11] Agnihotri-Gupta, J. (2000), op. cit.
[12] Robb, George (2006), "Marriage and Reproduction" in Cocks", in H, G & Houlbrook (eds.) *Modern History of Sexuality*, Palgrave Macmillan, New York, p 97
[13] Hartmann, B. (1995), op. cit. p 95
[14] Rowbotham, S. (1974), *Hidden from History: 300 Years of Women's Oppression and the Fight against It*, Pluto Press, London.

after her trail, she forcefully argued for the limitation of the numbers of children for improving the living conditions of the lower classes (Rowbotahm, 1978).[15] Margaret Sanger, in the early twentieth century, one of the crusaders of birth control movement, linked access to birth control with the woman's right to own and control her body, and perceived it as being crucial to her emancipation (Gordon, 1977).[16] This was of course early in her career when she was still linked to the socialist feminists, whom she soon distanced herself from as she went on to build and lead the global neo-Malthusian population control movement, in league with corporate capital and the eugenists. However, even before Sanger, many of the early supporters of birth control movement understood the direct connection between the principle of 'control over one's body' and feminist claims regarding women's control over reproduction clearly. Ezra Heywood, an anarchist birth controller in the 1870s, asserted:

> Woman's Natural Right to ownership of and control over her own body-self-a right inseparable from Women's intelligent existence (cited in Gordon, 1977: 66).[17]

Despite the support coming in from different (and often conflicting quarters), early attempts of providing birth control techniques to women were resisted by the church and the state alike. Many of the campaigners for birth control techniques were jailed on the grounds of obscenity, and birth control clinics were outlawed on the grounds that they lead to moral degeneration of the society. However, soon after, the emerging nation states began to understand the complexities of the issue and started providing limited services to women. This was driven too by eugenic concerns about the state of the nation, its health, and above all to reduce maternal mortality in order to feed a fresh and healthy new stock to the nation and its imperial ambitions. Thus, certain authorised clinics were allowed to provide contraceptive advice to women as well as allowed to carry out termination of pregnancies on medical grounds. However, these services were for married women only and the state together with the Church ensured that these services were limited. Thus, it becomes evident that the issue of birth control is rooted in the realm of sexual politics, existing power

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[15] Rowbotham, S. (1978), *New World For Women: Stella Browne - Socialist Feminist*, Pluto Press, London.
[16] Gordon, Linda (1977), *Woman's Body, Woman's Right: A Social History of Birth Control in America*, Penguin, New York.
[17] Gordon, Linda (1977), ibid.

relations between different sexes and the cultural moorings of the society and is not confined merely in the technological developments. Leslie Doyal (1979) underscores the limitations of the state policy of selectively providing contraception techniques by asserting that it reflected:

> ... a limited acceptance by the state of the necessity to provide women with the means to control their own fertility (Doyal, 1979: 174).[18]

While the birth control movement was gaining momentum and women's assertion for reproductive rights was growing, it, ironically, was also giving strength to the medicalisaion of reproduction and of all aspects related to it. The new middle classes, armed with the developments in medicine started attacking ideas and institutions, which gave even a semblance of power to women. For example, a conscious attempt was made to purge women from the emerging medical sciences and the first and foremost institution that was targeted was that of midwifery, which symbolized female control of reproduction. With the inclusion of obstetrics in the curricula of medical training, first in the UK followed by the USA around 1900, the attacks on midwifery got institutionalised and the medial profession started making a conscious attempt at discrediting the institution as 'unscientific, dirty, ignorant and incompetent and a relic of barbaric past'. Barring a few countries like Britain, Germany and Netherlands, there was no attempt of imparting medical knowledge to the midwives or to license them, and consequently, midwifery became almost extinct in many countries. The consequences of discrediting midwifery were not limited to reproduction alone, rather it succeeded in contributing to the emerging ideology of a dichotomous division of space and removing women from the public spaces. Ehrenreich and English pointed out that:

> With the elimination of midwifery, all women- not just those of the upper classes-fell under the biological hegemony of the medical profession. In the same stroke, women lost their autonomous role as healers. The only role left for women in the medical system was as employees, customers or 'material' (Ehrenreich and English, 1979: 88).[19]

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[18] Doyal, Leslie (1979), *The Political Economy Of Health*, Pluto Press, London.
[19] Ehrenreich, B. and D. English (1979), *For Her Own Good: 150 Years Of Experts' Advice To Women*, Pluto Press, and London.

Therefore, it becomes evident that all institutions of power, state, religion and the medical profession worked in tandem to deny women the right over their own bodies and reproduction. Rather, there was a conscious attempt at snatching whatever little knowledge and control women had in the realm of their health and reproduction. Religion gave authority first to the religious authority, and then to the physician; medicine gave authority to the physician; and the state determined the overriding policy. However, none of these positions took care of the wants of the women in shaping their own destinies; the right to abortion was denied, barring cases where medical complications threatened the life of the mother.

Politics of Population Control in the Third World Countries

In the second half of the 20th century, the emphasis moved from birth control to population control. The basic reason behind this shift was the fact that the devastation caused by the world wars has led to the prevalence of a mass scale pauperisation of working classes and the governments in the West were compelled to take note of growing unrest among them. Meanwhile, this was also the phase of formal decolonisation, with many Asian and African countries gaining independence. Thus the issue of poverty and the international distribution of resources were thrust into the international political discourse. Also, this was a time when an increase in world population started taking place, most of which now occurred in the developing countries. Underscoring these concerns, a pamphlet titled *The Population Bomb* was published in 1954, which argued that the biggest threat to the world peace was excessive growth in population and asserted that the only answer to all the problems like hunger, water crisis, lack of sanitation, growth of slums etc, was population control.

The shift from birth control to population control, with the active participation of government agencies was further strengthened with the establishment of the International Planned Parenthood Federation (IPPF) comprising of national family planning bodies of eight countries including the British and the US ones. The reasons behind the sudden emphasis of the western world were located mainly in the geo-political realities of the Cold War era. Population growth in the newly independent Third World countries was seen as a potential threat by the USA led

western world. The understanding in the corridors of powers in the First World was that population growth, leading to poverty, fed into the growth of communism. It was also realised that the spread of communism in the poor countries cut of access to cheap resources for the First World. Furthermore, with the emergence of USA as the hegemonic force in western capitalist block on the one hand, and the 'explosion' of population in the Third World on the other, leading to a deepening global disparity, was seen as a source of potential threat to the US hegemony by its leaders. The US emphasis on population control in the Third World was also shaped by its attempts at 'containing' this potential threat as is evident by a secret US State Department memorandum, authored by George Kennan:

> We have about 50 per cent of the world's wealth, but only 6.3 per cent of its population. In this situation, we cannot fail to be the object of envy and resentment. Our real task is ... to devise a pattern of relationships which will permit us to maintain this position of disparity without positive detriment to our national security (Kennan, 1948, cited in Bandarage, 1997: 6).[20]

Despite trying to conceal its real agenda under the garb of paternalistic humanitarianism, the US became a major player in population control establishment to safeguard its interests. Seamus Grimes comments:

> Although there was an element of paternalistic humanitarianism motivating the movement to control rapid population growth, the thinking was schizophrenic from the outset, with a major influential factor being the determination to preserve US economic and political interests around the world. While there was a widespread consensus that rapid population growth would hinder economic development in poor countries, there was a greater concern with the potential threat to US interests which could arise from a rapidly expanding and unstable Third World. It was clear to politicians and policy analysts and to influential foundation officials that people in developing countries could not aspire to the equivalent of a US lifestyle (Grimes, 1998: 382).[21]

To safeguard these political and economic interests, therefore, the western world not only tried to influence the governments of the Third World countries but also mobilized its private capital for influencing and shaping the population policies of

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[20] Bandarage, Asoka (1997) *Women, Population And Global Crisis: A Political Economic Analysis*, Zed books, London.
[21] Grimes, Seamus (1998), "From Population Control To 'Reproductive Rights': Ideological Influences In Population Policy", *Third World Quarterly*, Vol. 19, No. 3, pp 375-393

these countries. That is why private corporate business started taking a keen interest in promoting population control in the developing countries right from the beginning. These institutions, like the Rockefeller, Moore, and Ford Foundations have remained in the forefront of funding research into contraceptives and family planning programmes in different parts of the world (Nair, 1992).[22] The US government together with the private corporations succeeded in facilitating a 'powerful cult of population control' in US academia by channelling huge amounts of money into US universities from the Ford Foundation, the Population council and the Rockefellers (Hartman, 1995).[23]

The population establishment succeeded, also, in seeking allegiance of prominent Third World government officials, medical personnel, academics and leaders of private organisations through organising training programmes in US as well as setting up research institutions in the US and countries of Third Word.

For all its professed goals of tackling poverty, empowering women and enhancing the pace of development of the Third World; population control remained an exercise of establishing external control, whether of national governments, international agencies, or religion, over the fertility of women. Thus, population control policies tried to limit women's right of sexual and reproductive self-determination and thus continued the subjugation of women and their sexuality. Moreover, the discourse on population, in the second half of the 20th century was dominated by discussions around program design or service provision, the availability, supply and use of contraceptives, seemingly unaffected by socio-economic issues and guided solely by the logic of population determinants.

However, the population control debate reflected the deeply political nature of the issue and reflected the fact the discourse on population was intimately linked to wider, social, historical, economic values and was rooted deeply in the different cultural contexts. Thus, a critique of increasing emphasis on population control in the name of fighting poverty, a critique of the notion was also building up. Susan George, in her book *How The Other Half Dies* questioned the very basic idea behind the notion and asserted that:

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[22] Nair, S (1992), "Population Policies And The Ideology Of Population Control In India"; *Issues In Reproductive And Genetic Engineering*, Vol. 5, No. 3, pp 237-252
[23] Hartman, B. (1995), op. cit.

> The first thing to realise when thinking straight about population /food is that hunger is not caused by population pressure. Both hunger and rapid population growth reflect the same failure of a political and economic system (George, 1976: 59).[24]

The manifestation of growing distrust towards the population control establishment became evident in the first major conference on population, organised by the UN in Bucharest in 1974, when the Third World countries attacked population control as a manifestation of western imperialism and critiqued the western emphasis on population control as a ploy of avoiding the structural roots of underdevelopment of the Third World. They asserted that the overpopulation was not a cause but a consequence of the prevailing socio economic conditions in these countries caused by unequal international relationships, inadequate access to capital, exploitative investment strategies and unfair trade practices (Hartmann, 1995).[25] The Indian delegation in the conference gave voice to the feelings of the majority of the developing countries attending the conference by emphasising that 'development is the best contraceptive' and by criticizing the 'high consumption of-resources in the west'. Despite strong opposition of the US delegation, the World Population Plan of Action (WPPA) had to be altered drastically to delete all references to population targets (Agnihotri-Gupta, 2000).[26]

The Bucharest conference paved the way for a serious rethinking of the dominant discourse of population control, and brought the linkages between population and development to the centre stage of discourse. It, also, exposed the sinister designs and vested interests of the western countries behind their aggressive pursuit of the population control policies.

