Women as Battlegrounds: A Critical Discourse Analysis on the Notion of Gender in Ethnicity during the Indian Constituent Assembly Debates on Abducted Women

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Abstract

During the partition, more than twelve million people crossed the border to reach Pakistan or India, soon communal violence roared in which women, out of revenge and hatred, became the victim of sexual violence at the hands of the other ethnic community. One of the major issues plaguing women was the widespread abductions of women by men from the other ethnic community in which many women were stuck on the other side of the border. Soon after, an interdominion agreement was drafted to recover abducted women from Pakistan to India and vice versa. In 1949 this agreement was discussed again to be renewed and possibly amended. The Constituent Assembly transcript of this debate that lasted for four days has been used to investigate through critical discourse analysis which roles of women within ethnicity are reproduced and to what extent. This thesis has used the framework from Anthias and Yuval-Davis to define those roles. Women's roles as boundaries, signifiers of difference, and biological reproducers become highly visible in the debate and most of all point to one issue: the lack of autonomy and representation of the voices of abducted women. Moreover, while the distinct roles of Anthias and Yuval-Davis are helpful, they lack a relational approach to the prescribed roles of women and men.

Key words:

Gender, women, abduction, ethnicity, nationalism, Partition, India, Pakistan, critical discourse analysis.

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The partition of Pakistan and India in 1947 was a life-altering event for millions of people who found themselves displaced when, in the process of gaining independence, India and Pakistan as separate nations were created. Eight to ten million people had to find their way across the border during the partition (Menon and Bhasin 1995, 35). This moment became both a source of pride and shame for both countries: while India and Pakistan broke free from the colonial powers of the British Raj, they witnessed a mass migration that soon turned violent. Many people lost their homes, community, safety, and family during the mass migration. During the conflict, men from both communities committed brutal violence against the women of the other community as acts of hatred, revenge and vengeance. It is estimated approximately 75,000 women were raped, abducted or killed during and short after partition (Virdee 2009). Soon after, society and politicians started to talk about the violence women faced, and Gandhi famously spoke on the issue:

> I have heard that many women who did not want to lose their honour chose to die. Many men killed their own wives. I think that is really great, because I know that such things make India brave. After all, life and death is a transitory game. Whoever might have died are dead and gone; but at least they have gone with courage. They have not sold away their honour. Not that their life was not dear to them, but they felt it was better to die than to be forcibly converted to Islam by the Muslims and allow them to assault their bodies. And so those women died. They were not just a handful, but quite a few. When I hear all these things I dance with joy that there are such brave women in India. (Government of India 1999, 388-389)

This speech echoed many voices that talked about 'honour', 'shame' and 'courage' in relation to the female body but lacked any focus on women's voice, autonomy, or desires. The gendered discourse that expected different sacrifices from women compared to men in the face of ethnic conflict was not only present in public sentiment but also during governmental debates around the issue of abduction.

Post-partition, the Constituent Assembly initiated the drafting of an interdominion recovery treaty when Indian feminists and the families of missing and abducted women began to pressure the government to return their loved ones to India. The debates during the renewal of this treaty have been transcribed and provide a rich source of discourses and beliefs that the members of the Constituent Assembly had about these abducted women.

Therefore, this thesis will examine the question: "What messages about the intersection of gender and ethnicity are conveyed within the political debate around abduction during the Indian partition". To answer this question, this thesis conducts a critical discourse analysis on the discourse present during the debates on the renewal of the recovery bill that aimed to recover abducted women from Pakistan to India and from India to Pakistan.

