

CENTRE FOR WOMEN'S DEVELOPMENT STUDIES

J.P. NAIK MEMORIAL LECTURE

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MEMORY AND RIGHTLESSNESS

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1 POWER AND MEMORY

In this conversation, I wish to trace with you some connections between memory and power.

Milan Kundera said, memorably, that the struggle of men [and I add women] for justice and rights is always and everywhere the struggle between memory and forgetfulness.

To this I add a footnote. Contrary to public adage, public memory is not short but rather made short by acts of dominance. Any respectable notion of struggle then names insurrection of suppressed memory.

One has only to think of Mohandas Gandhi, though unfortunately no feminist figuration, an issue that we all must revisit in terms of life and times of anti colonial / imperial struggles, in this context. Despite many notable endeavours, he is, and must be, all but forgotten.

His memory is so subversive indeed that the Indian nation is permitted to recall him only twice a year: January 31, the national Martyr's day and October 2, his birthday.

The passage that marks the transition from Mohandas to Mahatma is too subversive for us all to recall. It is subversive because this transition marks a whole variety of questioning of the modes of production of rightlessness in Indian society, politics, and even our ways of performing activism for social transformation

Of course, and equally important, are the tasks of reorganizing political memory. January 9 now marks a new BJP/ NDA national coalition governance way of official memorialising the Mahatma. This was the day of his return from South Africa.

Now, this historic passage is put to obscene globalizing usage in a contemporary Indian politics. The memory of this archetypal figure that brought India to freedom is now shrivelled to a prototype of an inaugural NRI! That prefiguration is now to be deployed to harness the whirlwind of globalization!

Kasturba and Mohandas Gandhi had no thought of what they may gain from return to India; they did not ask for tax havens and dual citizenship /nationality; they did not bring to the Indian struggle an expanding Forex reserve or global capitalist technology!

All they brought with them were the intimations of mortality of the British Empire and the messages of the *Swaraj*, in all its protean plenitude. They also summoned national liberation from the future history of Hindutva politics of extremism, which many a contemporary NRI paracommunity now so perversely promotes and supports.

11 REMEMBERING J. P. NAIK

The arts of memory pose many a difficult, even poignant, moment of critical negotiation. Even when we, and in the first instance, negotiate memory through biographical prism, all we have are fragments. To remember is to reconstruct these fragments into a narrative wholeness. The difficulties are daunting indeed when we recall that each act/ performance of biographical remembrance, as readers at least of Toni Morrison (and in a different vein of Patricia Williams) know, also entails a measure of creative and fiduciary social agency.

My association with J. P. Naik was episodal but it bequeathed me many ethical endowments. I learnt from him at least six difficult virtues: the need to innovate institutions, practice vigilance over details, exact austerity in institutional expenditure, develop ability to relate to interdisciplinary traditions of communication, find the twenty-fifth hour every day and achieve directness in conversation that at the same time did not offend other people.

This last virtue got eroded in the course of my social and human rights activism. And I could not quite imbibe the virtue of institution- building, unlike Vina Mazumdar and Lotika Sarkar, with their illustrious sisters, have indeed carried forward this luminous legacy. I read, for example, JP's message of institution building very differently, especially as subjecting every institution I had the privilege of serving to a severe public/ social audit; fortunately they were fairly robust institutions and survived my attempts at 'leadership!'

I first met with J.P in the early seventies where I sought to persuade him to accord legal studies the status of social science within the ICSSR framework. Initially, 'law' was not conceptualised as a 'social science' in the Council's agendum presumably because there was no collective demand for such recognition. True to form, J.P. heard me without interruption and with rather disconcerting patience. Towards the end of the meeting said that he felt like agreeing with me but his agreement was not enough, he had to carry others. Thus he seduced me with a request that I prepare an ICSSR working paper. I had not quite bargained for this sentence of nine-month hard labour that finally resulted in the monograph *Socio-Legal Research in India: A Programschrift*. During that year, he found time to call me every so often, with a degree of discomfiting relish, concerning the progress of the work.

Within weeks, not merely he promptly published the manuscript in the ICSSR Monograph Series (itself an innovation), set up follow up committee, but also organized a seminar at

Pune to discuss further the *programschrift*. From this also arose the beginnings of my book, *The Crisis of the Indian Legal System* that J.P. later fostered under the ICSSR- Vikas publications programme.

J.P. meant business; he was not the one to wait endlessly for perfectionist academic schedules; he wanted results on set time format and was in haste to share these widely to acquire momentum for new ideas. These are qualities that unfortunately progressively dissipated in the subsequent institutional career of the ICSSR. Somehow, the learned professionals that led the Council after him did not possess the same *élan vital*. And here I speak of some very distinguished social scientist friends.

J.P.'s nudging paved the way for several emergences. First, legal studies (because law in itself cannot aspire to be a 'science' in any sense of that word!) acquired threshold ICSSR eligibility for funding. Second, the Pune Seminar alerted us all to the need that law teachers and researchers should at least be consumers of related social science research in order that they eventually become producers. This led to a programme of workshops in Delhi for two years in the deadly heat of May! J.P. won't hear of holding these events in more comforting climes! Third, many happy consequences emerged as a result of these workshops. Law teachers began to take interest in 'socio-legal,' empirical research and became sensitive to curricular innovation in ways that made possible foundational master's courses in legal and social science methods, supported by the University Grants Commission. Since the Eighties, major empirical research in law has ensued, some of world-class quality and this owes a great deal to J.P.Naik. The emergence of the discipline of sociology of Indian law owes a great deal to the fantastic drive and energy that J. P. provided in nascent stages.

I have no hesitation in saying that the 'puritan' J.P. made my life rather difficult! The two ICSSR social and legal science workshops I held at Delhi University required that I provide him with a rigorously detailed budget over which he wielded a large red pencil! He insisted that tea be served only twice during the day, and that two biscuits on each occasion were just right enough! He laid down the overall size of the stencilled materials (there was no Xerox these days!) that may be distributed. He himself monitored to a point of excess every budgetary line, including those that concerned travel by rail (J.P. simply won't hear about air fares!) All of us volubly grumbled but to no effect! No wonder, he ended up with a surplus even over the meagre budget he initial provided! Incidentally, these were the best workshops in terms of net output in my entire Indian academic experience!

There is a curious story to be told yet. The then Director of the Indian Law Institute, Shrimander Nath Jain, called me in panic asking me to subscribe to the Indian Law Institute Cooperative Housing Society; they did not make a minimum of twelve members which meant the loss of the site allocated by the Delhi Development Authority. However, membership involved depositing a sum of Rs. 10,000, which I did not then have! I turned to J.P. with a request for an advance royalty on the publication of the *Crisis* book. True to form, he disconcerted me by asking whatever made me think that my book will fetch a shadow of that sum! Obviously, I missed the twinkle in his eye and thought I had returned empty-handed. Not so. The cheque arrived the next week. The thriving complex at Karkardhuma, now named Law Apartments, should indeed have been named as J.P.Naik apartments because without that cheque the Institute Housing Society would never have been formed!