Emergence of Women's Liberation Movement

Because of the state's emphasis on population control, new contraceptive methods like oral pills were developed in 1960s and in some western countries abortion was legalised for women who fulfilled the desired criteria. This development was an important one as it

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[24] George, Susan (1976), *How The Other Half Dies: The Real Reasons For World Hunger*, Penguin books, London.
[25] Hartmann, B. (1995), op. cit.
[26] Agnihotri-Gupta, S. (2000), op. cit.

marked a clear rupture of the western states with the church, and brought the question of pregnancy in the main stream political discourse from the private domain of family. However, with the emergence of second wave feminism, the question of the control of biological reproduction became the rallying point for feminists. The movement saw the process of child bearing as a shared experience of all women across the world, an experience that was beyond the limits of and was undiluted by the boundaries of class, caste, religion or any other barrier that divided women. Thus, the right to abortion became the central demand in the West, inextricably linked to the right to control one's reproductive potential. The movement attacked the patriarchal ideology inherent in western society, and called for undiluted right to abortion. The movement also underscored the fundamental unity of women, defined by their shared reproductive experience. Linda Gordon argues that:

> The desire for and the problems in securing abortion and contraception made up a shared female experience. Abortion technique was apparently not much safer among upper-class doctors than among working-class midwives. The most commonly used contraceptives-douches, withdrawal-were accessible to women of every class. And what evidence there is of the subjective experience of women in their birth-control attempts also suggests that the desire for spaced motherhood and smaller families existed in every class, and that the desire was so passionate that women would take severe risks to win a little space and control in their lives. The individual theory and practice of birth control stems from a biological female condition that is more basic even than class (Gordon, 1977: 70).[27]

Now, feminists started attacking the very 'naturalness' of the process of reproduction and argued that to bear or not to bear a child is a woman's fundamental right. The movement now started demanding rights over their bodies, control of the reproductive process in their own hands and a right to abortion, if they were unprepared to carry the pregnancy. The demands of the movement reflected not only a disgust of women towards their shared 'biological' experience, but also a clear disdain towards the inherent patriarchal character of the societies they were living in. Emphasizing this, Juliet Mitchell wrote:

> The sexual exploitation of women and their enforced submission within a society committed – when it feels like – to the naturalness of their reproductive role, has

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[27] Gordon, L. (1977), op. cit.

caused the movement to develop the notion of the 'control of one's body'. Casting women's liberation in the language of control of the body and of control of sexuality became a powerful rallying point for women (Mitchell, 1979: 35).[28]

Thus, the second wave of feminism also brought into focus the issue of women's health. The issue of women's health became central to the activities of the movement, reflecting and simultaneously influencing, legal and political debates of the time. The movement, stressed the need of state action in ensuring conditions for safe maternal and child health, both as a health objective and because of its indirect implications for people's fertility decisions (Mosse, 1994).[29]

However, an insider critique of second wave feminism was building up. The Black feminists and the feminists of developing countries criticized the movement on the grounds that it was rooted in a racist and eugenic background and posed the concerns of upper class, white women as the problems of women everywhere. Davis (1981) severely criticized the movement, characterising it as a white bourgeois movement. She argued that reproductive rights for white women came with reproductive oppression for women of colour, forcibly sterilised. She distinguished clearly between the 'desire to be free from pregnancy' and the 'miserable conditions which dissuade them from bringing new lives into the world (Davis, 1981).[30] Similarly, Akhter (1990) argued that the notion of reproductive rights had no meaning for most of the women of the Third World, for whom the primary concern was sheer physical survival.

Simultaneously, a number of third wave feminists argued for a positive evaluation of motherhood and saw biological reproduction as a capacity, rather than a source of limitation. These feminists argued for inclusion of the 'right to bear a child' in the agenda of reproductive rights. Thus, the notion of reproductive rights was a consequence of broadening of the 1970s demands for access to contraception and legalisation of abortion. The scope of the notion was further expanded by the critique of women of colour and women from the developing world and thus

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[28] Mitchell, J. (1979), *Women's State*, Pantheon Books, New York.

[29] Mosse, J, C (1994), "From Family Planning And Maternal And Child Health To Reproductive Health", in C. Sweetman and K. de Selincourt (eds.), *Population And Reproductive Rights,* Oxfam Focus On Gender, (No. 5), Oxfam, Oxford, pp 6-12

[30] Davis, A. (1981), *Women, Race And Class,* The Women's Press, London.

maternal health and maternal mortality, child bearing and child rising were included in the definition of reproductive rights (Nair et. al, 2004).[31] An important issue of differences in experiences of exploitation was raised the issue of oppression based on location. They argued that because of being located in caste, kinship, race, ethnic, and religion and also because of their sexual orientation, women experience different kind of exploitations. Women from the developing countries highlighted the role of patriarchal institutions like family and kinship groups in denying them reproductive freedom. Thus, Development Alternatives With Women For A New Era (DAWN), a women's group led by women from South underscored the concerns of the women from developing countries in the following way:

> Control over reproduction is a basic need and a basic right for a woman. Linked as it is to women's health and social status, as well as the powerful structures of religion, state control and administrative inertia, and private profit, it is from the perspective of the poor women that this right can best be understood and affirmed. Women knew that child bearing is a social, not a purely personal, phenomenon; nor do we deny that world population trends are likely to exert considerable pressure on resources and institutions by the end of this century. But our bodies have become a pawn in the struggle among states, religion male head of households and private corporations. Programs that do not take the interest of women into account are unlikely to succeed (Sen & Grown, 1987: 49).[32]

The Abortion Debate

In the USA, the politics of abortions has played a crucial role in shaping the women's movement and bringing the question of sexuality into the mainstream of political debates. However, as Hartmann (1995) points out, controversy over abortion is a recently new phenomenon.[33] Historically, abortion has been used as a common fertility control method in most of societies, tolerated, if not accepted by the social customs, law and religion. For example, the Roman Catholic Church had not declared all abortions as murders until 1869. However, the current debate over abortion in the USA is shaped by the assertion of the women's liberation

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[31] Nair, S., P. Kirbat & S. Sexton (2004), *A Decade After Cairo: Women's Health In A Free Market Economy*, The Corner House, Dorset, UK

[32] Sen, G. & C. Grown (1987), *Developments, Crisis And Alternative Visions - Third World Perspectives*, Monthly Press Review, New York.

[33] Hartmann, B. (1995), op. cit.

movement's demand of reclaiming the right of the women to control their bodies and the right wing backlash against it.

Organized religion, through the Roman Catholic Church and more particularly the Protestant fundamentalists, opposed moves of provisioning of contraception and abortion as they firmly believed that after conception the foetus has a life of its own and abortion amounts to a sinful murder. For this reason, religions across the world opposed not only contraception for ordinary men and all women, but also declared abortion as illegal and sinful. Religious opposition to the birth control methods is evident in the Catholic Church's unequivocal condemnation of all 'artificial forms of birth control' and declaring the use of them as 'sinful' (Ibid).[34] The position of the Catholic Church rejects abortion even as a means of saving the life of the mother, as it holds that the foetus has a life and a soul from the moment of conception itself, and that the life of the foetus must be respected and protected at all costs. Therefore, the church holds that:

> Direct abortion, that is to say, abortion willed either as an end or as a means is gravely contrary to the moral law (Catechism Of The Catholic Church 1994: 547).[35]

The Catholic Church holds that the life of the foetus cannot be willingly taken away in any case, even if it is threatening to the life of the mother. It categorically holds that the life of the mother can only be protected through abortion if the abortion is an unintended result of the procedure, that is, if the mother's condition requires medical action, which may or may not threaten the foetus. Thus, if the abortion is not 'sinful' only as an unintended result of medical action, in all other cases it's a grave sin against humanity that carries excommunication as a penalty:

> One must hold as licit procedures carried out on the human embryo which respect the life and integrity of the embryo and do not involve disproportionate risks for it, but are directed toward its healing, the improvement of its condition of health, or its individual survival (Catechism Of The Catholic Church, 1994: 549).

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[34] Ibid. p 53
[35] United States Catholic Conference, Inc., Catechism of the Catholic Church Libreria Editrice Vaticana, 1994

For this reason, the Catholic Church went to the extent of trying to prevent governments from taking up family planning program, especially in Latin American countries. For example, in Peru, the church successfully persuaded the government to block national population policy announced by it in 1977 that called for voluntary family planning services (Hartmann, 1995).[36]

Similarly, in the Islamic world, despite a controversy over the exact time of the 'ensoulment' of the foetus, there is a consensus over the fact that abortion is a 'sinful' murder, and thus is illegal. The majority position within the Islamic *ulema* is evident in the following passage:

> Abortion is the expulsion of the fetus before it is due for natural birth. It is an abhorrent and a most damnable act, interdicted by Islam in the strongest terms, with wrathful censure of the culprit, and severe condemnation by true humanity and by all those of upright nature, all for the fact that abortion is no less heinous than the committing of a murder sternly prohibited by God, and amounts, in other respects, to insubordination to God's will and to a deliberate attempt to change the divine order. Islam forbade such murder: "Neither slay any one whom God hath forbidden you to slay, unless for a just cause" (Sura, 17:33 cited in Bowen, 1997: 165).[37]

However, a noted feminist author Nawal el Saadawi (1979) argues that there is nothing in Koran that explicitly supports or rejects abortion. She points out different explanations of the ulema, some supporting contraception including abortion up to a point of time (up to 120 days from conception) to outright rejection of contraception by others. She asserts that in the Arab world, it is not religion that is the issue in the contraception debate but the way religion is used by the ruling classes in order to perpetuate the subordination of the ruled (Saadawi, 1979).[38] However, the only instance in which abortion was allowed in the Islamic world was if the pregnancy threatened a mother's life. Thus, we can argue that though Islam, in theory, was against abortion, it did permit it if the health and life of the mother was threatened.