The partition was documented intensively from official records, documents, private papers, treaties, political histories and analyses (Menon and Bhasin 1995, 3). However, most of these accounts barely focused on the societal impact of the partition (Menon and Bhasin 1995, 3). The lack of social history is opposed to the rich partition fiction works that echo the anger and profound unhappiness related to the partition (Menon and Bhasin 1995, 7). Nonetheless, even in those books, the portrayed characters are often men conversing about women instead of female characters actively participating in conversations. (Kalpana and Bhabad 2014). This lack of social history was even more profound for women since they had little access to literature, writing and government positions to voice their stories, and their stories were often cloaked in 'shame' and 'dishonour' (Menon and Bhasin 1995, 9). The lack of narrative also meant that the needs of these women were barely considered by both nations when they addressed the issue of abduction. The revival of the social history of women during partition by scholars such as Ritu Menon, Kamla Bhasin and Urvashi Butalia is restoring the voices and recognition of women and their experience of the partition (Menon and Bhasin 1995; Butalia 2000). Subsequently, this thesis can add to the literature that recognized the lack of autonomy during and after conflict. It aims to add to the literature by detailing how the

discourses informed the bill and simultaneously left out women's voices. This thesis adds to a recognition of the post-conflict realities for women and to scholarship that focuses on how these discourses shape subsequent policies. When governments and scholars recognize that women suffer specific and horrendous types of violence during war, it is imperative to understand how a government can create a form of post-conflict justice in which the needs and desires of women take center stage.

Furthermore, the theoretical importance of this study lies in the gap of knowledge in the literature that lacks an intersectional focus. Intersectional dynamics acknowledge that the organization of power is not dictated by a single axis of social division such as race, gender and class, but by multiple axes that interact and influence each other (Collins and Verfasser 2016, 1). Many theoretical works focus on one or two axes, such as Anthias and Yuval-Davis, which focuses on nationalism and gender, or Handrahan, which focuses on gender and post-conflict situations (Anthias and Yuval-Davis 1989; Yuval-Davis 1993; Handrahan 2004). Additionally, empirical work has the same limited focus. Most scholars focus on case studies of a specific country and how nationalism and gender intersect in that particular case (Baron 2005; Riabova and Riabova 2014; Lauenstein et al. 2015). Little emphasis has been placed on the intersection of gender, conflict and ethnicity. However, this is crucial to understand how these factors all interact. if gender is to be overlooked, scholars would not recognize that women face different and often more sexual forms of ethnic violence compared to men. If ethnicity is to be forgotten, scholars would not acknowledge that gendered violence is often accepted within ethnicities in, for example, marriages but considered unacceptable or worse if the perpetrator is from another ethnic group. And if conflict is to be taken out, scholars would not address how this changes the vulnerability of women. All these different discourses and their influence on an imagined reality for women in ethnic communities place them on a dangerous axis of vulnerability. Their voice is often replaced by reductive narratives around ethnicity and gender both from their community, the other ethnic community and political actors. This thesis contributes

to the few studies that focus on how the discourses on gender and ethnicity change and becomes more or less expressed during and after conflict and how this subsequently informs government policy.

The theoretical framework by Anthias and Yuval-Davis will be tested in the case study of abducted women during partition (Anthias and Yuval-Davis 1989). They argue that there are five significant ways women play a role and are expected to play a role in ethnicity (Anthias and Yuval-Davis 1989). This thesis aims to include multiple sources that highlight different points of intersectionality. Moreover, it will examine if the fives roles women inhibit in ethnicity are present in the discourse during the debate and to what extent. The discussion will look critically at whether the theory of Anthias and Yuval-Davis is representative and will provide arguments to broaden the theory.

Theoretical framework

Discourse

This thesis will use the notion of discourse, which was first introduced by Michel Foucault and can be defined as “a group of statements that share a common meaning or value” (Coates 2012, 96). This discourse then creates social realities and humanly produced limitations (Lazar 2005, 2). An example of discourse around gender, nationality, and ethnicity is that women are ‘dishonored’ when they face sexual violence from members outside their ethnic community. These roles are not natural but constructed as such and can be found within language and how statements create, reproduce or challenge these roles (Lazar 2005, 2). Gender, as a concept, also dictates that 'male' and 'female' are not natural categories but are shaped by cultural ideologies and practices and change over time (Vivanco 2018). Within the analysis, this thesis will look mainly at women due to their vulnerability during partition, which is also reflected in the government's bill on abductees. More emphasis will be placed on the relational aspect of gender within the discussion.

