

Shirin Rai

Gendered Trajectories of Development: a Landscape of Hope and Despair

I speak in a context where a globally powerful state might be turning inwards on itself and its populace; what the Trump administration does in terms of redrawing political boundaries is yet to become apparent but if his rhetoric is to be believed, the American state will be focused more on its national interest than before. I have just returned from India where the globalised and neoliberal rhetoric of the state is seamlessly aligned with a nationalist discourse that is excluding of minorities, uses military force against its own population and is in the business of narrowing the margins of critique – making what Newman has called the prefigurative imaginaries of the state that ‘do the politics of critique’ more risk laden. In thinking about these two different states at this moment in time is depressing of course, but also productive, if we are to rethink the early important debates about the state.

While work on the state is diverse and focused on particular aspects – the welfare state, the relational state, the developmental state and even the therapeutic state and the carceral state – my approach to the study of the state builds on the feminist debates on the state, especially in the context of the postcolonial and neoliberal state. This allows me then to reflect upon the ways in which the private and public spheres mediate what I call the governance of communities and polities. Finally, I discuss the importance of studying the performative nature of the state and challenges to it.

The key question that I have puzzling over for a while now is where to position the state – between the liberal understanding of a benign if powerful Leviathan and the Marxist insistence on the state as a facilitator of capital. In between of course is the Gramscian, Foucaultian and postcolonial theorisation of the state as a site of power where negotiated politics between institutions generates and reshapes the modalities of state practice and counter practices of civil society.

Feminist theorists have brought many insights to bear on the ‘state debate’. One of the most important insights of this scholarship is that gendered social relations are constitutive of the state while at the same time, the state is crucial to the continued dominance of patriarchal relations of social production and reproduction (Pringle and Watson, 1990; Rai, 1996; Cooper, 1996; Randall and Waylen, 1997). It has been argued that gender “interests do not pre-exist, fully formed, to be simply ‘represented’ in the state...they have to be continuously constructed and reproduced. It is through discursive strategies, that is, through creating a framework of meanings, that interests come to be constructed and represented in certain ways.” (Pringle and Watson, 1990:229-30). The mobilisation of violence – legal, physical and discursive – that accompanies the state’s regulation and stabilisation of gendered social relations have been the focus of many feminist scholars in different fields of politics (Fraser; Sundar Raje), international relations (McKinnon;) law (Smart; Baxi et al, 2007)and political economy (Picchio; Rai, 2008). It was because of this focus that many in the second wave feminism in the west argued for a strategy of disengagement with the state and many

postcolonial theorists wanted to take a different approach – which in my own work I have articulated as ‘in and against the state’. More of that later.

Like most theorists of the state, feminist scholars and women’s movements have also been grappling with the changing role of the state, first in the post War context and then in the context of globalisation. As the sites of production and reproduction shift within states, as new regimes of production make for different forms of work - part-time, flexible, concentrated in EPZs, migratory - women have organised, mobilised and strategized in different ways to challenge and influence state fractions. As global capital’s presence is felt directly, less mediated through the state, and as local spaces are opened up to the forces of market, the increased role of global economic forces and organisations are also posing challenges of mobilisation for women. While the state continues to be a central focus of women’s mobilisation on various issues, supra-territorial strategies are being increasingly employed in order to either counter the state, to delegitimise its position, or to mobilise global discursive regimes in their interests. This is because the relationship between a modernising state and a civil society within which it is configured, is a complex one. In this context to view the state as a unitary entity becomes paralysing, and regarding civil society as ‘a space of uncoerced human association’ perilous (Rai, 1996, p. 17-18).

The shift from the state to governance that accompanied the fall of the wall and the globalisation of capitalism, the dominance of neoliberalism and the discourse of the market, led to a relative decline of state theory. The third wave of democratisation and the restructuring of national economies under pressure from international financial institutions reflected this shift. International relations and political economy scholars wrote about the weakening of the state, the leaking of state sovereignty (Strange, 1995; Cable, 1995) and comparative and political theory scholars talked of democracy and democratisation as antidotes to corruption, to market failure and to development (World Bank, 1992). From the start, struggles over meanings attached to the term governance characterized debate in both the North and South. While in the North critical scholarship has challenged the ways in which the concept of governance has become a triumphant shorthand for neoliberal shifts in market-state relations, in the South critical focus has been on challenging governance as institutional medicine for state failure (Nussbaum et al. 2003).