My last visitation with J.P. was at his home in Pune. He was so ill that he had difficulties conversing. As always, he reached for my hand and with a gentle pressure said words to the effect: 'Do not relax the pace of your work.' That message of relentless work culture defined this man.

How relevant today is the message of JP? Are penurious modes of knowledge production any longer the most morally sensible in a sub-continent of harrowing impoverishment and injustice?

111 THE TWO JPs: *TOWARDS EQUALITY AND TOTAL REVOLUTION*

The art of memory invites meditation on the initials 'J.P', that immediately bring to the mind the other J.P., Jay Prakash Narain, the person who fomented and led the Total Revolution. May we recall the one without the other? At the same time how dare we recall them together?

Did they have anything in common beyond the first initials? And are common initials any valid indicators of comparability? Is any attempt to compare them simply outrageous? Does it entail an extraordinary disorder of memory that is a departure from somehow sanctioned politically correct ways of remembering?

My way of remembering the two J.P.s celebrates the disorder of memory, in ways that remind us that protocols of memory carry with them episodes of censorship. But that disorder is then a new kind of ordering, juxtaposition in which milieux are made to relate to tasks of memory.

Both J.P.s were indeed true Mohandasians (incidentally, as some of you know, I do not use the last name 'Gandhi' as evokes different histories of appropriation; nor can I use his second name that was appropriated by a Doordarshan popular espionage serial!) Both practiced simple Mohandasian virtues: austerity, integrity, and commitment.

Both J.P.s were in a sense 'Naiks.' In one sense, the historic caste order sense, 'Naik' is a hereditary conveyor of caste domination. In an achieved, rather than ascribed, sense the term 'Naik' signifies also a theory of leadership, fostering impulses for social transformation.

For both our 'Naiks,' leadership was ethical or not at all. Both regarded leadership as transformative praxis. Both believed fervently in integrity in public life. For Jay Prakash Narain the bases of transformation lay in mass movement and civil disobedience; J.P. Naik celebrated faith that defined renovation of humane education and social science research as engines of reform.

Where J. P. Naik sought social transformation from within institutions of governance and knowledges, Jay Prakash Narain sought total transformation of the character and content of governance through cascading public protest. Narain mobilized the masses; Naik, through his impassioned concern with education and research, sought to mobilize the epistemic classes. Narain urged disobedience to unjust laws and governance; Naik sought to reform these from within. Naik sought to reimagine India through the transformation of practices of teaching and research; for Narain what mattered were ways of direct performances of continuing education of the masses in ways that nurtured the dialectic of popular sovereignty. Naik placed his faith in incremental transformation of habits and cultures of governance; Narain sought a radical break. When Narain sought to destabilize institutions, Naik sought to build institutions.

Today both these models of India of the Seventies lie in the 'ruins of memory.' The successive New Education Policies emphasizing 'value education' have brought us to a sorry pass when even the Supreme Court of India is unable to distinguish secular from Hindutva 'value' education! Corruption, state lawlessness and malgovernance have increased in range

and intensity. Contemporary economic globalization of India, which I believe each Naik would have opposed differently, now threatens to render both supremely irrelevant. Nothing will delight me more than a lusty dissentient murmur suggesting that I may be wholly mistaken in saying this.

Neither J.P. claimed to be a feminist thinker. Narain's life and work is of little interest for the Indian feminists. Certainly, he left no document as pervasive as *Towards Equality*. The work, under the collective leadership of Vina Mazumdar (see Mazumdar; N. d; Id., 1997), towards that report brought a unique community of persons and concerns that lasted far beyond the tabling of the Report in Parliament on 18 February 1975. Progressive work towards further epistemic and solidarity tasks that commenced during the period of Indira Gandhi ordained Emergency period clustered, even sheltered, individuals opposed to it. J. P. Naik's deft move to 'acquire' a more lasting association of Vina Mazumdar with the ICSSR proved fateful both for the fulfilment of an agendum of implementation of the Report and created future space and role for feminization of Indian social theory, governance, and political action.

Vina Mazumdar provided indefatigable auspices. With an amazing J.P Naik type capability, she was able to mobilize the best and the brightest theorists and activists. The foundational phase of the ICSSR committee attracted in the first phase many eminences such as B. N. Ganguli, Asok Mitra, Krishna Bharadwaj, Leela Dube, M. N. Srinivas and Justice Krishna Iyer. She then moved to from and found the Centre for Women's Development Studies that continues to provide even now a most resilient national framework for scientific and solidary tasks.

How may we trace the relation between Total Revolution and the rise of 'women's studies?' One may understandably want to say that the agendum of Total Revolution stood here fully feminised or at least directed to women's plights and rights but this remains problematic in terms of archival history. The complex and reflexive history of multiple interconnections between the inauguration of a movement towards equality for all women, the radical logics of Total Revolution, and the political contexts of the Emergency and its aftermath has yet to be written. A full archive will narrate co-equally the role of contingency and necessity and I here raise only a few, hopefully useful, issues in this direction.

Towards Equality is indeed monumental, precisely in the Foucauldian sense. Foucault said memorably that if in the older times monuments were the only documents of history, in contemporary times documents tend to become monuments. The distinction is important in several ways. Documents bear birthmarks of authorship; monuments embody massive unacknowledged anonymous labour. Documents foster epistemic and activist careers honouring their producers; the real producers of monuments leave no historic traces. If monuments remain frozen history, documents acquire an autonomous future life of their own. Most monuments are triumphalist statements celebrating the power, glory, and grief of human history; the losers leave few 'monuments' behind. Documents in contrast are open to readings that testify to histories of power, domination, as well as of resistance. Even so, the authentic subaltern thus emerges as a being rendered incapable of creating an archive of either kind. Both 'documents' and 'monuments' consecrate orders of memory that remain indifferent, even inhospitable and hostile, to this lack.

But not all documents become monumental. When we look at contemporary history of the Seventies that provides a register of a variety of upheavals and upsurges, this lack manifests overwhelmingly. Neither the Naxalite struggles, highlighting the role of militant women

cadres and their conception of people's democratic rights, nor the struggles of the real women participating in the total revolution movement left such visible and recursive endowment comparable to *Towards Equality*. They left no such national monument; they exist, if at all, merely as entries in the police 'encounter' killings or the Emergency prison records.

How then may we situate *Towards Equality* and its versatile programmatic aftermaths? It seems, at the moments of originary conception and of subsequent unfoldment, to have little space for memory of genres of the Naxalite and the Total Revolution conceptions and praxes of women's emancipation. Is it possible to say that the thematic of women's equality addresses these narratives of struggle rather through indistinction than focally? Is J.P. Naik a more crucial memory endowment, on this register, than Jay Prakash Narain? Or is there an organic connection between Total Revolution and *Towards Equality*, providing a mode of reconciling the two 'Naiks?' If so, how may a silver jubilee reissue of this Report bridge, as it were, the 'two solitudes' (a phrase of reconciliation for Charles Taylor in the Canadian context)? How may this reissue archive a different register of memory seeking to rescue the Total Revolution and Naxalite women from oblivion? They composed a parallel report through their praxis, posing a crucial question: How do we construct narratives of sacrificial lives of women in the telling of subversive stories? Perhaps, one way to construct framing narratives is to have side by side with J.P.Naik Memorial Lecture and Prabha Narain Memorial Lecture, and Sudesh Vaid Memorial Lecture, as well.