Gender, nationalism and ethnicity

Nationalism is an ideology based on the idea that the individual's loyalty to the nation-state surpasses other individual or group interests (Kohn 2020). Many scholars of nationalism have made an invaluable contribution to the field. However, they have paid scant attention to gender (Gellner 1983; Kedouri 1960; Smith 1986). Their focus on citizens relies on an understanding in which the citizens are male. For example, Gellner (1983) talks about nations and argues that 'nations maketh man; nations are the artefacts of men's convictions and loyalties and solidarities' (7). Kedouri (1960) argues 'that all men are born equal'; however, women were not born equal, by law, to men (10) . While some argue that the linguistic use of 'men' can be considered a synonym for both men and women, the focus lies on the man as the head of the family that enjoys a degree of autonomy and space within the public sphere. Pateman (1988) explains the lack of women in nationalist theory by arguing that the 'social contract' of citizenship in nations is based upon the public sphere while the private sphere, in which women are located, is seen as irrelevant (4).

Moreover, within this literature, 'ethnicity' and 'nationality' have been taken as the same notion or completely separated (Anthias and Yuval-Davis 1989, 3). Ethnicity, in this case, can be defined as the process of labelling oneself or others as belonging to an ethnic group (Esses et al. 2017). Ethnic groups generally have two core components: a shared culture, in which religion can be a core ingredient, and the belief of common ancestry (Esses et al. 2017). National identity was often presumed to consist of one ethnic grouping, which can clash when other ethnic communities are involved (Anthias and Yuval-Davis 1989, 3).

Floya Anthias and Nira Yuval-Davis (1989) were one of the first scholars to look at in which way women play a role in ethnicity and nations. They wanted to see how roles pertain to the nation-state and ethnicity and how these could be similar. They stress that women are not just divided based on their gender, but can be further divided along the lines of class, ethnicity, age and, in the case of

India, caste (Anthias and Yuval-Davis 1989, 1). They conceptualized five significant ways in which women tended to be an element in ethnic and national processes, namely:

1. as signifiers of ethnic/national differences- as a focus and symbol in ideological discourses used in the construction, reproduction and transformation of ethnic/national categories;
2. as reproducers of the boundaries of ethnic/national groups;
3. as participating centrally in the ideological reproduction of the collectivity and as transmitters of its culture;
4. as biological reproducers of members of ethnic collectivities;
5. as participants in national, economic, political and military struggles. (Anthias and Yuval-Davis 1989, 7)

How the roles are present and which ones are more central than others is context-specific. These roles are also often closely connected or overlapping. Motherhood, for example, can be used as an identity to participate in military struggles as the mother of a 'martyr', it can be seen as biological reproduction of ethnic collectivities, but it can also be seen in national discourse in which motherhood is presented as the anchor of the family (Anthias and Yuval-Davis 1989, 7). The theoretical framework will further build upon the five significant ways women play a role in ethnicity.

Women as signifiers of difference

Women are often present in nationalist discourse in which the narrative proclaims women ought to be protected (Anthias and Yuval-Davis 1989, 9). The rhetoric of nation-building often relies on narratives of the family and the home (Bergeron 2009, 20). Women are often viewed as the mothers of the nation that reproduce instead of produce, as passive instead of active, while men are seen as the creators and protectors of the same nation and its citizens (Bergeron 2009, 20). The centre stage that the family takes in the nationalist narrative reproduces the family life that is often patriarchal in which men hold more power (Bergeron 2009, 20). The discourse around nationalism not only

produces a depiction of women within the community, but it also evokes depictions of men and women outside of it. Since the nation continuously reconstructs the cultural boundaries of its nation, this also means a division between those in and outside those boundaries (Yuval-Davis 1993, 624). Men of other ethnic groups are, compared to their own group, often pictured as 'savage', 'uncultured' and a threat to their women. Empirical works have used this theory to argue how this plays out. Morgan (1978) showed how depictions of Chinese men as 'predators' towards white women was used to justify anti-Asian immigration legislation. Other scholars such as Roggeband and Verloo (2007) have used this theory to investigate how the dominant ethnic group pictures women of another ethnicity, which is often in light of their 'regressive' culture and the barriers to gender equality ingrained within.