While the major strands of governance theory brought a great deal of sophisticated analysis to bear upon the changing nature of state and governance, they remained predominantly ‘gender blind’ or at best addressed the issue of gender in the context of the impact of the various political economic shifts on the lives of women. And further, the focus of even some feminist work remained on the governance of politics rather than of communities, on political institutions rather than institutions that frame our everyday lives, on regulation by and of states and markets, rather than regulation of intimacy and sexuality, which means that the relational link between the private and the public, the civic and the intimate, at the heart of feminist analysis remains unrecognized.

Feminist approaches to global governance have addressed this gap by engendering these debates. First, feminists have focused on institutional structures and processes: gender in global governance is seen as “involving institutional structures in which women have found or carved out niches for themselves and their interests as women” and therefore “introduce into global governance women-centred ways of framing issues...” (Meyer and Prugl, 1999:4-5; Rai and Waylen, 2012). Second, feminists approach global governance through critical gender politics “exploring the purposive, goal-oriented...social-movement strategies to influence the United Nations...” and Bretton Woods institutions (p. 5; also see O’Brien et al., 2000). Finally, feminists have approached gender politics in the context of global governance as “contestation of rules and discursive practices in different issue areas” (Meyer and Prugl, 1999:5). If these insights of feminist and critical scholars and activists are taken into account, it

becomes possible to assess the nature of gendered global institutions as based on market principles, promoting market based solutions to social and political problems, and stabilising these solutions with the support of dominant epistemic elites (Taylor, 2000). Thus, in analysing the constitutive parts of governance, as noted above, a feminist analysis can deepen, historicize and engender the debates on the governance of markets, the changing role of the state, on the ideologies of governance and of governance as spectacle.

Empirically, feminist studies of transitional and democratising states focused on the impact of liberalising economies and the marketisation of the state on women's lives (Einhorn, 2000) as well as considered how women can engage the state in a globalising context where the state is coming under multiple pressures and is repositioning itself in different ways in different contexts (Rai, 2000 and 2002; Jacquette and Wolchik; Eschle, 2000, and Blacklock and Macdonald, 2002; Waylen.). If the state is a participant in the reconstitution of its own relations with the global political economy, then it continues to be a focus for the struggles against this changing relationship - whether it is from (dis)organised labour in the urban or the rural context, or whether it is from other social movements.

My work on the state has been based as much on a study of political institutions as on everyday experiences of politics; I have followed the shifts in state theory and practice and tried to address the complex relations between the quotidian, the institutional and the performative.

My first piece of fieldwork in New Delhi taught me a critical lesson – one that Foucault had underlined when he wrote about the power of the text. The state's mobilisation of power through recording, cataloguing and expending written documents has been central in its exercise of governmentality. In a context of the global south, where levels of illiteracy, especially those of girls and women, are high this aspect of power is particularly awesome. And yet, the story of 42 women hawkers in New Delhi tells a remarkable story of a quotidian understanding of the state's power and how to navigate it. These tribal women, who were in dispute with the local municipal government and had taken their case of harassment to the Supreme Court under India's strong Public Interest Litigation laws. The Judge decided in favour of the women but with a proviso – to prove that they had traded from the pavement where they were based, they need to produce the chalaans given to them by the police over 10 years (this would be the proof of their presence). Out of the 42 only 6 were unable to produce these receipts. When I asked them how and why they had kept these receipts, their answer was simple – they didn't know how to read, but knew that any notification from the state was important and might be of use. In this case the power of the state exercised by the police – sexual and physical violence – and the judiciary were rather different. And yet, even the Judge relied on the instrument of the state – the chalaan – to justify their cause.

What struck me at the time, but I failed to build on this observation in my analysis, was the performance of state power on the one hand and of the negotiation of this power by these women on the other. While the state – the police and the courts – was Janus faced and presented both its violence and its protection through different institutions, the women in question also performed their resistance in different modes – through 'striking', through lobbying their MPs, through appealing to the Court and the Judge and most of all, through marking their presence on the pavement they were seeking to protect by occupying it for over four months.