IV IMAGES OF MEMORY

In a manner of speaking, I have already begun conversation about memory and rightlessness. I must now address it with less indirection.

There are several images of memory, which I can barely indicate at the outset but may not pursue for want of time and a certain lack of competence.

First, our images of relationship between memory and history stand often in relation of mutual opposition. As the French thinker Pierre Nora reminds us: if memory 'is always a phenomenon of the present, a bond tying us to the eternal presence', history is a 'representation of the past.' As reconstruction of the 'always complete problematic and incomplete, of what is no longer' history calls for 'analysis and critical discourse' (1996:3); the 'art of memory' is different from the craft of Clio because it is used to service, to reconfigure the living present.

Second, the 'images of memory [as Maurice Halbwachs (1941) reminds us] expose the ways in which 'a group colonizes the past by locating images of its values in the landscape of the past' (Hutton, 1997: 56, 58.) Halbwachs suggests acutely that memory 'is socially mediated as a present judgement about what to trust, emphasize, repress, or deny from our remembered past'; this mediation serving functions of forms of organized knowledges - 'of giving priority to some things, while consigning others to oblivion' (Hutton, 1997; 378, 381.) We need to note here the relationship between not just memory and power but memory and trust.

Third, among these mediations, as Simon Schama preciously reminds us in his *Landscape & Memory* (1995), is the way in which construction of memory may be said to speak to future: 'Instead of being yet another explanation of what we have lost, it is an exploration of what we may find' (p.14.) Exploration for Schama is that genre of construction of social

memory that reminds us that ‘ help for our ills can come from within, rather than outside, our shared mental world...’ (p. 19), something that orders of explanation may not quite achieve.

Fourth, however administration and management of memory in state and civil society erase residues of justice in social life; for example, the typical device of commissions of enquiry from the first commission that in 1968 investigates the violence against minorities in Gujarat to their residuary legates now dealing with the carnage in Gujarat 2002. These arrangements of power rewrite contemporary history, presenting it in terms (of what Hannah Arendt described to Karl Jaspers as) the ‘banality’ of evil, in which ‘organized attempts’ flourish ‘to eradicate the concept of human being’ (1992,69), in which governance as business as usual secures willing compliance and cooperation of otherwise themselves ‘decent’ beings into the ultimate complicity with the political that eliminates the very bearer of human rights, and thereby also the possibility of human rightlessness.

Fifth, an issue as yet I believe not fully explored in literature concerning memory, is the image of course the one of intense contemporary pertinence; the issue of construction of memories in this era of global capitalism. This indeed raises all sorts of issues concerning the ‘banality of geographical evils’ (Harvey, 2000.) This very description alerts us to the tasks of deciphering the cruel complexities of the timespace (history and geography) of routinization of evils (their dispersal into a kind of collective political unconscious) under the auspices of global capitalism. The production of human rightlessness stands facilitated by modes of construction of *spatiality* via marketization, commodification, and exchange of circuits that disrupt and disorganize the *time* of public memory. Is it the case that under the zodiac of contemporary globalization memory is just what the global ‘market’ may find sustainable, whether these be markets of human rights (Baxi, 2002) or of the Global Coalition on War against Mass International Terrorism, or those of so-called ‘good governance’ as sponsored by the international financial institutions and their normative national cohorts in India? Only a handful of people thus mourn the Bhopal catastrophe and the continuing victimage, though we all celebrate the Human Rights Day only five days later each December! The global ‘assassins of memory’ remain omnipresent, haunting popular mobilization of memory as a resource for doing activism.

This afternoon I focus merely on some aspects of politics of memory and its fecund role in the production of forms of Indian rightlessness.

V MEMORY OF THOSE WHO ARE *NOT THERE*

How may we, the activist memory workers, begin to fashion a response to these many modes of politically organized oblivion, even genesis amnesia? And to what ends?

In order that we may relate memory to production of rightlessness, we need to attend to the problematique of memory and justice.

Jacques Derrida enunciates this problem in terms of memory and justice thus:

No justice...seems possible or thinkable without the principle of some responsibility, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead, ... without ...responsibility and...respect for justice concerning those who are not there...(1994: xix.)

Derrida guides us to the linkage between memory and justice. Without memory of violation and victimage (arising from 'nationalist, racist, colonialist, sexist or other kinds of exterminations, victims of capitalist imperialism or any of the forms of totalitarianism') justice is neither possible nor thinkable. Their spectral presence is a necessary condition for thinking and doing justice in society.

The art of memory links responsibility and justice. In so far owed, in the first instance, to the intentionally annihilated peoples, 'those who are not there,' the ethic of memory seems especially difficult to construct because it entails both vengeance and forgiveness that will always mark the impossibility of justice. When the vengeance takes the form of ex post facto punishment and forgiveness entails nationalization of memory and suffering through the device of truth and reconciliation commissions, we stand confronted by the problem of victor's justice; and the reduction of the testimony of the violated as the raw material for national 'reconstruction' via compromistic structures of accountability in whose shaping they have no voice and over whose powers they have no control. In both situations, construction of memory seems to relate more to power than to justice. In each the violated retain their spectral quality.

To be sure, Derrida here has in view the construction of memory as a work of mourning, not as an affair of the law; the 'question of justice,' he says, is 'one that always carries beyond the law...' (p.26.) Memory, then, is the *matam*, the power of lamentation for those not there, a form of ability to grieve collectively the past histories of injustice and violation and anticipations of their future recurrence. The work of mourning, this power of creating memory, speaks to grief and bereavement of the past and of their infinite future recurrence. The tasks of justice then are inconceivable outside the frame and the power of civic lamentation. It is on this site that those living now, those already dead, and the future generations of those without being there begin to coalesce as communities of mourning. The prowess that they may thus marshal to haunt those living possessed of the power to impose hurt and harm, mayhem and murder on others remains, however, enwombed in historic contingency.

But how do we mourn for the living dead, those who are *not there*? These *not there* women, men, and children live in the present; they are the people who exist but are denied visibility and voice; their actual physical existence / survival (bare life in terms of Agamben) is a code for their living death; they exist physically as if they were as yet not born or had died many a time after their birth. These are the truly rightless peoples, peoples who exist only by virtue of their being expendable and disposable, and whose being there is indeed a case of not being there. These diasporic communities of death interpose between the past and the future. These are people whom Derrida describes acutely as those who were '*already there without being there*' (p.79, emphasis in original.)