Women as reproducers of boundaries

To sustain the difference between cultures, there are strict policies on how and with whom women are supposed to interact (Anthias and Yuval-Davis 1989, 8). In many countries marrying outside one's ethnic group can limit the legal rights of the couple and the child (Anthias and Yuval-Davis 1989, 8). In some countries, it is illegal and impossible to do so (Anthias and Yuval-Davis 1989, 8). When a child is born to parents of differing ethnicities, the ethnic rules of both communities often clash in determining the child's ethnicity. These rules are often less strict for men or not present at all. Nagel (2011) has found that some sexual contact with other ethnicities for men is often exoticized or encouraged. These boundaries can be formalized for women, which is argued to protect women from men of other ethnicities but mainly limits women by taking away their freedom to interact with men outside their ethnicity. Yuval-Davis (1989) highlights in her case study on Israel, how a proposed bill aimed to prohibit the sexual relations between Jewish women and Arab men (106).

The reproduction of ethnic boundaries by women becomes increasingly problematic during conflict. During conflict, women are expected to serve their community by preserving their sexual purity and honour (Handrahan 2004). A woman's worth is directly linked to her ability to uphold this boundary

and stay monogamous to her ethnic community, which includes (sexual) relationships, either by force or consent, with the enemy or other ethnic groups during conflict (Handrahan 2004).

Women as transmitters of culture

Women are usually expected and required to transmit the heritage and ethnic symbols and pass on the way of living typical of the particular ethnic group. To reproduce the boundaries between ethnicities, children need to learn the social and linguistic rules of the ethnic group. Sexual and reproductive beliefs around women are often constructed and reproduced by society, and older women are often tasked to instruct younger women on culturally accepted sexual and reproductive customs (Yuval-Davis 1994). Many case studies have found that this role provides a double-edged sword since it provides women with an essential role in society but also severely limits and marginalizes them. This is because society often dismisses non-formal care work, and in the framework of their roles as mothers, it is often argued that women do not need formal education or work, which leaves them vulnerable (Afshar 1989).

Empirical work has highlighted the different strategies around representing female care work. Lepervance (1898) found that this role was both celebrated and cause for concern in Australia since politicians argued it would decrease employment. Other case studies show that it is often almost impossible to fulfil this role in conflict or dire economic settings. Afshar (1989) argued that in Iran, due to soaring prices of food and accommodation, it was almost impossible for women to represent the glorified version that the state and community defined as Islamic domestication (123).

Women as biological reproducers

According to Anthias and Yuval-Davis, population control and family planning practices are among the most apparent policies for women (Anthias and Yuval-Davis 1989, 8). The fear of the growth of ethnic groups in nation-states has caused particular nation-states to devise policies to limit the

number of members of certain ethnic groups that they define as 'undesirable' (Anthias and Yuval-Davis 1989, 8). The different techniques to limit reproduction range from forced sterilization to birth control campaigns. These also include encouraging population growth of the 'desired' ethnicity in a state, such as a call of Jewish people to 'return' to Israel as well as a nationalist narrative of a women's duty to reproduce, which can be boosted through maternal benefits provided by the state (Anthias and Yuval-Davis 1989, 8). Scholars have conducted ample research on the accessibility of family planning services and how ethnicity plays a significant role (Wisniewski and O'Connell 2018; Borrero et al. 2009; Planas et al. 2014; Becker et al. 2009). Klug (1989) highlights how family allowances boost the quality and quantity of white Britons in the British Isles. More case studies on Indonesia, Ireland, former Yugoslavia and Sri Lanka describe how reproduction is culturally constructed and their leaders hail men-controlled fertility of women as a sign of national prosperity (Dwyer 1999; Martin 1999; Mostov 1999; Marecek 1999).

Women as participants in national, economic, political and military struggles

Women's participation in many national, economic, political and military struggles differs significantly from men's. Women's work is seen as nurturing and supportive towards men, even when they have taken significant personal risks or aim for higher decision-making positions (Anthias and Yuval-Davis 1989, 10).