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[36] Hartman, B. (1995), op. cit. p 53
[37] Bowen, Donna Lee (1997), "Abortion, Islam And The 1994 Cairo Population Conference", *International Journal of Middle East Studies*, Vol. 29, No. 2 (may 1997), pp 161-184
[38] Saadawi, Nawal El (1979), "On Women's Shoulders", *People*, (IPPF) Vol. 6, No. 4

However, an important point to take notice of is the fact that nowhere in Islamic jurisprudence has the question of unwed mothers come up. As even when the authorities gave permission for aborting the foetus, they demanded consent of the husband as a necessary precondition. Thus, in the religious discourse, pregnancies outside wedlock have no status, and have no protection ascribed to them by the religious authorities. Furthermore, many Islamic theological schools, like other religious schools, tend to view contraception techniques including abortion as a symbol of moral decay and degeneration of public morality. Many of the ulema viewed:

> The popularization of contraceptives and making them available to all and sundry will encourage licentious sexual relations. People would no longer stand in fear of blame of censure of society, since there would be no visible traces of their illicit relation. They would be in no danger of incurring shame, disgrace, or a feeling of guilt by bringing into the world a child born of adultery, since they can avert all this by legitimate means (Sahnoun, 1970, 2: 381).[39]

It must also be recognised that another explicit stream of Islamic thought opposed contraception on the grounds that it was a Western imposition, a neo-colonial one. As Ali (2002) demonstrates, some Muslim groups viewed the state-sponsored, West-supported family planning program as a western conspiracy to contain the number of Muslims in the world (Ali, 2002).[40] Secondly, these groups argued that the problem was not of lack of resources but equitable distribution. The resistance to family planning program contested the colonial constructions of non-western societies as barbaric, backward and unscientific. Voices of Islamic resistance saw the international health campaigns' emphasis on changing culture for improving health as the continuation of the exploitative practices of colonial health personnel and as an attempt of introducing western values in traditional societies (Ali, 2002).[41]

Thus while this stream of thought shared some ideas with other Third World feminists – that of neo-imperialism – they differed significantly on the issues of

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[39] Sahnoun, Ahmad (1970), "Islam's View of Abortion and Sterilization", *Islam and Family Planning*, 2 Volumes, International Planned Parenthood Federation, Beirut.

[40] Ali, Kamran Asdar (2002), *Planning The Family In Egypt: New Bodies, New Selves*, University Of Texas Press, Austin.

[41] Ibid.

women's rights. The serious differences of the Islamic critique of family planning with the feminist agenda become evident in perception of female sexuality. As against women's movement demand of getting right over one's own body, the Islamic groups loathed the thought and argued that female sexuality is impulsive and unrestrained (ibid).[42]These Islamic fundamentalists, like all religious fundamentalists, further argued that access to contraception would destabilize the moral fabric of the society as women could secretly use it to fulfill unrestrained female sexuality.

However, the controversy regarding abortion in USA got largely settled with the historic judgment given by the US Supreme Court in 1973, affirming that to bear or not to bear a child is a fundamental right of the women. While legalizing abortion, the court declared in a broad sense that the state cannot forbid abortion on any ground in the first trimester of pregnancy. However, it gave the state the right to regulate abortion in the second and third trimester of pregnancy largely for ensuring the safety of the mother in the second trimester and in the third trimester as by then the foetus becomes a viable being. The court in the case, was choosing not between alternatives of abortion and continued pregnancy but was restoring the right of decision-making concerning her person to the woman, back from the government (Arathi, 2007).[43]

The decades of 1980s and 1990, however, saw a backlash against the legal right to abortion, which was rooted in the ideology of perceived 'social degeneracy'. This time, the opposition to abortion in the United States involved a curious alliance of religious and secular New Right groupings and much of the driving force had been provided, not by the Roman Catholic Church, but by evangelical Christians (Hadley, 1994).[44] The US state under the Reagan administration, led the attack on abortion in the international arena, as well as preventing publicly funded family planning clinics from even counseling women about abortion. In congruence with the growing

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[42] Cited in Ali, Kamran Asdar (2002). ibid.
[43] Arathi, P M (2007), *Aborting Gender Justice: Legislating Abortion In Selected Countries Of South Asia: A Preliminary Analysis,* Unpublished M. Phil Dissertation, CSMCH, JNU, Delhi.
[44] Hadley, Janet (1994), "God's Bully; Attacks On Abortion", *Feminist Review*, No. 48, pp 94-113

backlash against abortion in the right wing sections of US society, a court upheld the Hyde Amendment that prevented the use of Federal Medcaid funds to conduct abortions except in cases where the continuation of pregnancy could imperil the life of the mother or for the victims of rape or incest, by a majority decision (Arathi, 2007.[45] The growing influence of the religious fundamentalism in the USA became evident in the second UN conference on population held in Mexico City in 1984. Doing a somersault, the US reversed its position on population altogether. After thirty years of supporting, cajoling, pursuing and even coercing developing countries across the world, the USA under Reagan administration declared population growth a 'neutral phenomenon' and blamed the underdevelopment of the Third World countries on the incompetence of their governments and 'unnecessary' state interventions in the economy. Though the Congress has prohibited the use of US government funds for the direct support of abortion services overseas, the 1984 policy (known also as Mexico City Policy or MCP) went a step further by denying US funds to any private orgnaisation that performed or even promoted abortion (Hartmann, 1995).[46]

Though the MCP was however rescinded immediately after Bill Clinton assuming presidency of the USA, the debate on abortion has remained hegemonised by the religious right as well as secular pro-life groups (Agnihotri-Gupta, 2000).[47] Through the Rights' vast access to money and the media, the religious right has succeeded in getting more and more anti-abortion activists elected to legislatures and have thus led to the strengthening of fetal protection policies subordinating women's rights to fetal rights (Bandarage, 1997).[48] Abortion has been one of the central issues of the presidential elections and with the Republicans coming back to power under the presidency of G W Bush, the attacks on right to abortion have only been strengthened. Thus, the conservative forces have succeeded in their attempts at reversing the gains made the women's movement in the 1960s and 70s and denying them their legitimate rights of exercising control over their sexuality.

[45] Arathi, P M (2007), op. cit.
[46] Hartmann (1995), op. cit. p 129
[48] Bandarage (1997), op. cit.
[49] Petchesky, Rosalind (1984), *Abortion And Woman's Choice*: Longman. New York.

The abortion debate in the USA, and its consequences, illustrate the role of regressive social structures in influencing state policies amply. They also demonstrate how politics shape and define societal control of women's reproductive capacities and makes their rights vulnerable to whims and fancies of the right-wing coalitions and the need for a continuous struggle against these forces. Though there is a need for asserting the abortion rights on public health grounds, it is also necessary as Hadley (1994) argues, for an offensive movement for reclaiming abortion rights as a quintessential element of women's reproductive freedom. She argues that the current status of contraceptive techniques underlines more than ever the need for a diluted right to abortion. Petchesky gives the rationale behind this right by asserting that as long as it remains possible for a woman to be pregnant without wanting to be, "abortion will be a necessity and its denial a punishment of women -for having sex" (Petchesky, 1984: 190).[49]

Emergence of the notion of reproductive rights

From the feminist critique of the population control establishment, the state and patriarchal institutions began to emerge a new language of reproductive rights, which was rooted in two different (and conflicting) ideological traditions. The first, that biological reproduction itself is a social activity, distinct from the activity of child rearing and determined by its own changing material conditions and social relations, was essentially Marxist in inspiration. The Marxist perspective held that biological reproduction involves not only 'natural', or biological relations but social, cooperative relations among men and women through sexual and procreative practices. That activity is social insofar as it is cooperative, purposive, and above all conscious. Secondly, the inspiration for the notion of control over one's body was rooted in the liberal democratic conception of the right to private property and to privacy (Petchesky, 1980).[50] The movement thus demanded women's undiluted access to and control of their bodies and the right to abortion became a fundamental demand for the same.

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[50] Petchesky, Rosalind Pollock (1980), op. cit.
[51] Bandarage, A. (1997), op. cit.

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The International Conference On Population And Development (ICPD), held in Cairo in 1994, placed the notion of reproductive rights squarely on the world agenda. Seemingly opposed groups consisting of the population control establishment comprised of a number of actors ranging from the World Bank and the Population Council to a number of NGOs, nation states, health professionals and academics on one hand and the liberal feminist, feminist academicians, and some health activist worked in tandem in building the Cairo consensus (Bandarage, 1997).[51]However, in building the consensus, they emphasized the First World feminist concerns, particularly the right to abortion over the concerns of the Third World feminists. The Cairo conference played an important role in moving away from demographically driven population policies, in challenging the moral arsenal of religious right of all hues, Christian, Hindu and Islamic and in redefining of the population field that had neglected sexuality and gender roles (Rao, 2004).[52]

The emergence of reproductive rights discourse challenged the dominant notions of population policy radically in several ways. First and foremost, asserting that the reproductive rights are inalienable part of women's human rights, it brought women in the center of the debate and restored agency of controlling their sexuality and fertility with them. Further, perceiving reproductive rights as 'rights' demanded the governments to take action in order to ensure that women could exercise their right and second, called upon the states to refrain from coercive policies aimed at controlling the population as they restrained women's freedom to make reproductive decision. Further, it highlighted the structural impediments, which confined women from actualising their rights and compelled them to live as secondary citizens. As Petchesky observes:

> A woman cannot avail herself of her right 'to decide freely and responsively the number, spacing and timing of her children' (ICPD Programme of Action, 7.3) if she lacks the financial resources to pay for reproductive health services or the transport to reach them; if she cannot read package inserts or clinic wall posters; if

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[52] Rao, Mohan (2004) (ed.) *The Unheard Scream: Reproductive Health And Women's Lives In India,* Zubaan, New Delhi.