The question is: how activist memory workers may affirm the existence of such peoples and persons *who were already there without being there*, those whose presence affirms a kind of absence, who thus remain eminently disposable? How may 'we' create histories of memory that nurse and nurture the insurgent will to truth and justice? Is there a possibility that our ways of doing activism may end up, no matter what the original intention, in the production of human rightlessness and injustice? Specifically, I need to draw your attention to the rapid transformation of human rights movements into human rights markets, a theme that I have recently explored in my *The Future of Human Rights* (2002)?

Markets for human rights arise when we construct memories of the violated as symbolic goods and commodities that acquire significant exchange value via commodification of human suffering. People and persons *who were already there without being there* acquire a flicker of existence in niche activist markets, as designer goods that circulate as *causis celebre*, as well funded thematics for projects, institutions, and seminars, perfecting our own distinctive transformative credentials.

I have in view here the case of Kamala, a young tribal girl, who was bought and sold (for 2500 rupees, half the price of a buffalo, as Justice Jamadar of Bombay High Court was later to describe the terms of trade) three times within a week from the state circuit (guest) house, the third time round by two intrepid journalists, thus re-circulating her as a commodity across activist markets. She moved from a commodity in the flesh market to a commodity first in the investigative journalism market, soon to be further re-commodified in activist human rights and social action markets. Years later she emerges as an item in intellectual property rights markets when *The Indian Express* sued a renowned playwright for the violation of their copyright in the story that they first published! Her multifarious commodification ends for all purposes with her disappearance from New Delhi Nari Niketan (state remand home for women), without a trace of mourning or memorialization.

Similar images haunt us were we to ask: How may we mourn and remember a Mathura, a Maya Tyagi, a Ramiza Bee, and a Phoolan Devi? How may we mourn countless other *nameless* women (therefore with *unnameable suffering*) whose violation we did not choose to inscribe on the tableau of women's and human rights activism? How may we give the fragments of their existence the status of historic memory? How may the archives of their memory relate to the possibility of justice? (See, for a recent exploration, Kalpana and Vasanth Kannbiran, 2002.)

The laudable endeavour of the CWDS to commemorate the Silver Jubilee of *Towards Equality* requires a visitation of these multitudinous absent presences, of those who were already there 'without being not there.'

V1 MEMORY, NORMATIVE EXPECTATIONS, AND JUSTICE

The experience of injustice always involves normative expectations. Take these away and you lose the very possibility of experience of injustice. The other may not be said to violate the Self, which has *no* expectation of how the other ought to regard it, no bases for articulating this expectation, no memory for its narrative history. Domination and exploitation become naturalized. The piety of Manu and his dharmasastric inheritors thus, overall, clearly naturalized patriarchy, making women incapable of experiencing and voicing injustice; it decreed the Hindu law as a kind of fate for them. Fate is something that overwhelmingly defeats the vocabularies of human justice. Submission is the only possible response where no normative expectations crowd consciousness.

At least two questions here arise: first, the construction of the notion of 'normative' expectations and second, the problem of translation into languages of justice.

As concerns the first, while we may with Bentham (1975) understand expectations as 'presentiment' that endows us with power to plan and to maintain a certain kind of continuity in our lives, this merely (though importantly enough) describes existential expectations. We had to await Niklas Luhman to grasp the contrast between *normative* and *contingent*

expectations. The peculiar quality of normative expectations is that they survive, even grow stronger, in the face of disappointment; the more they stand violated, the greater is their moral strength. In contrast, contingent/ existential expectations do not survive repeated disappointments.

The question of relatedness of normative expectations to justice is a formidable territory. An easy enough answer is always at hand: normative expectations that violate human rights are unjust. But the normative expectations that human rights create for arts and act of living) or the 'lifeworld,' to evoke Habermas) remain highly indeterminate. The relationship of justice to human rights is infinitely complicated. At a normative level, human rights norms and standards constitute hierarchies between civil and political rights (eligible for here and now implementation) and 'manifesto' rights (whose 'progressive' realization stands constantly differed.) in which some rights remain subject to 'progressive realization.' Indeed, the Directive Principles of State Policy in the Indian Constitution may be said to have birthed this human rights dichotomy. Besides, human rights remain subject to long night of darkening interpretive performances. Human rights further remain prey to structural adjustment in general and structural adjustment in particular of judicial activism. While states and societies that overall respect human rights, in the main, may be called politically just, it remains doubtful in the extreme that these deliver justice in the 'basic structure' of society (as John Rawls names this.)

Liberal human rights create freedom for oneself but scarcely responsibility for the other. This is a truth we know from Marx. But if you are uncomfortable with that memory, let me mention Emmanuel Levinas who identifies the 'Rights of Man' with freedom that is indifferent to the other in distinction with tasks of justice that requires 'non-indifference' to the other, a form of 'inexhaustible responsibility' for the face of the other (Levinas, 1993: 115.)

It is thus clear that normative expectations may respect at times respect human rights without necessarily respecting responsibility for justice.

V11 CONSTITUTIONAL CONSCREATION OF HISTORIC AND FUTURE MEMORY

The Indian constitution, I believe, installs social memory at the heart of its production of normative expectations. But *whose* memories, *what* memories, stand thus consecrated in constitution and the law poses a crucial question.

Of its several constitutive ambiguities, the foremost is embodied in the very first article opening with the words: 'India that is Bharat...' The reference to India that is Bharat achieves two things: first, an archive a continuity of memory and expectation with the colonial project and second, articulation of the constitutional imagination of a postcolonial India..

What may be saying about the other identity—Bharat? What histories of memory, justice, and rightlessness may this be said to consecrate? Does it contain codes of memory and identity of some vision of pre-British, even millenarian, Hindu empire and civilization? What would the word 'Bharat' mean, for example, to a Konyak Naga, a Bhil, a Santhal, and a Bodo person/ woman? What would this mean to India's Islamic peoples, among them the Bohras, Meos, Khojas, the Ahmadiyahs, the Shias and the Sunnis? And what may this notion convey to Indian Christians, the Parsees and the microscopic Jewish communities? And how may relate the idea of Bharat to the diasporic Tibetan, Pakistani, and East Bengal (Bangla Deshi)

migrants to India after the independence? How may be one an *Indian* without at the same time being a *Bharati*? What mix of human rights and rightlessness does this all signify?

The standard answer to all these questions invites us to the 'idea' of India as one vast paracommunity of diversity, represented by its 'multinational,' 'multi-religious,' 'multiethnic,' 'multicultural' coalescence and confluence. Such meta- narratives idealizing 'India' (her syncretism, pluralism, tolerance, and coexistence) forsakes the collective memory the manifold histories of violence and human violation contained in the dominant modes of production of human rightlessness in contemporary India.