During conflict, Handrahan points out that while men suffer tremendously, there is a positive identity aspect to their participation in 'defending their women and homeland' since men's involvement in battle is part of their citizenship, ethnicity and communal belonging (Handrahan 2004). Nation-building and war are part of citizenship, for it is built on the selfless and bonding experience of brotherhood that is intensified during war (Benton 1998). This significantly influences post-conflict environments since male power systems, struggles, and identity formation relate directly to the post-conflict period (Cockburn and Zarkov 2002). The post-conflict issues women can face include trafficking of women, a necessity driven increase in prostitution, an increase in female

slavery, honour killings and suicides and gang rapes (Handrahan 2004, 434). Case studies find that participation in and after conflict is highly limited due to the perceived notion that men as heads of the household and 'war heroes' have a higher claim on paid labour than women (Obbo 1989).

I will use the framework of Anthias and Yuval-Davis described above for the flexible, intersectional and inclusive nature of the framework. It is critical and provides a framework for gender within ethnicity that was new to the literature and provides a way to structure the discourse of the intersectionality of gender and ethnicity without dictating that all roles are present to a pre-defined degree.

Research Design

To answer the research question, this thesis will use a critical discourse analysis (CDA). CDA is an interdisciplinary approach that studies language and its use. It is interested in analyzing and exposing hidden or visible structures that produce, perpetuate, reproduce, negotiate, or challenge power relations (Waugh 2020, 1). CDA starts with selecting a single text or a collection of texts. In this case, this will be a single text: the Constituent Assembly Legislative Debates between the 16th and 20th of December of 1949. This debate can be found on the official government website of India (Constituent Assembly of India 1949). This debate focuses on the continuance of "The Abducted Persons (Recovery and Restoration) Continuance Bill" and the proposed amendments. This bill aimed to extend the Inter-Dominion treaty of India and Pakistan about the recovery of abducted women (Constituent Assembly of India 1949). Therefore, the debate reflects what has already been done to recover women from Pakistan and India and discusses amendments to the bill.

The text is coded according to a method by Potter and Wetherell (1987) in which the text was closely read, and themes related to the five roles and additional themes related to gender and ethnicity were marked (167-168). Subsequently, pieces of text were divided within these categories or disregarded when they did not address gender in ethnicity at all (Potter and Wetherell 1987, 167).

An example of the last category would be discussions around the implementation date or the request of information towards the chairman. Some pieces of text would fall into multiple categories, for they would touch upon different roles at once (Potter and Wetherell 1987, 167). One example was reading the text and identifying how and how often women as biological reproducers were mentioned. Keywords that were identified were ‘father’, ‘mother’, ‘child(ren)’, ‘guardian’ and ‘offspring’. Subsequently, if those keywords were present they would be grouped into "women as biological producers". Afterwards, the words, connotations, allusions, implications, functions and silences around specific issues were analyzed (Potter and Wetherell 1987, 168). Lastly, this thesis will also discuss the relevant emphasis of the roles within the debate, which roles have a strong preference, and which roles have a small to no presence. It will do so by structuring the roles with most entries first and will work through the most mentioned roles to the least mentioned roles. In the discussion, the shortcomings of the framework will be discussed.

The case selection is based on a single phenomenon, instance or example (Gerring and Seawright 2008, 297). The extreme case is a way to test the already consisting framework of Anthias and Yuval-Davis in an extreme setting and to simultaneously probe new roles (Gerring and Seawright 2008, 302). The drawback of extreme cases is that they are rarely generalizable. However, this case study could provide a new variable, namely, post-conflict situations (Gerring and Seawright 2008, 297). The extreme case can provide a start to a further enquiry into how conflict and post-conflict situations change women's roles in ethnicity. The case is extreme since the abductions through unregulated bursts of communal violence during a time of independence on this scale was rare (Gerring and Seawright 2008). To date, it was the largest mass-migration not due to violence but followed by widespread violence (Menon and Bhasin 1995, 35). Women who were affected, were often stuck in the house of an abductor, on the other side of the borders in which both countries worked based on an inter-dominion treaty while in conflict. This event, the characteristics of the international relations and politics, and the size of the violence and abductions makes it a case of

exceptions. This was all on top of the nation-building efforts by both countries that had, at the same time, gained independence from the British Raj and inherited many of the communal issues caused by colonization. Furthermore, finding sources around this issue is challenging due to a lack of administration. Therefore, the transcript of the debate by the Constituent Assembly of India, provides essential insight into the beliefs around women and ethnicity during that time and how they were represented.