[53] Petchesky, R. (2000), "Human Rights, Reproductive Health, And Economic Justice: Why They Are Indivisible", *Reproductive Health Matters,* Vol. 8, No. 15 (May), pp 12-17

her workplace is contaminated with pesticides or pollutants that have an adverse effect on pregnancy; or if she is harassed by a husband or in-laws who will scorn her or beat her up if she uses birth control (Petchesky, 2000: 13).[53]

Though the Cairo consensus marked a significant advance in recognition of women's rights, many women's groups pointed out its limitations. Noting that the doctrine of population control has always been contaminated with ideological underpinnings of racism, eugenics and the objectification of women's bodies, a number of women's group summarily rejected any project of reforming such programmes through 'just and humane' or 'women-centered' values as a contradiction and a sure road to co-option even before the conference was held (Petchesky, 1995).[54] After the conference, some important feminist authors like Betsy Hartmann (1994) denounced the notion of Cairo consensus as a sham designed to substitute coercive family planning rhetoric with that of reproductive health, gender equality and women's empowerment in order to legitimise business as usual, or population control with a feminist face (Hartmann, 1994).[55] Many women's groups from the Third World denounced the Cairo consensus as an oxymoron lent credence by the economic and political power of the West, and hence to be rejected (Rao, 2004).[56] The Third World feminist felt that the conference was hegemonised by the concerns of the First World, especially the right to abortion which has gotten increasingly threatened since the religious Right came to influence policy under the Reagan and two Bush presidencies. Another important aspect of the third world critique of the Cairo consensus was the absence of urgent issues of sustainable human development, and the impact of the neo-liberal economic policies imposed on developing countries by the international financial institutions. The silence about the impacts of Structural Adjustment Program, foreign debt, trade inequities, the role of transnational corporations on women's health, poverty and

[54] Petchesky, R. (1995), "From Population Control To Reproductive Rights: Feminist Fault Lines", *Reproductive Health Matters,* Vol. 3, No. 6 (Nov.), pp 152-161
[55] Hartmann, Betsy (1993), "The Cairo Consensus: Women's Empowerment Or Business As Usual" *Reproductive Rights Network Newsletter,* Vol 1, No. 4
[56] Rao, Mohan (2004), op. cit. p 4
[57] Petchsky, R (1995), op. cit

social programs came under particular attack. Lamenting the disproportionate time and energy devoted in conference deliberations to debate abortion and reproductive rights as opposed to all these issues which play a crucial role in defining women's autonomy and their life and health conditions led many of the delegates to raise issues about missing notion of development in ICPD (Petchesky, 1995).[57]

Finally, the ICPD agenda was also criticized for welcoming the neo-liberal agenda, and privatisation of health care despite the fact that the devastating effects of these policies on the health of people were becoming evident across the world, especially in Latin American countries and in South-East Asia. And, as always, the worst victims were women and children (Rao, 2004).[58] Instead of focussing on the role of structural factors influencing health conditions of the people, the Cairo consensus tried to legitimise 'population stabilisation' as a substitute of highly discredited policy of population control. Critics also noted that in the reproductive health jargon, choice refers to the plethora of contraceptive devices that a 'free' woman is supposed to choose from while ignoring all the structural and ideological constraints women in Third World live in. With its emphasis on promoting the role of market (in the name of public-private partnerships) and thus providing the state - which is already withdrawing itself from the social sector - with an escape route, the agenda of reproductive rights is doomed to fail in improving the health of the women in the developing countries. Mohan Rao (2004) points out the lacunae of the notion polemically:

> ... as feminist discourse was co-opted by development jargon, did reproductive rights become divested of right to food, employment, water, health care and the security of children's lives? Was it a marriage of multinational feminisms with international debt? (Rao, 2004: 5)[59]

The agenda of reproductive rights can be effective in bringing positive change in women's health and life conditions, especially in the Third World, only if it moves beyond family planning or population control to focus on poverty alleviation,

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[58] Rao, Mohan (2004), op. cit.
[59] Ibid
[60] Bandarage, A. (1997), op. cit.

changes in global political economy and on smashing patriarchal ideology that keeps women in subjugation. Otherwise, as Asoka Banadarge warns, it will become:

> ...another example of the capitulation of liberal feminism to the Malthusian interest in controlling the numbers of the poor (Bandarage, 1997: 55).[60]

The Politics of Birth Control in India

The ramifications of the mother-goddess imagery were immense for the debates on population in India. The population question in India was brought into public/political discourse by the colonial rulers because of their preoccupation with the size of the population and their ability to know and control its social and demographic contours, economic activities and settlement patterns, as these were the basis for political power. Moreover, as in all other cases the agenda of population control to improve health conditions of the 'natives' conformed to their 'civilizing mission' and gave legitimacy to their rule. At the same time, colonial rulers, in 1891 census report, invoked Malthus to argue that overpopulation was primarily responsible for poverty in India. Especially with the institutionalisation of census, the colonial government started having a fair idea of its subjects, their socio-economic and demographic profile and then used the information to further its agenda of establishing the control over it. Emphasising this, David Arnold convincingly argues that:

> Above all, during the last quarter century of colonial rule, the census reports framed, and in particular widened, the discursive parameters for calling upon the size of Indian population as evidence for or against the benevolence of efficacy of British colonial rule (Arnold, 2006: 23).[61]

However, their attempts of pushing the agenda forward was seen with great suspicion and was resented by the nationalist movement; the burgeoning nationalist movement saw the problems of the society, the overwhelming poverty in particular,

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[61] Arnold, D. (2006), "Official Attitudes To Population, Birth Control And Reproductive Health In India, 1921-1946", in S. Hodges (ed.), *Reproductive Health In India, History, Politics, Controversies,* Orient Longman, New Delhi.

[62] Hodges, Sarah (2006), "Indian Eugenics In An Age Of Reform", in S. Hodges (ed.), *Reproductive Health In India, History, Politics, Controversies,* Orient Longman, New Delhi.

as a consequence of colonialism, not 'overpopulation'. Many argued that colonialism, with its drain of resources from the periphery to the centre, had caused poverty in these countries, even as it had distorted the economies of colonised societies. Furthermore, the colonial state's emphasis on using birth control techniques generated a huge deal of suspicion among the nationalist leadership and women alike, as it bought out the private questions of sexuality and reproduction in public discourse. The nationalist leadership, which was already sceptical about the intentions of the colonial state, saw this development as an attack on Indian culture and perceived it as an attempt of conquering the final frontier.

Birth control movement, however, received support from unlikely quarters: the eugenists who consistently invoked the degeneration of the Aryan race that the Indian population supposedly represented, and called for using scientific techniques to restore the purity and strength of the 'race'. They perceived overpopulation as the biggest and most immediate concern for the emerging nation and used the vocabulary of life sciences to press for their agenda. In fact, they succeed in giving a new language to that section of nationalist struggle, which was engrained in the western value system and was amenable to use birth control as an effective technique of curbing societal problems. Most importantly, the eugenists were instrumental in dragging an individual's sexual behaviour out of the domain of the 'private' and linking it with the agenda of modernizing the nation as a whole. Commenting on this Sarah Hodges writes that:

> Indian eugenics, deployed via the authority of modern science and highlighting
> Indian marriage practices, provided Indian social reformers with a new, sanitized
> way of talking about sex that identified itself and its speakers as hygienic, decent
> and patriotic (Hodges, 2006: 117).[62]

Another important group that supported birth control movement and advocated the use of contraception was that of women medical professionals. Though quite many of them were cautious in their response to contraception techniques, their daily life experiences with high maternal and infant mortalities shaped their support for these techniques. Furthermore, they were the single group that tried to bring in the

question of sexuality and its relation to reproduction in the ongoing debate. Barbara N Ramusack underscores their contribution in bringing the question of sexuality and challenged the hegemonic positions taken by the colonial rulers, the eugenists and a section of the nationalist movement alike. She argues that:

> ...medical women raised fundamental questions regarding for whom and for what reasons contraception was to be prescribed, the preferred sites for the distribution of information and the most effective means of contraception. Here, issues of sexuality, economics, maternal and infant mortality, and nationalism were entangled. For women physicians, as for many others, contraception linked, often problematically, the relationship of sexuality to reproduction, desire and recreation (Ramusack, 2006: 53).[63]

The connection with sexuality was a problematic site for even those who supported birth control techniques for the improvement in the health of the nation. As the leadership of the nationalist movement was almost entirely constituted of urban, elite and upper caste bourgeoisie, engrained with the value system of new paternalist patriarchy, it was bound to get worried with this development. The possibility of women controlling their sexuality and as a consequence, their sexual behaviour, was totally incongruous with the painstakingly built asexual mother goddess imagery. Furthermore, it could alienate an important section of freedom struggle, of upper caste/upper class propertied men from the struggle itself. Assuaging these concerns, it seems, a section of the nationalist movement termed birth control techniques as being immoral and was perceived as having a hidden agenda of insuring the access of British doctors to Indian 'homes'. A major concern that haunted the debate was, as Chaterjee and Riley argue:

> Was it possible for the new Indian women, constructed around nationalist, spiritually coded images of motherhood, to be properly moral and to uphold cultural traditions while using contraception to control the number and timing of her children and even, perhaps, refusing to bear children altogether? (Chaterjee and Riley, 2001: 820).[64]

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[63] Ramusack, B. N. (2006), "Authority And Ambivalence: Medical Women And Birth Control In India", in S. Hodges (ed.), *Reproductive Health In India, History Politics, Controversies*, Orient Longman, New Delhi.

[64] Chaterjee and Riley (2001), op. cit. p 820

Gandhi was one of the most important leaders of the freedom struggle who opposed birth control on moral grounds. He refused to buy any arguments in favour of it; for him, any sexuality, barring the procreative, was 'sinful' and was against humanity. He, instead, advocated self-control and sexual abstinence, as the only effective and agreeable methods for birth control.

Furthermore, birth control, as used by the British authorities, seldom expressed any concerns about improving the health of women. Rather, all justifications and arguments in favour of it were rooted in using birth control techniques for curbing overpopulation and the problems like poverty and scarcity of resources caused by it.

However, even within the nationalist movement, the agenda of birth control was gaining momentum and within Indian National Congress a significant section started supporting the notion. Thus, in 1932, the Calcutta session of the All India Women's Conference passed a resolution urging men and women to be responsible citizens and adopt birth control techniques. However, even this camp, which identified itself more with the western ideals and the discourse of modernity, did not support the policy on the grounds of ensuring autonomy to women over their lives but argued on the same lines of improving women's and children's health. At the same time, it avoided entering into a confrontation with Gandhi, and made adjustments to include his views, while arguing in support of birth control. Thus, the National Planning Committees' Sub Committee on Women's Role in the Planned Economy supported self-control as an effective tool of birth control, but also observed that this is a method which can be taken recourse to by only strong people and so stressed the need for providing scientific knowledge of birth control methods to common people:

> Self-control is the best method for those who can exercise it without ill effects to
> their health. But this is a method we cannot offer to the average man and woman
> and hence knowledge of scientific methods of birth control must be made available
> for those who desire it (NPC, 1948c: 203).[65]

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[65] As cited in Rao, Mohan (2004), *From Population Control To Reproductive Health: Malthusian Arithmetic*, Sage, New Delhi.
[66] Gangoli, G. (1998), "Reproduction, Abortion and Women's Health", *Social Scientist*, Vol.28, No.11-12, Nov-Dec

However, what was curious in this whole debate, was an absolute denial of women' agency. As I have mentioned earlier, contraception was not to be adopted for controlling one's sexuality but for contributing to the idea of nation as it emerged as a counterview to colonialism. Thus, from the very beginning, there was no attempt to engage men in adopting any of the contraception techniques and the target group was only women. Moreover, the notion of autonomy was downplayed as it countered the chaste wife/mother notion and was believed to be a western degeneration brought on in Indian women's lives. Adding to that, the debate about fertility and its control did never see 'woman' as an individual. Therefore, individual woman's issues and concerns, the intricate relationships of her sexuality to her reproduction were completely missing from the debate. Rather, sexuality and reproduction were located in the site of family. As Gangoli argues:

> The population programme is concentrated almost exclusively on controlling the fertility of married women. The sexuality and fertility of single women remain ambiguous. By not addressing the specific needs of single women, official rhetoric marginalises their sexuality (Gangoli 1998: 31).[66]

Furthermore, since the 1930s policy makers, administrators and the supportive national bourgeoisie were well aware of the class differences in fertility limitation. However, instead of addressing the basic factors like poverty, which gave birth to these differences, the administrators blamed the economically and socially underprivileged group for not only bearing too many children, but also for reproducing poverty and thus foiling their modernization attempts.