The idea of constitutional India that is Bharat is at once (to invoke the phrase regime of Robert Cover, 1987) both jurisgenerative and jurispathic. It thus simultaneously names patterns of destruction and creation, of national identity and identification and sub, even anti, national resistance and struggle. It generates both politics *of* and *for* human rights (see Baxi, 2002 for this distinction) within diffuse and contradictory, yet hegemonic, cultures of dominance. Even as constitutional governance, with all its autosclerosis, perpetuates obscenely unjust forms of domination, it also provides space for the birthing of New Social Movements. Not all such movements are emancipative, indeed some may be irredeemably jurispathic as the histories of Hindutva that escalate the potential of Bharat against that of 'India,' now fully alert us.

Any pursuit of women's rights as human rights needs to address the genealogies that shape the dire terms of politics of memory. Deepak Mehta and Roma Chatterjee in their study of Dharavi (2001: 227) speak to us 'how...genealogy remains present in the memory through fear and danger...' and how practitioners of memory are 'constituted by a faculty of forgetting as well as remembering.' But this much is clear: both 'India' and 'Bharat' create and sustain communities of danger and fear, and the dialectic of the 'displaced' and 'retrieved' self (Id. at 233-239.)

The constitutional order, and the legal system that it sanctifies, plays a large role in this unfoldment. Notable advances in the rule of law, and the protection and promotion of human rights, have also been accomplished by a fantastic growth of the culture of impunity through which alone competitive liberal politics makes any sense to its practitioners and proponents. The violated of the 1984 Sikh genocide, of the post Babri Masjid demolition carnage, and now of Gujarat 2002, mark the transition of a postcolonial state and society to a neo-colonial one that signifies (in Kwame Nkrumah's immortal phrase regime) 'power without responsibility and exploitation without redress.'

Militant Hindutva politics increasingly seeks to swiftly resolve India into Bharat. The VHP, Bajrang Dal and associated outfits cultivate the paranoia of the majority Hindu communities, especially through their violent critique of constitutional secularism. All this contributes to a paradigm shift for India's constitutional governance; politics of identity takes over from politics of redistribution.

Only a decade ago the 'progressive' official and activist prose centred upon a very different order of normative expectations: struggle against impoverishment and agrarian serfdom, agrarian reform, and participative democracy. Now the focus shifts from the constellation of contrasts between India and Other India to India versus Bharat, complicating further the discourse concerning Indian globalization by the focus on revivalist forms of economic nationalism. All this has tremendous implication on Indian women's plight and rights. The quest for what Sahid Amin has recently named as the 'New Indian National' the 'persons-in-

communities who are struggling against the homogenising currents' remains equally important for renascent women's studies.

How may renascent women's studies confront the revival of partition –like violence? I believe that new narratives of genocidal violence (the *résistance* of social theory, now inaugurally visiting the horror of the Indian partition in the corpus of Ritu Menon, Kamla Bhasin, Urvashi Butalia, Veena Das, and Gyan Pande, for example) provide a worthwhile antidote to constitution and human rights fetishism. The underestimation of 'the making of the event and the heritage called Partition,' (Pande, 2001: 66), and the violence of the law, that sphere that authorizes both the rule of law and practices of Holocaustian violence (Agamben, 1998) thrives on the assassination of memories of injustice. In a foundational sense the postcolonial law as the 'state's emissary' (to evoke Ranajit Guha's famous phrase) is profoundly imbricated in the production and seduction of memory. Neither the 'Old' nor the 'New' Indian Nation remains capable of comprehension, let alone amelioration and redress, unless we learn ways to combat the conflation of the rule of law with the reign of terror.

V111 THE JURISPRUDENCE OF *KYA HAI, KUCH NAHI*

This question invites recourse to Mahasweta Devi's jurisprudence, the implicit critique of state and the law; of activism and as Gayatri Chakravorty Spivak put it, "the 'New Women' of the South 'structural interpreters,' hybridists, or popular culturists when necessary, environmentalists when possible, quite like Shital Mallya [the remarkable character in '*Behind the Bodice: Choli Ke Pichhe*'] or Gayatri Spivak (1998: xiii.)

Mahasweta Devi in *Choli Ke Pichhe* (1996) answers the refrain *kya hai* thus: 'There is no non-issue behind the bodice, there is a rape of people behind it.' This rape of people, the *ganadharshan*, is something that (with the antihero Upin) we would know, if we wanted to (p.157.)

The decisive question then is; *should we want to know something that we do not want to know?* Should we chose to read, in each and every episode of rape and allied forms of sexual exploitation, also the texts of the rape of peoples, of justice, human rights, rule of law, and substantive visions of a deliberative democracy?

How may we read individual biographies as social texts/ narratives, mindful of individual pain and suffering at the destruction of the integrity of intimacy and of individual life projects yet constructing a *socius*, the collective habitat of violent memory that speaks to us of forms of *ganadharshan*?

Women's studies (an imperfect appellation to describe vibrant bodies of new knowledges of the carnal powers in state and society) have at last begun to explore histories of Partition violence precisely in these terms, through the labours of Urvashi Butalia, Ritu Menon, Kamla Bhasin and Veena Das. This resuscitation of histories of violent memory remains indeed precious, even when pursued after half-century-old social theory oblivion. The question thus arising, however, is how may we extend this discursivity to contemporary critical events?

It is on this register that Mahasweta Devi's *Choli ke Pichhe* must be allowed fully to address our activist praxis and imagination.

Her story begins with the ways in which the 'issues will and do trample upon non-issues in the life of the nation, this is the rule' (p. 139.) 'What is there', *kya hai*, became the national issue that made other issues into non-issues, *kuch nahi*.

[T]he other fuckups of that time--e.g. crop failure- earthquake, everywhere clashes between so-called terrorists and statepower and therefore killings, the beheading of a young man and woman in Haryana for the crime of marrying out of caste, the unreasonable demands of Medha Patkar and others around the Narmada dam, hundreds of rape-murder-lockup torture et cetera which by natural law approached but failed to reach highlighting in the newspapers -all these remained non-issues. Much more important than this was *choli ke pichhe*, behind the bodice (p.138.)

The discursive logic of the interlocution *kya hai* produces on the register of non-issues the response *kuch nahi*, it is nothing or as the Roman law maxim says *de minimis non curat lex*, the law does not take account of trifles. The various forms of *ganadharshan*, mentioned in the above passage, are non-issues on the logic of *de minimis*. The suffering and death thus imposed are mere trifles, of interest merely as instances of 'investigative journalism,' resource raising for projects, doctoral dissertations, and seminars, events where as Mahasweta Devi describes these: 'Indian intellectuals not knowing a single Indian language meet in a closed seminar in the capital city and make the wise decision known': truth to say the postmodern equivalents of the Chandi Chowk popular deliberations stand epitomized by the India International Centre (now also the Habitat Centre and their virtual counterpart the Star TV) in ways that constantly marks the conversion of the issue into non-issues.