Analysis

The Inter-Dominion Agreement was established in November 1947 to ensure as many women as possible could be restored to their rightful families. Subsequently, India passed ordinances to cover the years up to December 1949 after which India legislated the "*Abducted Persons (Recovery and Restoration) Act, 1949*" ("Abducted Persons (Recovery and Restoration) Act" 1949). In December 1949, the bill was discussed to continue recovering and restoring abducted persons (Constituent Assembly of India 1949). Subsequently, the bill provoked more than 70 amendments that 20 members pushed in an extended debate that took more than three days (Constituent Assembly of India 1949, 649). This thesis will analyze if all roles were visible and to what extent.

Women as reproducers of the boundaries of ethnic and national groups

Boundaries within the debate of the Constituent Assembly were both symbolic and physical. The abduction of women during the partition was a violation of the physical boundaries between Pakistan and India and the symbolic boundaries between Muslims on one side and Hindus and Sikhs on the other. Women were taken outside of India, which violated the boundaries that women embody. This boundary can be seen as one that protects women, but also as one that severely limits their autonomy and reduces them to sexual and reproductive possessions of the family and the community (Bacchetta 1994). In nationalist discourse, the control of the female body is connected with the honour of the nation (Veer 1994, 113). This sustained control over the woman and her body

can also be seen in the patrilocal family system, in which first the father is the head of the household and later the woman will join her husband and her family in which men still trump the hierarchy (Khalil and Mookerjee 2019). This role poses threats from their own community: to be held as possessions, to limit their autonomy, to be shunned in the face of willing or unwilling sexual contact with men from other ethnic communities, as well as threats from the other community: to be sexually assaulted or abducted to 'dishonour' the ethnic enemy.

This belief of women as possessions is also visible in one statement made in the constituent assembly: "It is a duty which we owe to the fathers, mothers, and husbands of large numbers of non-Muslim women who are still to be recovered from Pakistan" (Constituent Assembly of India 1949, 641). This statement focuses on the state's responsibility to return Muslim women as possessions. In contrast, it does not focus on the state's responsibility towards these women themselves, which was echoed in the lack of autonomy women had through the bill (Menon and Bhasin 1995). The bill included a clause that stipulates a tribunal was needed to decide if women were abducted or not, in which the tribunal consisted of a superintendent of the police from both India and Pakistan (Constituent Assembly of India 1949, 665). These decisions could not be challenged in court but the bill also did not stipulate any input of women during the process, meaning that the superintendents, who might be more concerned with national pride and their position, would decide on her fate (“Abducted Persons (Recovery and Restoration) Act” 1949). Women who did not want to return, often saw this as a form of re-abduction by the state (Menon and Bhasin 1995, 97). Additionally, one member even tried to use women as bargain: “if they can exchange prisoners with Pakistan, why not women?” (Constituent Assembly of India 1949, 643). This narrative in which women are to be traded and held, possessions to be traded, ignores the vulnerabilities and wellbeing of women.

Moreover, women's autonomy is reduced within their own community due to this role. The belief that women, out of their own will, could choose a partner outside their ethnic community was seen

as unfathomable: "the Muslim sisters who are there could even marry the Muslims living here. But there are none of our Hindu and Sikh brothers in the West Punjab whom the Hindu and Sikh women there might marry" (Constituent Assembly of India 1949, 804). Furthermore, when this is the case, women's voluntary transgression of these boundaries was often met with severe disapproval of their own community. Within the debate, there was also a disagreement if women could be considered to have married or converted freely, and if so, would the marriage still be void due to the circumstances. One member of the debate expresses the possibility of an interfaith relation after the conflict:

> There has been cases – when girls of a tender age have been abducted or rescued by young mean of the same age. Time has passed and in between they have lived in association with one another and developed mutual attachment as young couples. They deserve sympathetic consideration and such girls should not be made to go back to countries to which they originally belonged merely because they happen to be Muslims or Hindus and merely because the circumstances and conditions under which they had been moved from their original homes could be described as abduction. (Constituent Assembly of India 1949, 665)