The basic reason behind the apathy of the state machinery, and their failure in identifying the root issues lay not only in ideology, but also in the alienation of the bureaucracy from the masses. The administrators operated in a kind of a vacuum, completely alienated from the people it was supposedly serving. Instead, it created a hierarchical autocracy, which relied not on convincing and winning people over, but in coercing them. In fact, Katzenstein (2000) writes

> The hierarchical culture of India's family planning bureaucracy can partly credit non-indigenous origins and influences. Bureaucratic autocracy described the colonial bureaucracy with its reigning magistrates, collectors, and cadres of other

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civil servants. The legacy of the British was a steel frame-designed to maintain order, not to generate change (Katzenstein, 2000: 747).[67]

This bureaucratic autocracy formed a strategic alliance with supportive national leaders, eugenics and the medical fraternity, to argue that fertility control was crucial for defining national development and solving many of the urgent problems. The focus of this alliance was the reproductive capacities of the women while completely ignoring them as human beings all together. The problems with this approach, as Mohan Rao argues, are two fold:

> First, it focuses women primarily as reproducers, ignoring all their myriad productive activities that contribute to national dvelopment. Second, it serves to isolate reproduction from the socio-economic context within which it occurs (Rao, 2004: 23).[68]

In the process, it created a discourse, which made women vectors of population control and tried to convince them that this was their moral and national duty. As Chatrejee and Riley point out:

> Such women are portrayed as potentially rational and reformable beings who can and should learn to control their own destiny -certainly in the interest of improving their human worth -but this is only a step toward the ultimate goal of improving the lives of their children, their families, and, ultimately, the nation. While the earning potential, domestic skills, and contraceptive knowledge of single young women determine their future as brides, mothers, and responsible reproductive citizens, the stereotype of women that predominates in family planning media is that of the wife-mother, an image that stresses her familial identity, respectability, industriousness, centrality to domestic order and prosperity (and by extension, national progress), and most important, her part in the transmission of a modernized cultural tradition (Chatrejee & Riley, 2001: 827-828).[69]

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[67] Katzenstein, M. F. (2000), "The 'Mother' and the State in India", *Asian Survey*, Vol. 40, No. 5, Modernizing Tradition in India. Sep. - Oct., pp. 737-755
[68] Rao, Mohan (2004,), op cit.
[69] Chatrejee & Riley (2001), op. cit.
[70] Banerjee, Debabar (1976), "Will Forcible Sterilisations Be Effective", *EPW*, Vol. 11, No. 18 (May), p 665

The agenda of population control was vigorously pursued by the post-independence Indian state. The agenda of population control was included in the first Five Year Plan and got emphasized more and more in successive Plans. The government saw population control as an important vehicle for development, and took to the clinical model. The operation strategy of the programme in the first two Five Year Plans was largely shaped by the international Planned Parenthood movement (Banerjee, 1976).[70] However, the programme started getting prioritised only with the third Five Year Plan, when the government realised that the population growth had far exceeded its expectation. Now the government replaced the clinical approach by family planning extension education approach, introduced in 1963, and intensive educational measures were introduced to motivate the population to adopt family planning methods (Kumar, 2006).[71]

One important aspect of Indian family planning programme had been its voluntary character. However, with the third Plan, the voluntary nature of the programme started getting changed. The minority report, a supplement to the recommendations of Mudaliar Committee Report of 1961, showed a sense of urgency bordering on panic in tackling population question and recommended incentives and disincentives for the people in order to bring down the birth rate. It also recommended the consideration of 'appropriate legislative and administrative measures' in order to achieve the goals of family planning programme (Rao, 2004).[72]

However, many of the recommendations of the minority report entered the official discourse and programmes of family planning discourse, albeit in the veiled forms in the coming years. It happened more as a consequence of growing disillusionment of the masses with the ruling classes and the disconnect it ensued. Soon after, the programme shed all the facades of voluntarism and took to absolutely coercive measures during the years of the Emergency (1975-1977) when the Indian state

[71] Kumar,,Rachel S. (2006), *'Marketing' Reproduction? : Ideology and Population Policy in India*, Zubaan, New Delhi, p 99
[72] Rao, Mohan (2004), *From Population Control To Reproductive Health: Malthusian Arithmetic*, Sage Publications, New Delhi, p 30
[73] Vicziany, Marika (1982), "Coercion in a Soft State: The Family-Planning Program of India: Part I: The Myth of Voluntarism", *Pacific Affairs*, Vol. 55, No. 3. (Autumn), pp. 373-402.

cracked down brutally on its own citizens and unleashed of terror to ensure forced sterilisations. However, as historical evidence shows, the character of the family planning programme has always remained coercive, and the ruling classes constructed the myth of its voluntary nature consciously. As Marika Vicziany (1982) rightly observed, the foundations of the excesses carried out in 1977 were not a result of whims of an individual or the government, but were rooted in the growing disconnect between upper class, ruling elites and the masses. She observes that the major components of the coercive character of the family planning programme were:

(1) the assumption by the urban elite, including the decision-makers in the central and state governments, that its own perception of small families as an absolute good was shared by all classes and groups in India; (2) Gunnar Myrdal's failure to see that a soft state was prone to ad hoc coercion and that one (though not the only) target to which the coercion could easily be directed was birth control for the poor; (3) the notion that incentives were diametrically different from compulsion or coercion (Vicziany, 1982: 382-383).[73]

In 1983, the National Health Policy envisaged long-term demographic goals to be achieved and started talking of the health of the mother and child. In 1992, the child survival and safe motherhood programme (CSSM) was introduced with the stated goal to address major causes of morbidity and mortality in women and children. The programme got a further boost with the ICPD held in Cairo in 1994. Following the Cairo summit, the Indian government took the initiatives to change its approach and to remove demographic family planning targets and to adopt a broader reproductive health approach. The RCH programme was launched in 1997 and the government professed its support to the stated objectives of the ICPD. Despite changing its attitude in theory, the government stuck to the old line and moulded the programme to accommodate family planning and to make population control the goal. In a booklet, to explain the programme to state and district level officials, the Ministry Of Health And Family Welfare (MoHFW) wrote

It is the legitimate right of the citizens to be able to experience sound reproductive and child health and, therefore, the RCH programme will seek to provide relevant

services for assuring reproductive and child health to all citizens. However, RCH is even more relevant for obtaining the objective of stable population for the country. The overall objective since the beginning has been that the population of the country should be stabilized at a level consistent with the requirement of the national development. It is now well established that parents keep the family size small if they are assured about the health and longevity of the children and there is no better assurance of good health and longevity of the children than health care for the mother and for young children. (cited in Anand, 2004: 184).[74]

It becomes evident, thus, that the votaries of population control in the Indian ruling classes were only trying to, successfully, appropriate the feminist jargon with no agenda of really 'empowering' them. The forces inimical to women's rights, like the religious Right, neo-Malthusians, neo-liberal forces started using the vocabulary of the movement for furthering the agenda of population control, by controlling women's fertility. The protagonists of population control refused to accept the role of macro-economic changes and their serious implications for women's health, the focus on reproductive health gave the authorities an excuse to ignore the urgent issues of equity and equality in development. Furthermore, appropriation of the reproductive rights agenda by these forces effectively reversed the gains made by the progressive forces in the Third Word countries by emphasizing the role of structural determinants in health care and shaping the Alma Ata declaration. The Alma Ata declaration of Health for All questioned the role of medical-pharmaceutical industry and health bureaucracy, and made the linkages between overall and equitable development and health, especially in the Third World, evident. Apart from linking health and development, contributions of Alma Ata declaration were immense, in many ways. As Mohan Rao observes:

For the first time, at the global level, a holistic policy was envisioned that saw health as an outcome not just of interventions in the health sector, but above all a matter of socio-economic development that it would synergistically bring about. Second, it was realised [t]hat the issue of health sector intervention could not be compartmentalised... third, attention was drawn to the fact that technical interventions without overall development had its limits; further that technology

[74] Anand, Annu (2004), "Safe Motherhood, Unsafe Deliveries" in Mohan Rao (2004), op. cit.
[75] Rao, Mohan (2004), op. cit.

itself must emanate from local and national resources and must be tied to the overall patterns of disease and death (Rao, 2004: 165).[75]

Bolstered by the collapse of Soviet Union and the dominance of global political economy, neo-liberal forces, with active support of the religious Right across the globe, appropriated the reproductive rights agenda for reversing this development. It led to marginalisation of women's overall health and helped in converting them into mere reproductive beings. Qadeer (1995) notes:

> The ICPD converted women's health into issues of safe abortion and reproductive rights alone; it marginalized issues of comprehensive Primary Health Care and social security (Qadeer, 1995: 17).[76]

Furthermore, the so-called paradigmatic shift of the Indian Family Welfare Policy to Reproductive and Child health programme is also an attempt of introducing market forces in the public health sector. As Rachel Simon-Kumar (2006) points out, the neo-liberal agenda of the government is revealed in the efforts of the government of cutting down its expenditure in health-care provisioning and also in promoting market forces in public health provisioning, in the name of public-private partnerships (Kumar, 2006).[77] Kumar (2004) comments:

> Even as this discourse of universal reproductive health was accepted, the discussion of basic feminist concepts that founded the discourse of reproductive health – such as rights, choice, and empowerment – was transformed to suit the fundamental tenets of neo-liberalism.
> ... reproductive ability becomes a currency of the market... since for a majority of people, this linking of the private and public actually limits their access to health (Kumar, 2004: 237).[78]

Thus, it becomes evident that even after adopting the reproductive rights framework in principle, in effect what the state did was the appropriation of feminist rhetoric to pursue conservative development goals of policy control. This was achieved by

[76] Qadeer, Imrana (1995), "Women And Health: A Third World Perspective", *Lokayan Bulletin,* Vol. 12, No. 1-2, pp 17-25

[77] Simon Kumar, Rachel (2006), op. cit.