The power of performance and counter performance is critical and less theorised than it needs to be. My recent work on the state has begun to focus on its performance – not simply in terms of the outcome of its policies, but its performance as a mode of power (Rai and Johnson, 2015; Spary, 2013). If we view the state, as we have done above, as an evolving and dynamic set of social and political relations, that makes claims in terms of nation, its history and modernity, and its own representativeness

and legitimacy, we need to take these claims seriously. Through these claims, the state consolidates its power, and as we have seen, this power folds in our everyday lives through processes, modes of behaviour, occupying and regulating political spaces and creating institution specific cultures which socialise its functionaries as well as its citizens. Through its performance of state ceremony and ritual, state institutions create and maintain powerful symbols of democracy and power. Institutional disciplining is also challenged performatively – by refusal to participate, by subversion of norms or by rejection of rules. While I do not have the time here to outline the theoretical debates and empirical work on the spectacle of the state, suffice it to say that while often ‘invented’ (Howsbawm and Ranger) – by the state, political movements or influential individuals – ceremony and rituals build traditions as well as become part of our traditions through the inclusions and exclusions that they normalise and help sediment (Lukes). Recognition, inclusion and exclusion of course all take gendered forms and in so doing reproduce the gendered hierarchies that are ritualistically performed; the quotidian markers of gender based exclusions are found everywhere – in the spaces women occupy or not, the terms upon which they are allowed to occupy some spaces and not others, and how institutional framing suggests particular place for them in state institutions. State ceremony and rituals exercise imaginary power through their performance – through the militarised masculinities on display on Republic Day, for example, through endorsing or at least not challenging the discourses of heteronormative dominance, through technicised responses to violence against women – more latrines for women, women only carriages on trains – rather than challenging gendered norms that make difficult the public occupation of space by women. The roles that women and men play dramatise the political moment, the discursive power as well as the gendered social order operative in specific historical contexts and in doing so reveal -for us underlying social tensions which point to the palimpsestic nature of political institutions – the occupation by angry citizens of state spaces such as India Gate, the naked protest of Manipuri women against rape by the Indian army, claim the night demonstrations and mobilising public spaces. These performative moves are distributed through media, and take place in our everyday imaginaries of the state. Affect of performance has effect on the relationship between citizens and the state. Ceremony and ritual therefore include as well exclude, the ‘other’, those who do not ‘fit in’; they re-produce imaginaries that are recognised by some and not others and in doing so they affect the rhythms of working life of state institutions.

This aspect of power found reflection on my work when I studied ‘honour crimes’ in India and Pakistan with my colleagues Pratiksha Baxi and Shaheen Ali (2006). The fractured modernity of postcolonial states specifically means that the pressures of globalisation also refract its responses—cultural heritage is fetishised, when, at the same time, the liberalisation of the economy creates new bridges to the ‘modern’ political economy. As we researched this violent mode of disciplining of love, we saw that

Two axes might allow us to explore this complex nature of the interaction between modernity and tradition at the local, national and global levels of governance. The first is that of governance of polities (state statutory governance bodies such as panchayats, courts and the police). The second axis is the governance of communities (caste panchayats and jirgahs). The regulatory power of both is limited as well as complex. This power comes to be articulated at the intersection of disciplinary power of caste or community discourses of honour with sovereign, or as Foucault would say politico-juridical, discourses of crime and adulthood. The translation of caste or community transgressions into crimes shows us how the politics of honour captures state law, while the suspension of legal action against forced marriages allows the familial to escape legal intervention. The claims to citizenship in the realm of the domestic sphere must be understood in the interstices of the relationship between law, violence and governance (Baxi, Rai and Sardar Ali, 2006:1241).

Governance of communities by caste panchayats has allowed the development of non-state parallel systems of adjudication, which are performed publically, with authority that builds on the community's consent and sense of belonging, in a context of changes to the local economies and demographics. In India for example, the relationship between the newly empowered gram (village) panchayats and the traditional, informal caste panchayats remains close and complex. It is often found that not only are individual members of the two panchayats from the same family, but that, as public bodies, gram panchayats are supportive of the caste panchayat pronouncements of excommunication and even murder. The power of the regulation of the everyday by caste panchayats, is often supported or condoned by local state institutions, showing the imbricated nature of discursive, ideological and material gendered practices of violence and regulation (also see Das, 2007, chapter 9). While state ministers and judicial bodies repudiate the power of caste panchayats as unconstitutional, political parties have not come out against them, as often these panchayats act as vote banks for particular parties (ibid.: 1244). As this struggle over marriage and its boundaries shows, 'the intimate' is not only the sphere of individual subjectification, but also a site for ordering populations' (Oswin and Olund, 2010:62) through both state and non-state institutions, which continue to work as much in concert as in opposition; intimacy thus is not only a regulatory project, but its regulation brings into being particularly modalities of state functioning.