Counter to this, the debate featured two main arguments. One that focuses on the honour of the women and one on the sanity of women that would decide to stay in such a union:

> May I ask whether the law recognizes … any such marriages. The law does not, and so if she continues here, she will continue here only as a prostitute and a concubine. In my own mind, I am clear that those ladies should be sent back to Pakistan … Our society is constituted on a different basis and is different from Muslim society. (Constituent Assembly of India 1949, 666)

This first counterargument argues that the honour of the Muslim woman would be affected by the fact that the marriage would be illegitimate. The remark refers to the status of India as a nation if they would allow for such 'shameful' unions. It also remarks that without legitimacy, the state’s legal

approval, the relation between a Hindu man and a Muslim woman can only be one of a sexual and transactional nature. Here ‘legitimacy’ is used to restrict interfaith unions and socially stigmatize them to stimulate ethnically ‘pure’ partnerships (Anthias and Yuval-Davis 1989, 8).

Furthermore, the sanity of a woman is questioned in these settings:

> The abducted and recovered woman is such, her psychology is such that she behaves in a semi-mad condition. So some time must lapse before she is restored to her normal senses. Sometimes she makes conflicting statements. Sometimes she changes her opinions constantly. (Constituent Assembly of India 1949, 664)

While the mental health of women who fell victim to abduction should be considered, this remark advocates for the dismissal of women's statements by default. This view also indicates, till the time "she is restored to her normal senses", she is not be believed fully, and her consent or objections to the procedure might not be taken seriously (Constituent Assembly of India 1949, 664). There is a long line of history in which women are labelled ‘mad’ or ‘hysterical’ when women exercise control over their bodies or minds (Tasca et al. 2012). The use of mental health conditions to discredit women and their experience is a well-known phenomenon which also ties in with their narrow gender roles and the subsequent labeling of women as ‘crazy’ when they venture out of it (Cole 2020, 184). The autonomy of women over their bodies and minds would threaten the creation and reproduction of the ethnic community. Therefore, the community or government might try to deny these claims through statements such as "semi-mad" to gain power over women (Constituent Assembly of India 1949, 664).

Moreover, after violations of these boundaries, women can be shunned, shamed or rejected from re-entering their community (Handrahan 2004). This causes a sustained silence of women due to shame and family members refusing to welcome their wives and daughters. During this debate, the possibility of women not to be accepted back becomes a legitimate concern: "If favourable conditions are created, if she is convinced that she would be welcome in her original home and that

she would be restored to her original status, she would be only willing to go." (Constituent Assembly of India 1949, 664). However, ‘shame’ and ‘honour’ were so ingrained by both men and women that many women were highly concerned about this. During the partition, many women were forced or pressured to commit ‘suicide’ to maintain their virtue and were handed poison packets by their community to use when vulnerable to violence from the outside community (Menon and Bhasin 1995, 46). Women who committed ‘willing suicide’ were celebrated as ‘brave’ and simultaneously women who were sexually assaulted or abducted were believed to have capitulated and were ‘tainted’ by their defeat (Menon and Bhasin 1995, 50). Many sources have stated that victims of sexual violence during conflict face stigma, exclusion, decreased marriageability and heightened economic insecurity when the conflict has ended (Mukamana and Brysiewicz 2008; Denov 2006; Mackenzie 2010). And while the constituent assembly acknowledged the risk of social rejection and abandonment, the government did little to address this and rehabilitate the women to an adequate standard of living (Menon and Bhasin 1995, 169).

Moreover, when outside ethnic communities want to strike at the honour of the family, the ethnic community and the nation, abducted women often found themselves subjected to sexual violence (Kumar 2016, 11). Often these rapes were extremely cruel and were an expression of rage, violence and dominance (Frederick 2001, 4). This act aims to symbolically humiliate and degrade the male enemy and the community as a whole and to demonstrate the virility of the perpetrator and their ethnicity (Kumar 2016, 11). This act was also collective and systemic on both sides of the conflict, showing that sexual violence, even without a centralized army, was a strategy adopted by many citizens (Agarwal 1995, 31).