[78] Simon Kumar, Rachel (2006), op. cit.

[79] Chaudhuri, M. (1995), "Citizens, Workers And Emblems Of Culture: An Analysis Of First Plan Document On Women"; *Contributions To Indian Sociology,* Vol.29, Nos. 1-2, pp 211-235

dichotomising the interests of the national interests and the individual rights and then making individual rights subordinate to national interests. In a country like India, where even the most basic needs like food is denied to a sizable section of population (women being the majority of them), reproductive health cannot be ensured in the absence of livelihood rights. Similarly, in a country where women are confined under the yoke of patriarchy and cannot even make simple decisions regarding their daily lives, expecting them to be the decision makers on the reproductive matters is simply too much.

In fact, the construction of womanhood in national imagination has always been shaped by patriarchal ideologies since colonial times. The notion of women as citizens in the modern liberal democratic state has always been mediated by social constructions of their 'cultural' roles, as emblems of national (and primarily upper caste-Hindu) identity and tradition. The state has always perceived aspects of women's lives within contours of a host of issues, including being perpetuators of the nation. Thus, the emphasis on the notion of individuality, the hallmark of the liberal democratic tradition, in the development ideology taken up by the post-independence Indian state has always excluded 'woman' as equal partners and have seen them as appendages to broader caste/kinship/religious/ethnic groups. In a brilliant analysis, Chaudhuri (1995) traces the genesis of this construction and locates it in the ideological roots of the movement against colonial rule, led by Indian National congress. She points out that identification of women as the centre of national interest shaped the position of INC on women's issues. Analysing the *Women's Role in Planned Economy*, a document brought out in 1938, she points out that every aspect of women' lives was viewed in terms of 'the larger good' it would contribute to. For example, the need for improving women's health was emphasized as being crucial for building a health nation. As Chaudhuri (1995) notes:

> Any steps taken to protect the health of the women workers should not be considered as for their exclusive benefit only, but taken in the interest of the whole nation (Chaudhuri, 1995: 220).[79]

Chaudhuri(1995) underlines the emphasis of the national bourgeoisie in asserting the differences between men and women and cautioning women against becoming

'cheap imitation' of men as the role of women as mothers was crucial in the task of nation building. She points out that WRPE states that a woman's responsibility would include not becoming a "cheap imitation of man or render her useless for the great tasks of motherhood and nation building" (Chaudhuri, 1995: 224).[80]

The patriarchal structures, which perpetuate women's inferior status in the society, had been strengthened over decades because of the state's refusal to intervene in the internal matters of cultural networks, in the name of safeguarding Indian culture. The Indian state, Bina Agarwal (1988) argues, perpetuates patriarchal relations to domesticate women and control their sexuality (Agarwal, 1988).[81] Similarly, Zoya Hasan (2002) demonstrates that the growing influence of the regressive casteist and communal forces in contemporary politics have converted women's bodies into the site where contesting political claims are resolved. She indicts the state for being complicit actor in the process, for failing to show any political will at controlling these forces. She points out:

> The actions of the Indian state suggest that it is interventionist and protectionist in
> the material sphere, while it remains non-interventionist in the community domain,
> with the exception of intervention to reform Hindu laws in the 1950s (Hasan, 2002:
> 270).[82]

The state's non-committal approach in dealing with the violence on women, both within family and community and in religious, ethnic or caste conflicts, affects women's everyday lives and shapes their control over their bodies or the lack of it. The widespread prevalence of domestic violence indicates serious shortcomings of reproductive rights approach in India; as it highlights the distribution of power within families and that women cannot exercise 'choice' in any aspect of their lives, including reproduction. The inferior status of women in Indian society is also

[80] Ibid.
[81] Agarwal, Bina (1988), "Patriarchy And The 'Modernising State': An Introduction" in Bina Agarwal (ed.), Structures Of Patriarchy: The State, The Community And The Household, Zed books and Kali For Women, Delhi.
[82] Hasan, Zoya (2002), "Religion And Politics In A Secular State: Law, Community And Gender"; in Z. Hasan (ed.), Politics And State In India, Sage Publications, New Delhi.
[83] Narayan, Uma (1997), Dislocating Cultures: Identities, Tradition And Third World Feminism, Routledge, London.

reflected in the increase of dowry murders, despite a stringent law against dowry harassment and violence related to dowry harassment. As against the common sense perception of dowry as part of being Indian culture, actually it is a form of domestic violence and dowry murders are the worst form gendered violence in family can assume (Narayan, 1997).[83] Similarly, the strengthening of the Hindu Right in India since 1980s have signaled the beginning of a new assault on women both within the community and outside. As Tanika Sarkar argues, the Rashtriya Swyamsevak Sangh, the fountainhead of Hindu fundamentalism, attempts to get its patriarchal ideology internalized by Hindu women through Rashtra Sewika Samiti, its women's front. The Samiti members offensively promote the traditional notions of womanhood, rooted in the ideology of chaste wife/mothers for relatively greater autonomy in public domain, though a limited one (Sarkar, 1998).[84] Simultaneously, the Samiti accentuated the RSS's propaganda of the uncontrolled sexuality of Muslim men and their sinister designs of violating Hindu women. Highlighting the perennial fear of getting violated, coupled with the meticulously worked myth of Hindus getting outnumbered by Muslim because of the high fertility of Muslim women, served the regressive and revivalist ideology of the RSS well, and ensured that the growing assault of Hindu Right on minorities, especially, Muslims, often takes the form of sexual violence over women.

Apart from exposing Right wing Hindu anxieties and fear of the allegedly ultra-virile Muslim male bodies and over-fertile Muslim women, the Gujarat pogrom of 2002, demonstrated how the status of women deteriorates even within communities in and after conflict situations. The humiliation and suffering of the 'defeated communities' gets reflected in stiffening of patriarchal control over its own women. The report of the 'International Initiative For Justice (IIJG) In Gujarat' stated:

> There is a critical factor in which, within a conflict situation, a certain redefining of
> women's roles takes place. In general, the conservatism of identity-based politics
> reaffirms women's social, cultural and biological reproductive roles, and drives

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[84] Sarkar, Tanika (1998), "Women, Community And Nation" in Patricia Jeffery (1998), *Appropriating Gender: Women's Activism And Politicised Religion In South Asia,* Routledge, New York.
[85] Anon (2003), *Threatened Existence: A Feminist Analysis Of The Genocide In Gujarat,* Decemeber, IIJG

women ostensibly for their own 'protection' to relocate themselves within the confines of the home and the family. It restricts women's mobility and creates an enhanced sense of insecurity, thus reestablishing the patriarchal division of the world into public and private spheres (Report of IIJG, 2003: 114).[85]

Another major impediment to ensure women's rights comes from the tight grip of caste and community networks in Indian society. Recently, the virulent objections of the regressive social structures to the breaches of caste/community taboos in decisions like choosing one's life partner has been reflected in the numbers of honour killings reported across Northern Indian states. The caste panchayats, in taking decisions against consenting adult couples have repeatedly, taken recourse to using the language of being the custodians of traditional value system. However, as Prem Chowdhury (1998) observes, caste panchayats seek to assert and perpetuate the power of upper caste men over rising resistance of deprived groups. Therefore, acts of defiance by young couples, especially if they reverse power relations, are met with acts of brutal violence and even killings while it does not apply in cases of rape or other forms of sexual violence over dalit women (Chowdhury, 2000).[86]

Finally, health conditions of women are also determined by the widespread prevalence of gender-discrimination in Indian society. In many societies, women's social status is almost entirely linked to her reproductive role. For many women, especially young married women, having children is the only source of power, whereas, failure to bear children in general and sons in particular means deterioration of the woman's status and even the threat of getting abandoned. The introduction and wide scale availability of sex-selection technologies has further weakened the little control women had over their bodies. The use of these technologies have resulted in killings of a female foetuses and sex selective abortions on the one hand, and increased pressure of getting pregnant again and

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[86] Chowdhry, Prem (1998), "Enforcing Cultural Codes: Gender And Violence In Northern India", in Mary E. John and Janaki Nair (eds.), op. cit.

[87] Croll, Elisabeth J. (2000), *Endangered Daughters: Discrimination and Development In Asia,* Routledge, New York.

again on wives till they bear a male child (Croll, 2000).[87] The extent of the problem has been acknowledged even by the UN. The UN Special Rapporteur On Violence Against Women have condemned the practice

> Reproductive technologies which allow for pre-selection of the sex of the child has resulted in the killing of female foetuses and selective abortion. (UN/Doc E/CN/61993/CRP/2 cited in Eriksson, 2000: 268).[88]

However, the neo-liberal market forces have tried their best to foil the attempts to ban sex-selective abortions on the ground that reproductive choice includes the freedom of spouses to choose the sex of the child while completely ignoring the fact that this choice, too, is socially constructed and results in complete devaluation of women's status in society (Eriksson, 2000).[89] In arguing that choosing the sex of the child is a logical extension of family planning, the complicity of the neo-liberal market forces in perpetuating patriarchal control over women's sexuality becomes obvious. Furthermore, the continuation of gender discrimination curtails the girl's access to food, health and education and thus derails the whole notion of reproductive rights.

Interestingly, the ascending Hindu Right supported the neo-liberal forces in furthering the outreach of market in reproductive technologies, while simultaneously opposing any moves that could help in restoring women's right over their sexuality. This seemingly unusual and conflicting alliance worked together in reversing many of the decisions of earlier governments. For example, despite promising to make anti-retroviral treatment available, the BJP-led NDA government moved away from what it called 'condom-centric' public education campaign to control HIV/AIDS to a more 'holistic' one (Waldman, 2003).[90] The Minister for the MoHFW, Sushma Swaraj opposed condom advertisements on television fearing it would lead to 'public sex'. The government started a campaign based on the message that if the husband and the wife remain loyal to each other, there would be no space for

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[88] Eriksson , Maja Kirilova (2000), *Reproductive Freedom: In The Context Of Human Rights And Humanitarian Law,* Martinuss Nijhoff Publishers
[89] Eriksson , Maja Kirilova (2000), op. cit.
[90] Misra and Chandiramani (2005) op. cit p 133

HIV/AIDS in India[93], thus reinforcing the burden, especially on women, to practice monogamy and the stigmatization of the people with HIV/AIDS.