Mahasweta Devi's reference to the 'natural law' that converts issues into non-issues thus represents a fantastic inversion. In the at least two millennia old (measured by the Northern timescale) discourse concerning natural law, *iusnaturalism*, natural law signified a higher law that Antigone-like, or if you prefer Marx-like, challenges the very authority of demonic/hegemonic law formations. In *Choli ke Pichhe*, natural law merely authorizes ascension of injustice and human violation to the fungible status of newspaper headlines or columns and celebrity discussions on multiple television channels. Indeed, this new natural law of mass communication serves as a naturalising marker of violence against women and the rape of the demos. It demotes the real issues into non-issues. Or at best translates them into perishable commodity forms of voguish activist conversation.

But this inversion also marks a revival of natural law, understood very differently as authorising recurrence of Radical Evil on ever-massive scales. By definition, states of Radical Evil render memory and rightlessness trivial and insignificant, except as commodification that takes many forms of 'fuckups' in the political timeplace that Mahasweta Devi mentions in the quoted passage.

Allow me a moment of elaboration with respect to each of the forms.

What can we do, to start with, in feminist theory and praxis, with the first fuckup-- 'crop failure?' There is hardly any upsurge of feminist theory and praxes starvation, draught, and famine, comparable with (no doubt extremely pertinent) issues of sexual harassment at workplace, Uniform Civil Code, Sati, the belated but extremely significant studies

concerning violation of women in the Partition Holocaust, and the future of the women-in-the-nation.

Crop-failure, drought, and famine (all shorthand for enormous human suffering costs) remains a non-issue so long as because we do not choose to see it as a planned Holocaust of Indian citizens, especially in a situation where storage of vast grain surpluses remains legible only as a text of political / administrative management. We feel powerless to do much about it except as passive consumer of mass media reports on starvation in Indian states, and as producers of sophisticated discourses on development as freedom mainly because our political unconscious reiterates the drawing of a distinction between *misfortune* and *injustice*.

That distinction is of course conveniently supple. Quite rightly, we regard state failure in achieving a Uniform Civil Code or coping with violence against women as injustice. But agrarian tragedies are by and large read as events of misfortunes, rather than act of injustice. Judith Shklar (1990) begged us to revisit this distinction; Indian women's studies have as yet to respond, despite the precious prodding by Amrita Rangaswami concerning the need to regard famine related deprivation as a *human rights injury* and violation and the recent stirring by P. Sainath's *Everyone Loves a Good Drought*.

The other form of 'fuckup' that Mahasweta Devi mentions has been an object of some concern. The 'clashes between the so-called terrorists and statepower,' however, has (as far as I know) produced no sustained feminist meditation other than Gayatri Spivak's concerning Mahasweta Devi's *Draupadi*. The so-called gender justice dimension, in the mainstream women's studies, does not foreground this memory or that of Mary Oran in Mahasweta Devi's *Imaginary Maps* (1993.) Would it be justified then to say that liberal mainstream women's studies remain somewhat complicit with state terrorism in missing almost altogether the sound bytes of revolutionary feminist praxes? We ought at least to ask: how narrowing are / remain our conceptions of women's solidarity intermeshed with the Male in the State (to invoke the fecund expression from Wendy Brown, 1985) in ways that render revolutionary praxes of Indian women to the status of a *non-issue*? Incidentally, as Ayesha Jalal recently reminds us, some redress for this lack may become available were we to construct memories not just of victims but also of the perpetrators of Partition-like violence.

The third form of 'fuckup' that Devi mentions is the very stuff, the warp and the woof, of Indian feminist and human rights theory and practice, one that vociferously protests civil society violence and state/ law effeteness in combating this ('the 'punishment' under the signature of caste hegemony in Haryana and the 'hundreds of rape-murder- lockup torture,') Obviously, and legitimated by the new Indian 'natural law,' violence against women in state and society is a major issue for women's and human rights activism. But we all excel in episodic heroism, not in a struggle for structural transformation.

Allow me to take three examples.

First, even as liberal feminist movement invests much of its energy in law reform and judicial action in the arena of dowry violence and murder, it fails to transform into practice at an individual level the logic of abhorrence for socially evil practices. Progressive women who remain juridically militant against dowry marriages do in fact, and for the most part hold and attend ostentatious wedding receptions and related events. There are as far as I know few takers of the militant path that Seema Sakahre in Nagpur and in part Subhadra Butalia (2002) and Madhu Kishwar have followed in Delhi; the movement led by Sakahre actually seeks to disrupt ostentatious wedding ceremonies / receptions, on a rather regular basis. In the

absence of meaningful social boycott that will invest (what Bentham named as) popular sanctions to the legal ones, the latter will remain more or less ineffective.

Second, there seems to prevail a culture of *causus celebre*, under which some actual episodes of violence providing the defining marks of national and regional women's movements. From the *Mathura Case* to Gujarat 2002, we have archived narratives of resilient movement and action directed against violation of women. Considerable changes in law, policy, and administration have resulted. Yet the more things change, the more they remain the same, indeed even worse they become. We surely need to ask: why it is the case that the greater activism there is the more is the escalation of women's violation?

The more, in Mahasweta Devi's distinction, important the issue becomes the more it also emerges in the form of a series of non-issues. The Gujarati Bahens who prepared the Desi Molotov cocktails (*kakaras*) during the recent Gujarat 2002, and on the whole turned a blind eye to the violation of their sisters, just as women and men who surrendered themselves to the 'clarion' call of 'Sadhvi' Ritambara's taped messages invoking/ justifying the *ek dhaka aur do* [give one more push] Babri Masjid demolition mission and message and the Indian-wide carnage of 'ethnic cleansing' that ensued, exemplify narratives that reproach our collective success. The 'more' paradoxically becomes the 'less,' reminiscent of the dialectical Hegelian moment of conversion of quantity into quality.

Third, take the issue of sexual harassment at workplace and its systemic conversion into a series of non-issues. I will not insert my biographical experience here save to say that when I, rather inaugurally, articulated discourse on this issue, the Delhi University campus exploded with fierce moral indignation in ways that 'shot' the messenger! Outside that moment of high moral frenzy, it is since then business as usual in Delhi and other campuses; indeed prominent women and human rights NGOs that welcomed the normative bonanza of the Supreme Court in *Visakha* have as yet (to the best of my knowledge) not developed in their domain an effective policy that they seek to militantly implement elsewhere. The other-regarding moral altruism of women's movements tends ultimately to impoverish its own moral plenitude.

These, and related examples, remain narratives of *kya hai, kuch nahi* jurisprudence of non-issues. We need to understand how this happens and what may collectively do to avoid this transformation of the vital interlocution *kya hai* into nothingness responsiveness of *kuch nahi*.

1X *Pyaar and Bhakti*

I now wish briefly to turn to the domains of love and worship that fully illustrate strikingly different source of normative expectations where living up to normative expectations presents a radically different discourse.

Pyaar (romantic love) and *Bhakti* (devotion) ground normative expectations (and ordering of memory) differently than the logics, paralogics, and languages of contemporary human rights (Baxi, 2002.) In romantic love or worship 'happiness'/ 'joy' is born out of different degrees of surrender which memory prizes the loss of reflexivity. The Beloved or God in either sphere stands constituted by the experience and imagination of complete surrender.