What we then need to emphasize in our study of the state is a two-fold intimacy – first, the intimacy that underlines our social relations, which are built upon by capital to produce marketised subjectivities which reproduce gendered desires that are fulfilled through consumption of goods as well as imaginaries. However, consumer desires also threaten intimacies inscribed in particular modes – through mobilities and mobilisations – as I have described. If markets shape gendered social relations, then so does the state – through law and legislation but also through violence of allowing gendered exclusions to be performed in the name of tradition or culture. In so doing it also becomes the focus of striving for change. The dispersed desires of the market congeal in the laws of the state – what is made possible and what is proscribed is a fuzzy boundary where politics takes place.

The nation-state as the focus of developmental struggles thus allows historical knowledges of traditions, cultures, and political contexts to be mobilised with greater facility than the amorphous 'international economic institutions' peopled by shadowy figures not visible to the local oppositional struggles. Thus, state accountability and the space for political participation for both men and women form an important part of the understanding of governance for many women's groups (Tambiah, 2002). Taking political institutions seriously, indeed taking the state as an institution as Skocpol has alerted us to, has meant that feminist scholars and activists have taken seriously the participation in political institutions. They have insisted upon the importance on representation of women in these institutions from different standpoints – that women do politics differently/better, or that it is just that historically excluded groups be allowed a say in the 'governing' that affects their lives. Strategizing for this, feminists have argued for quotas for women in political institutions in order to make women more visible and audible in political processes. They have also engaged with political institutions by participating in bureaucracies, policy-making bodies and representative organisations under the broad principles of gender mainstreaming (Miller and Razavi, Mazur and Stetson, 1999, Rai, 2003).

Studying the Indian constitutional debates I found that when offered the choice, women members of the Constituent Assembly rejected the option of having quotas for women in political institutions. Their argument was that they did not want women to feel in any way inferior to men in the new Indian state; they felt that in a constitutional democracy they would be enabled by universal democratic rights to play their part in political life of the country. The fact that 70+ years later, women have

significant presence in political institutions of the country only where quotas were introduced – much later in 1993 – and not in parliament or state assemblies, where they are still to be introduced shows the complexities of negotiated gendered positions within state parameters.

Now these manifestations of state oriented politics have not always been successful, have even been modes of co-optation and have certainly been rebuffed or met with state violence. The question then is what do we do about this? In a paper which I wrote together with Sumi Madhok, I argued against the seductions of resistance.

Should this lead us to despair? What can we do, if the awareness of violence and of inequalities of power on the terrain of protest is not to immobilise us? In an earlier foray into the study of the state I called for what the Edinburgh Collective termed ‘in and against’ the state. I argued that what engagements with the postcolonial state teach us is a strategy that must take into account both institutional and informal politics. Not engaging with the state is not an option – the history of state violence in the global south, and indeed everywhere, shows us that we need to strategise to contain this violence through insisting upon better laws and their implementation, better policing and its containment, more inclusive and consultative administration. Participation in the institution of the state is one arm of this strategy; the other has to be holding the state to account from outside – through patient political education, through uncovering the violence and its perpetrators, through social and political movements and through a refusal to be silenced through the talk of either nationalism or of traditions. A dual strategy of in and against the state holds out perhaps a promise of change that is also alert to the seductions of both the institutional power of the state and the discursive and political power of social movements.

What I am arguing then is that a state-centric approach to gender equality, can only be limited. However, a state focused approach also continues to be necessary; as Sudar Rajan states, ‘Living in the nation today involves, also living with the state’ (2003:1). As I have argued when discussing ‘honour’ crimes, ‘The diverse legacies of... [the state] forge an anxious articulation with the categories of tradition and modernity, which inhabit spaces between the governance of politics and the governance of communities, and constantly reconstitute the relationship between the local, national and the global... It is in these interpretative contestations that women’s rights, their claims to citizenship in the domestic sphere, and, indeed, the forms of statecraft take shape, (Baxi et al; 2006:1251).

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