Thus, even after adopting the reproductive rights framework in principle, what the state actually did was the appropriation of feminist rhetoric and using it for furthering its own conservative agenda of population control. In doing that, the state draws its legitimacy from the ideology of patriarchy, and continues to be influenced by patriarchal, regressive notions of sexuality, which view the dangerous sexuality and the irresponsible promiscuity of the poor as a hindrance in nation's march to progress. Thus the state emphatically argues that fertility control is crucial for national development and solving many an urgent problem. It perceives women as vectors of population control and tries to convince them that this is their moral and national duty to keep population in check. As is evident from the study, the Indian state has ignored the fact that reproductive health cannot be achieved without ensuring general health to women, and ensuring that they are capable of controlling their own body. In a country like India, where more girls die before reaching the reproductive age than during it, where they are discriminated against in their own families, and even during the reproductive age suffer more with the malnutrition or infectious disease rather than pregnancy and child birth complications, the emphasis of the state should be more on ensuring overall economic development and access to health services, though continuing to ensure reproductive health services.

High prevalence of anaemia among girls and women corroborate evidence to the continuation of discrimination against women in society. Preliminary findings of the NFHS-3 show high prevalence of anaemia even in the richer states like Gujarat and Punjab. The percentage of even married women who have anaemia ranges from 38 per cent in Punjab to 63 per cent in Orissa. Similarly, incidence of anaemia among children is remarkable high in all five states, and ranges from 71.9 per cent to 81 per cent in Chattisgarh (Bose, 2006).[91] With such high rates of anaemia signifying serious problem of mal/under nutrition, women's health can only be ensured by

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[91] Bose, Ashish (2006), "Falling Fertility And Rising Anaemia" *EPW*, Vol. 41, No. 37 (Sep 16), pp 3923-3926

going back to Primary Health Care approach as it encompasses a holistic perspective of over all economic development and state provisioning of health care services.

The notions, which dominated the discourse in the colonial times, continued to inform and shape the policies of the post-independence Indian state. Despite professing its belief in the socialistic values and for the upliftment of the downtrodden and the poor, the post-independence bureaucratic autocracy formed a strategic alliance with supportive national leaders, eugenics and the medical fraternity, to argue that fertility control was crucial for defining national development and solving many of the urgent problems. In perceiving overpopulation as the root cause of many of the social problems, the state endeavored to control the reproductive capacities of the women while completely ignoring them as human beings.. In the process, the stated created a discourse, which perceived women as vectors of population control and tried to convince them that this was their moral and national duty, to usher in a modern state. .In pursuing the agenda of population control, the state drew legitimacy from the patriarchal ideology, which viewed the dangerous sexuality and the irresponsible promiscuity of the poor, which need to be controlled by external forces in order to lead the nation to a path of development.

Thus, Indian state's population policies has largely been shaped by the influence of the population control establishment, and have vigorously followed policies suggested by them. In doing that, Indian government's family planning program have given little importance to women's autonomy or empowerment. It has, also, failed singularly in removing the structural impediments rooted in the patriarchal ideology, which restrict women from exercising control over their fertility and sexuality.

Interestingly, even after adopting the reproductive rights framework in principle, in effect what the state did was the appropriation of feminist rhetoric to pursue conservative development goals of population control. This was achieved by dichotomising the interests of the national interests and the individual rights and then making individual rights subordinate to national interests. As is evident from the study, the Indian state has ignored the fact that reproductive health cannot be achieved without ensuring general health to the women and ensuring that they are capable of controlling their own body. In a country like India, where more girls die

before reaching the reproductive age than during it, where they are discriminated against in their own families, and even during the reproductive age suffer more with the malnutrition or infectious disease rather than pregnancy and child birth complications, the emphasis of the state should be more on ensuring overall economic development and access to health services, though continuing to ensure reproductive health services.

DISCUSSION

Sexuality has been a multi-faceted and complex issue since ancient times. Historical evidence reveals attempts at establishing control over women's sexuality across different cultures and societies. Anthropological studies of many cultures have proven that cultural practices consisting of rites, rituals, customs, and taboos around women's fertility and reproductive capacities are expressions of men's fear of women's reproductive powers. Sexuality, therefore, has always been a complex issue deeply embedded in prevailing social systems and reflected through the distribution of power across the lines of caste, class, gender, ethnicities, religion, and so on.

In modern political discourse, sexuality emerged as a concept primarily as a consequence of the developments in the natural sciences and was used to denote the process of reproduction in living beings. However, very soon the term began to be more closely associated with the peculiarities of human interaction, with particular reference to interactions with sexual connotations. With the advent of industrial capitalism, and, consequently, the strengthening of capitalist social relations, the term started denoting patterns of sexual behaviour, the types of sexual beings, and kinds of sexual attractions. However, the discourse on sexuality, until the first half of nineteenth century remained confined in the paradigm of the male and heterosexual, and sexuality was defined in terms of male orgasm in which women and other alternative sexualities had no role to play. Despite being engaged in conflict on many other issues, organized religion and the ruling capitalist forces worked in tandem in controlling women's sexuality in order to keep them in control, indeed subjugation. This was reflected in legal and other institutions emerging around this time. In the West, particularly in the United Kingdom, the bourgeois state successfully attempted to define and codify socially acceptable sexual norms and values, while the Church provided it with the necessary legitimacy. This naturally influenced Britain's colonies also, such as for instance, in the drafting of the Indian Penal Code.

The reasons behind the bourgeois state's attempt at regulating social and sexual behaviour were located in the radical changes of the political economy of the times.

In the feudal system, the institution of marriage was used primarily as a mean of strengthening property holdings and communal bonds, and forging new alliances to make the kinship network stronger. However, with the decline of feudal system, this rationale for marriage was redundant and the conjugal nuclear family better served the interests of the emerging capitalist system, rather than kinship networks. Therefore, the state now took the lead in regulating sexual behaviour and enacted various legislations in defining marriage practices, inheritance, and so on, supplanting customary laws.

The Church, too, played a vital role in defining the contours of appropriate and socially acceptable sexual behaviour. It held any sexual activity outside of wedlock as 'sinful', and believed that the sole purpose of sexual intercourse was procreation. The Church, simultaneously, supported changes in customs associated with marriage rituals and legitimized only one of them -- one that took place in the church and was solemnized by a priest. The Church supported the tightening of religious rituals as it gave the Church better access and control over its followers. Further, with the cementing of the values of secularism in the West, the Church's control of the public domain was being weakened and, therefore, to consolidate its influence in the private space became imperative. Armed with the support of the Church, the bourgeois states tried to fortify capitalist social relations and, thus, it reinforced the values of marriage and motherhood as the sole defining characteristics of womanhood. The state succeeded in getting the ideal of a good housewife and mother in a family internalized by society, including women. This played a pivotal role in ensuring the transition to capitalism, as painful as this was to large sections of the population.

Developments in the medical sciences – and indeed the social sciences, psychology in particular - were used to give a scientific credence to the patriarchal biases against women and to prove that they are imperfect human beings, inferior to men. The development of the 'science' of anthropometry and phrenology also contributed to this, even as they naturalized racism. However, medical sciences played only a mediating role in strengthening patriarchal ideas that already existed about the 'nature' of women and defined her 'natural' place in the society. This was in perfect congruence with the use of medical sciences in 'proving' other hierarchies (such as

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the racial) as being natural. Thus, the capitalist forces used medical sciences in defining women in terms of their biology and reproductive capacities, and, thus, denied them complete personhood. Women were now seen as lacking in emotional development and being incapable of transcending their bodies and sexuality to actualize other potentials. Consequently, developments in medical sciences supported the 'motherhood ideology' propagated by the state and the Church strongly, and asserted that women's anatomy was primarily responsible for their social inferiority. Women's reproductive organs were seen as the location of the personality characteristics of the women that qualified them only for childbearing and bringing up the children, even as it made them unfit for other activities.

The medical sciences as they were institutionalized in the nineteenth century not only denied women their rightful place in society, but also attacked those traditional practices and institutions where women were in some control. For example, the institution of midwifery, where women were in control of at least the process of child birth, was attacked as unscientific, unhygienic, and threatening for the health of the mother and infant. This went together with the process of medicalising pregnancy, which, otherwise, was described as a natural phenomenon in women's lives by the same science.

Thus, since the beginning of industrial revolution, the state, the religion, and medical profession worked together in defining women as inferior human beings, and confining their sexuality to the realm of marriage and reproduction, while de-linking it from sexual pleasure.

Nevertheless, since the nineteenth century itself groups of women and other progressive sections of the society started resisting these moves. In the early nineteenth century, radical and Utopian socialists opposed the Church's attempt at monopolizing control over knowledge and life, supported birth control, and linked it to the right to sexual pleasure. Later, there emerged movements opposing the state's attempt of regulating sexuality of poor women and questioned the double standards adopted by the state in attempting to regulate 'threatening' sexuality of women on the one hand and protecting 'natural' promiscuity of men on the other. This movement, hence, became instrumental in initiating a new discourse, which

challenged the prevailing one. Further, the rise of first-wave feminism in the late nineteenth century which brought to the fore issues such as the subjugation of women in society, male power over women, the meanings of being active citizens, and the corresponding demand of universal suffrage and so on, brought the issue of sexuality of women out of the closet and into mainstream political discourse.

However, as a matter of the fact, the language of 'fallen mothers' and 'sisters', used by the movement strengthened and extended the traditional roles of women in family and society. Thus, this was ideologically congruent with Victorian morality and denied sexuality and, in fact even, body to women. They absorbed the sexist ideology that claimed that virtuous women had no sexual impulses, and, thus, ended up in providing the state with an opportunity of subverting the demands of the movement and in criminalizing homosexuality and other sexual behaviours.

In the United States, unlike Britain, however, many Black women joined the universal suffrage movement and brought the issue of social construction of sexuality in the center stage of the movement. They questioned the racist underpinnings of the movement that made an arbitrary disjunction between the sexuality of White women who were supposedly cultured, rational, and devoid of sexual impulse, and that of the poor, working class, and Black women who were perceived as being brutish, irrational, impulsive and sexually loose. Indeed, this was also how all colonized people were characterized, thus providing the ideological justification for the 'White Man's Burden' and for Christian evangelism. Black women also exposed the ideological base of the pro-family campaigns; that a segment of White women made their interest of gender autonomy subservient to an allegedly broader interest of sustaining and strengthening the racial hegemony of Whites.