But there is an important difference. One likes to think that the choice of Beloved, in the sphere of romantic love, is not usually a function of domination by the market or the state;

that is why 'free love' has always been a banner of revolt against structures of power. We are not born to love; we chose our loves in authentic acts of agency. That choice is often the stuff of tragic history but it is the act of choosing that triggers the tragic events and episodes. In tragic deaths, lovers transcend the protocols of power that state and society effectly chose to impose.

In *Bhakti*, often enough, our birth in a community determines our faith. Our Gods are chosen for us or, rather, they chose us; regardless, we repudiate them at our own peril. And indeed in situations of religious militancy, like the rise of Hindutva, for example, we adhere to them also at our own peril.

Romantic love of and for other humans is this worldly; worship the love of God, is otherworldly. The logics, languages, and rhetoric of human rights remain rather inappropriate to these domains. Both have their aim, this *pyaar* and this *Bhakti* transcendence from the economy and the polity. Both also from the here and now standpoint of this-worldly feminism mystify exploitation (including auto exploitation) of women in society.

There are other ways of reading *Pyaar* and *Bhakti*. Ranajit Guha in *Dominance without Hegemony* (1997) has shown how idioms of *Bhakti* carry over to practices of domination and politics of *dasvya*, the glorification of political servitude and total obedience and the role this plays in the construction of classical Hindu patriarchy where *Bhakti* 'for the husband is the first stage' of worshipping God, reconstituting *Bhakti* 'as an ideology of subordination par excellence' (pp.47-55.) Martha Nussbaum (2000) somewhat similarly peregrinates through the geographies of 'adaptive preferences'. Both however suggest importantly that the rather heroic attempt may still be tinged by rationalities that carry political messages.

One may say even that forms of romantic love open themselves in terms of reading the texts of hyperglobalisation; forms that thrive on commodification of transationally induced and shaped desires. In the present day cyber world of E-romance, internet sex, and hard porn female stars that celebrate women's emancipation by having as many as 150 live sexual unions on screen within sex market erotic schedules of two hours, romantic love may hardly be said to be subversive of market and what remains of the idea of a nation state and cosmopolitan human rights as furnishing a 'moral' community.

Pyaar construed merely in heterosexist terms entails surrender of a different kind, surrender to dominant moral majorities for the time being. The lesbian/gay/ transgender forms of intimate human association now mark a new frontier sexualising the languages and logics of contemporary human rights. *Towards Equality* remained, understandably innocent (and indeed in many respects complicit) of differential logics of human desires and the forms of their global commodification.

The question all this foregoing presents concerns re-envisioning of the central tenets of *Towards Equality*.

X GROUNDING OF THE AUTHORITY OF EXPECTATIONS IN CARING, NOT JUSTICE

All this being fully said, do forms of *Bhakti* remain more morally altruistic than romantic love because women's surrender to God in its extraversion also tends to be subversive of extant social and political ordering? We need to ask whether this subversion founds new forms of authoritative expectations.

In feminist ethics, these issues stand posed differently in ways that celebrate values and cultures of *care* rather than of *justice*.

Mother Theresa provides an interesting exemplarship. She, and her mission, seeks to provide dignity in dying and death, denied plentifully in the acts of survival and human rights enunciations of the right to life. Here is a supreme example of assertion of duties of *caring*, rather than claiming of *rights*. It would desecrate her memory to ask why she never filed a social action petition before the Supreme Court of India! Truth to say, she chose an incredibly difficult and painful path, valorising care, love, and nurture over human rights norms, standards, and values.

The distinction between justice and care, as Carol Gilligan reminded us quite some time ago, is crucial. She said, memorably:

...women not only define themselves in the context of human relationships but also judge themselves in terms of their ability to care. Woman's place in man's life cycle has been that of a nurturer, caretaker, helpmate, the weaver of those networks of relationships on which she in turn relies (1979.)

Indian readers of Mahasweta Devi's *Standayini* will surely want to agree in a greater richness of understanding of semi-feudal marketization of caring practices and cultures. Jasodha, ultimately a co-Brahmin, is transformed into a care provider in semi- *jajmani* web of exploitative Bhadraklok seamless culture. At the same time, she configures for us the image of a Brahmin *dalit*.

Romantic love and transcendental *Bhakti* celebrate myriad forms of rightlessness as exemplars of good life. In sum, the languages of the heart and habits of the surrender to the Ultimate (however conceived) have little or no use for languages of human rights and rightlessness. But not all forms of this 'rightlessness' are callous and cruel. At the same time, humane forms of caring as instances of otherworldly feminisms pose considerable challenges to our human rights essentialisms.

X1 OTHERWORLDLY FEMINISMS

This brings us face to face with otherworldly feminisms. How may these converse with this -worldly feminism? It was anthropologist Lawrence Babb who inaugurally, I believe, invented this discursive contrast through his study of the Brhamakumari Movement. It provides perhaps the largest network of otherworldly feminist movement linking ideas about women's emancipation with attempts at feminising global peace movement. The founder of this movement was a battered wife who identified marriage as the root cause of women's subjugation and oppression; she founded a movement on the simple idea of repudiation of marriage. The Brides of Brahma do not repudiate sexuality but sublimate it in emancipative ways via dedication to *Prajapati*, a supreme iconic figure who sustains the cosmos. This dedication then marks a new form of women's power over a male dominated world, albeit via distinctive ways of cosmic mediation.

Secularised, this- worldly, human rights women's movement, and feminist theorizing, does not quite come to engage conceptual and social histories (*cf.* Koselleck, 2000) of otherworldly feminisms. But some general questions may not be any more ignored: How are the necessary and general distinctions between this and other worldly feminism to be drawn? How may

we tell stories concerning the nature of relationship between the two, in terms of contending virtues of justice and care? Are there latent cosmologies, too, in forms of this -worldly Indian feminism? How do these relate to rightlessness and its reproduction? Why have Indian women's studies, on the whole, neglected explorations of otherworldly feminisms?

These are large questions, themselves in need of continuing refinement. But even the naiveté of posing the field of interrogation thus should suffice for the present purpose. Activist Indian women are, as far as I know, not wholly averse to acts of public worship (signified by their participation in popular engagement of masses of women in the Durga Puja, the Navaratri, the worship of Vaishno Devi at Jammu) that pay obeisance to cosmological memories, pitted against finite life celebrations of women's equality and emancipation. At play here are different lifeworlds and worldviews. And, indeed, infinitely variegated conceptions of good life, demoting to the realm of secularised fabrication the performances of memory of human rights.

Further, the progressive, otherwise secular, women's activism stands confronted in everyday life performances by the overload of normative expectations of the otherworldly Indian feminisms. This suggests sites of fascinating cohabitation between forms of *Bhakti* type surrender and activism for women's rights human rights. To deepen the contrast, allow me to turn to the current dilemmas of this worldly Indian feminism.

X11 GUJARAT 2002: BUSINESS STILL AS USUAL?