Despite its problems, the first wave feminists succeeded in putting the issue of women's subjugation, control over sexuality and fertility, and unequal gender relations in the forefront of mainstream discourse. The notions of voluntary motherhood and responsible sexuality, put forward by the first wave feminists, brought the issue of reproduction out of the private domain, and thus paved way for

a struggle for women's right to contraception and abortion, and, ultimately, against patriarchy itself.

The grim situation in Europe, immediately after the World War I led to an upsurge in reactionary ideologies, leading to fascism. The vicious attacks of these forces on 'sexually deviant' communities, their attempts at confining women in an absolutist 'mother image', their insistence that the primary role of the women is to breed healthy and strong children, and their attacks on 'inferior' races made the intricate relationship between sexual values, behaviour, and politics apparent. Furthermore, the commonalities between the perception of women and their sexuality, in the conflicting ideologies of liberalism and fascism, showed the influence of patriarchal value system in shaping women's life conditions across different political systems.

The decade of 1960s, or the decade of 'sexual revolution', saw a radical change in the perception of sexuality. The women's liberation movement, in the second wave of feminism, insisted on politicizing the issue and asserted that sexuality can only be approached as a political institution, which involves the question of distribution of power in society, and an understanding of patriarchy that shapes the denial of right over one's own body, the fear of sexual violence, and sexual division of labour in society and so on. In the late 60s and early 70s, radical feminists attacked the institution of marriage itself and saw it as the bedrock on which patriarchy was based. Equating marriage with prostitution, where a woman trades sexual servicing for food and shelter, they delineated how compulsory heterosexuality as a social norm, is not natural but socially constructed. Thus, the feminists attacked normative sexual beliefs and behaviours of bourgeois society and tried to unravel the intricate forms of power and domination, which are used in subjugating women and the sexual minorities. It was argued that the strengthening of the capitalist system made it mandatory for the states to manage human existence in totality. This included maintaining the quality and quantity of the population, controlling sexuality and reproduction, strengthening the conjugal family, promoting health and reducing disease, not for improving the life and health conditions of the citizens, but in order to ensure a continuous supply of cheap labour to run the capitalist system, and indeed to provide effective demand for products.

In a parallel process, the international population control establishment, rooted in the ideology of neo- Malthusianism, saw rapid increase in population in Third World countries as the basic cause behind poverty and social problems in these countries, and sought to control the population. This again brought to the fore issues of reproduction, and thus, sexuality. During the years of the Cold War,, the capitalist countries led by the USA were scared of population growth as they believed that it would feed into the growth of communism. The fear emanated from the geopolitics of the era and the realisation that the spread of communism could cut off their access to cheap resources. The discourse on population, led by the international population control establishment, remained oblivious to the contribution of socio-economic issues in fertility behaviour and its emphasis remained centred around program design or service provision, the availability, supply and use of contraceptives, seemingly unaffected by socio-economic issues and guided solely by the logic of population determinants. However, the population control debate reflected the deeply political nature of the issue and the fact the discourse on population was intimately linked to wider, social, historical, economic values and was rooted deeply in the different cultural contexts. The role of colonialism, and indeed neo-colonialism in the use of resources, was utterly absent in this discourse. The population control establishment, in its attempt to control population, restricts the individual's or the family's agency in exercising choice in matters of fertility. Furthermore, population control policies, since the very beginning, did not include women's right to control her sexuality. Simultaneously, it did not recognise the reproductive potential of women outside the institution of marriage, like single mothers, or young unmarried women and thus reinforced the regressive patriarchal notions of women as asexual beings with the institution of marriage and household being the only legitimate realm of sexuality.

Around 1979, feminists in the USA coined the phrase 'women's reproductive rights'. It linked up all the different aspects of birth control and child bearing. The concept stressed on 'women's right to bodily self-determination' or 'control over one's own body' as being crucial in defining women's status in society. The proponents of the movement showed that the advances in reproductive technologies

were not innocuous developments and that by being more sophisticated in offering more control over processes of human biological reproduction, they have also increased the possibility of external control of women's sexuality and fertility by individuals, institutions and structures. The emphasis on reproductive rights also made it clear that the reproductive freedom cannot be achieved without complete sexual freedom of choice and self-determination. Thus, the importance of the notion of reproductive rights was witnessed in the movement's struggle for winning the legal right to abortion.

Soon, many feminists belonging to underprivileged identities like, Black feminists and the feminists of the Third World, critiqued the reification of reproductive rights, while arguing that 'choice' is not independent of socio-economic factors. They argued that reproductive rights were ineluctably individualistic and located in the bourgeois rights discourse, which came imbued with wrongs to Others. Thus reproductive choice for White women was tied to reproductive wrongs to women of colour and women in the Third World. They pointed to the racist bias in the demands of the developed world feminists, which ignored the structural restriction women face in exercising these choices not only in the Third World countries but also even in the US. Divorcing the right to exercise reproductive choice, they asserted, from the structural impediments put up by pre-modern and underprivileged identities, patriarchal institutions of caste, race ethnicity and imperialism, amounts to reification of the concept of choice, rendering it empty. They therefore argued that the notion of reproductive freedom should be located in an understanding of the need for social justice. Thus, women of colour coined the phrase reproductive justice, to replace reproductive rights.

However, the population control establishment joined hands with many liberal feminists of the First World in bringing reproductive rights centre-stage at the International Conference On Population And Development (ICPD) held in Cairo, in 1994. Despite challenging the moral arsenal of Christian, Muslim and Hindu fundamentalists who tried to deny any reproductive rights to women in the name of tradition and culture, the establishment also tried to accommodate their demands on the abortion issue. Thus, despite a wide acceptance that unsafe abortion was a major health risk for women, the religious fundamentalists succeeded in denying the

women a right to terminate their pregnancies. Simultaneously, Third World feminists critiqued the ICPD, on the ground that it debated and discussed the concerns of the First World women, including the right to abortion, but largely ignored the concerns of women of the Third World, including the devastating consequences of Structural Adjustment programmes being imposed on their countries.

What becomes evident from this study is that both the anti-natalist population control establishment and the pro-natalist religious fundamentalists have scant regard for women as complete human beings with the rights over their own bodies and sexuality, including their fertility. Both these seemingly opposing groups of neo-Malthusians and the religious fundamentalists want to snatch reproductive control away from women and hand that over to external authorities, from patriarchal religious entities to state and medical hierarchies. In doing so the neo-Malthusians attempt to appropriate the feminist language of reproductive rights not to facilitate social, economic and cultural liberation of women but for furthering their own agenda, which is at odds with the feminist demands. Both neo-Malthusian and religious fundamentalists' attempt to control women's sexuality as a site of societal health and deny women the right to exist as independent human beings.

The debate on women's sexuality in India has reflected the dominant western discourse on the issue since the beginnings of colonial times. The British argued that overpopulation was the cause of poverty and other social evils prevailing in India. However, their claims were contested by emerging nationalist leaders who viewed this assertion with suspicion and saw instead the colonial rule as being the cause of the plight of Indian masses.

However, soon enough, women's sexuality emerged as a primary site of conflict between the colonial rulers and the nationalist leaders. The emerging nationalist bourgeois, using the imagery of mother goddess, perceived the private domain of household as the last unconquered space, and tried to guard it against any kind of colonial invasion. However, this imagery, as it has done in the West, converted women into mere reproductive beings, guarding the last Indian outpost against colonial invasion and also by converting them into the defenders of Indian people by producing healthy (male) sons capable of fighting the colonisers. The Indian

bourgeois, like its western counterpart, vilified the sexuality of the women outside of a wedlock and strived for containing the sexuality of the 'non-mother' women when pressing for social reform legislation in the nineteenth century. Thus, the nationalist bourgeoisie and colonial authorities entered into an uneasy relationship on the question of sexuality by simultaneously trying to emulate and resist the norms of social and sexual behaviour of their colonial masters. The colonial rulers played a pivotal role, also, in imposing the upper caste norms and practices as the Hindu ones on the lower castes and in the process, defined Indian culture as a homogenous one by ignoring huge differences in social customs and rituals of different caste groups, and indeed o different regions in the country. The colonial courts repeatedly overruled decisions of caste panchayats in cases involving the question of women's sexuality in the name of preserving public morality and thus subjected women to the dual authority structures of caste panchayats on the one hand and under the jurisdiction of courts on the other. Thus, the colonial state continued to make attempts of extending state control over the private domain, even as the private domain itself was re-configured under colonial laws of property and inheritance.

The notions, which dominated the discourse in the colonial times, continued to inform and shape the policies of the post-independence Indian state. Despite professing its belief in the socialistic values and for the upliftment of the downtrodden and the poor, the post-independence bureaucratic autocracy formed a strategic alliance with supportive national leaders, eugenics and the medical fraternity, to argue that fertility control was crucial for defining national development and solving many of the urgent problems. In perceiving overpopulation as the root cause of many of the social problems, the state endeavored to control the reproductive capacities of the women while completely ignoring them as human beings.. In the process, the stated created a discourse, which perceived women as vectors of population control and tried to convince them that this was their moral and national duty, to usher in a modern state. .In pursuing the agenda of population control, the state drew legitimacy from the patriarchal ideology, which viewed the dangerous sexuality and the irresponsible promiscuity of the poor, which need to be controlled by external forces in order to lead the nation to a path of development.

Thus, Indian state's population policies has largely been shaped by the influence of the population control establishment, and have vigorously followed policies suggested by them. In doing that, Indian government's family planning program have given little importance to women's autonomy or empowerment. It has, also, failed singularly in removing the structural impediments rooted in the patriarchal ideology, which restrict women from exercising control over their fertility and sexuality.

Interestingly, even after adopting the reproductive rights framework in principle, in effect what the state did was the appropriation of feminist rhetoric to pursue conservative development goals of population control. This was achieved by dichotomising the interests of the national interests and the individual rights and then making individual rights subordinate to national interests. As is evident from the study, the Indian state has ignored the fact that reproductive health cannot be achieved without ensuring general health to the women and ensuring that they are capable of controlling their own body. In a country like India, where more girls die before reaching the reproductive age than during it, where they are discriminated against in their own families, and even during the reproductive age suffer more with the malnutrition or infectious disease rather than pregnancy and child birth complications, the emphasis of the state should be more on ensuring overall economic development and access to health services, though continuing to ensure reproductive health services.

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