Mahasweta Devi's corpus reproaches us all, in our multifarious activisms, for our collective failure to name the celebration of rape culture as a way of doing politics (Baxi, 2002a.). Rape cultures signify women's bodies as violent scripts texts of politics, and dominant cultures, also the sites of production of human rightlessness.

We have not quite been able to name the practices of Indian politics as rape culture. Thus, the hard-core pornography of Indian political power available to quotidian experience escapes Indian women's studies and political theory. While superbly well endowed in dealing with the episodic instances of women's violation, ever since the historic marker (the *Open Letter to the Chief Justice of India* concerning the Mathura Case, Baxi *et. al.* 1979), we lack the narrative power that renders the episodic manifestations of rape culture as also systemic ones: witness, for example, the myriad forms of our activist incoherence haunted with the chronically recurrent situations of sati, female infanticide (whether in crude forms or those mediated by advanced prenatal technologies), child marriage and prostitution, marital rape, spreads of the new AIDS generations whether through pre-martial/ co-martial/ extra-martial sexual congresses, male and transgender custodial rapes, sexual harassment in sexwork market by 'clients' and various law enforcement folks.

How may women's studies address and cope with, both in terms of conceptual resources and material ones (that necessarily commoditized women's violation via the mobile frontiers of global funding agencies), with tasks of systemic combat is the sovereign question. Is our shared lack of narrative power understandable in terms of Antonio Gramsci: does too much of our activist praxis remains contingent at levels of the 'war of manoeuvre'; and too little of it approaches the dimension of 'war of position'?

Our practices of this -worldly feminisms meet their Waterloo, their nemesis, in the figure of a multitude of Gujarati Bahens, whose newly instituted civic religion of Hindutva poignantly transfer normative expectations arising in contexts of love and worship, marking the transition from romantic and pious to political agency. Gujarat 2002 women participating in,

and justifying, violence against women mark feats of agency configure the 'secular' with the otherworldly forms of submission to God-like iconic figures. The fabrication of Gujarati *Asmita* (Baxi, 2002^a) now provides a new fused theology that lays the foundations of Hindutva both as civic and spiritual religion. The figure of Narendra Modi invites near total religio-political surrender and plants deep roots of justification of moral, even constitutional, paternalism/ maternalism.

That category of Gujarati Bahens remains violently exclusive but it is at the same time perniciously bonding. Women lead the way not just in the march of spontaneously 'organized' communal violence, but also in the mode that sustains everyday hostile discrimination through social boycotts against 'minority' communities that continues in vicious forms of civic boycott even on the anniversary of the massacre.

Was the Gujarat 2002 brutal production of human rightlessness, a function, of politically fabricated loyalties to memories produced by party machines and the Hindutva militant forces, also a reproduction of women-specific primordial memory? If so, what remains women-specific in the configuration of *Asmita* abruptly redefining the narrative identity of women praxes of mass violence, both as active agents and complicit bystanders?

Their 'joy' of surrender constitutes a million miseries for their co-citizens. The secular feminist/ women's movements rightly (in my opinion) ask them to realize their moral mistake and to renounce false gods. How do we identify the false gods in need of renunciation? Indeed, one may ask, is activism for human rights merely a series of transactions amongst false gods?

Easily enough, we may say that these are Gods already contained in the hastily and bloodily constructed Hindutva pantheon. How about the revolutionary icons that Mahasweta Devi's *Draupadi* subjects to the work of mourning? How about the civic 'religion' of Naxalite women that celebrates violence for equality? How about the violence of women living the life of social banditry, like Phoolan Devi that savagely disorient and disarray the dominant Indian feminist theory and practice? There is need, I believe, to grasp the distinctive contexts where women emerge as violent political actors that enable some tolerable distinction between forms of violence as 'reactionary' and 'revolutionary.' What politics of memory and rightlessness do these iconic figures embody for contemporary Indian feminist theory and practice?

The agonized mainstream women's studies ensemble is as yet not quite able to address reactionary violence because it never fully poses, let alone address adequately, the issue of revolutionary women's violence. But the difference between Gujarati Bahens and *Draupadi* matters and we need to find ways to articulate this *differend*, this infinitely varied discursive incommensurability.

Today the World Bank and related languages signify a measurable quotient of women's 'empowerment,' a term that assures significant flow of resources for women's development studies but remains otherwise barren in terms of tasks of future histories of women's emancipation.

We must surely make some sort of distinction between types and forms of empowerment, howsoever uncongenial to national/ global funding auspices and agencies. How may we proceed with this agonizing task?

I raise these sorts of questions, contrary to all appearances, in women's studies friendly mode as a species of internal critique.

XIII TOWARDS A PRE-CONCLUSION

I know that the mere act of raising these interrogations repeat the risk of my renewed exile from the charmed circles of contemporary Indian women's study type activisms. At least Veena Mazumdar and Lotika Sarkar, among those present, will recall my first exile, when as a Chair of the ICSSR Women's Studies Committee I dared to critique the onset of women's studies as a 'discipline' in a working paper entitled: 'Towards Liberation from Women's Studies...' (Baxi, 1994.)

I raised then, at least partially, the issue of how women's studies may read violence against women; I contested ways of knowledge production concerning this violence that 'projectized' the violation of women in terms of 'progressive' research/ institutional engagement without the least fiduciary engagement with the plight of the docile bodies of the violated women. I even ventured the thought that funding auspices for research/ institution building *legislate* duties of on-site activist engagement.

I renew this provocation, now in different ways in the context of Gujarat 2002. This poses not just the question of violence *against* women (always a crucial question) but also one concerning women as *violent political actors*. I further aggravate this by a collective summons to re- think, re-imagine, the logics and paralogics that manifest the passion of practical reason, which contextually justify violent women political action as exemplary moral agency. I dare to say to us all that the category of *redemptive* violence, howsoever *undecidable*, may never be deployable in terms of Gujarati Bahens' performativity in 2002.

In terms that chase connexions relating memory to production of human rightlessness, there are important tasks lying ahead, which ought to render ethically intelligible \ readable acts of political violence *by* women who pursue itineraries of emancipation from those women whose *leitmotif* stands constituted (in Ranajit Guha's withering phrase) as 'dominance without hegemony.'

The thematics pursued here render me wholly unworthy of your gracious invitation for a J. P. Naik memorial lecture. My presentation today scarcely belongs to genre of illustrious predecessors in this Lecture series. On a rather personal note, I remain abashed by the feeling that J.P. Naik himself would have been uncomfortable with this peroration. Since the deed has now been done, bourgeois apologetics require me to extend to you all my sincere apologies without in the least being ungrateful. I may only hope that the CWDS may not for long time to come rue the mistake made in inviting me to this prestigious Lecture series.

My time, and your human right to patience, requires me to close this conversation with a hope that we all move towards articulation of visions of postpatriarchal society in India, in ways that liberal and legal feminisms do not seem as yet to allow.

Thank you all for your generous patience!

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