Therefore, women face many vulnerabilities by their role as symbolizing the boundary. This double burden of ethnic boundary-upholding by women is especially prone during conflict. The dangers range from forced suicide, rape, sexual and physical assault to forced conversion, marriage and involuntary reproduction and murder from the other community. These concerns were also often

present within the debate and focused on ‘shame’ and ‘honour’ beyond careful recovery and proper rehabilitation.

Women as signifiers of ethnic and national differences

Moreover, women were also signifiers of ethnic and national differences, especially when both India and Pakistan built up their government, their constitution, and their identity: an ideological discourse of their nation. Due to the conflict, the relations were tense between Pakistan and India and cooperation was strained. The debates in the Constituent Assembly started by the declared lack of faith in Pakistan to recover Hindu women to India. At the time of the debate, the speaker announces that "the total number of persons who since December 1947 have been recovered in the two Dominions exceeds 12,000 in India and 6,000 in Pakistan" (Constituent Assembly of India 1949, 636).

Within the debate, women signify ethnic and national differences in two ways: the recovery of Muslim women in India represents India, especially the Hindu and Sikh community, as moral and civilized compared to Pakistan and its Muslim community. Secondly, the failure of India to pressure Pakistan to recover women on a larger and faster scale signifies India as a weak nation-state. Soon after, the number of girls and women recovered, and their condition became a matter of prestige and victory over the proclaimed humanitarian aspect of the recovery (Menon and Bhasin 1995, 98).

Many speakers criticized Pakistan for its lack of effort and hailed India for the ‘amazing’ work they have done to recover women to Pakistan (Constituent Assembly of India 1949). Women in this regard are used as a vehicle to insult and disregard Pakistan as a nation not committed to women and their rights compared to India. One MP uttered that "The Pakistan government does not understand the language of morality" (Constituent Assembly of India 1949, 643). This positions India as a ‘savior of all women’, corresponds to the secularism on which the nation tried to build its identity contrary to Pakistan as a religious nation (Yuval-Davis 1993).

Secondly, the failure of India to pressure Pakistan to commit to the recovery on the same scale is considered shameful:

> You are not prepared to go to war over this matter. I do not know why. If you are prepared to do so for a few inches of land in Kashmir, why not over the honour of our women? Sometimes the honour of women is more important and is likely to affect our political prestige. (Constituent Assembly of India 1949, 799)

This shows the perceived failure of India's "civilized" methods. It also argues that the "honour of our women" is a cause worth fighting in specific settings: one that is international, intercommunal and one that can affect the political prestige of India. The dishonouring of women on the soil of India by their own community, therefore, would be considered a different case altogether. Especially due to the conflict with Pakistan the perceived 'win' of Pakistan over India by retaining their women was seen as an embarrassment and provocation for India as a nation-state. Additionally, military aggression towards Pakistan would likely create more risks for abducted women there, indicating a lack of commitment to the safety of women.

To summarize, this role indicates that women and their treatment by the ethnic group and nation are used to sustain a national discourse. This discourse is in opposition to Pakistan and is civilized and secular. Therefore, the lack of commitment to the recovery of women in Pakistan is seen as an provocation towards India and affects their national prestige.

Women as biological reproducers of members of ethnic collectivities

As briefly discussed in the former role: the Constituent Assembly primarily focused on Muslim women who had children with non-Muslim men in India. Until the debate, social workers were told that the child should stay, but the mother had to be recovered, meaning that the guardianship would be left with the father or the state, and the mother and child would be separated (Menon and Bhasin 1995, 84). The arguments made to recover the woman and child to Pakistan is based upon

the limited acceptance of the society in India and ironically, the arguments to letting them stay was simultaneously the limited acceptance that the Pakistan society would have for these women and their child(ren). Eventually, the bill would include a clause that declared all marriages and children from these marriages illegitimate. These laws around marriage and legitimacy reproduce social mores and gender inequalities and institutionalize certain ethnic boundaries (Feldman 2009, 189). Rules and regulations around children from 'mixed-parenthood' are often considered a separate category and in the case of the abductions, an 'inferior' category (Yuval-Davis 1993, 629). This category can bear illegitimacy as a form of "punishment" for the children and parents involved. These punishments can come in social rejection and rights to, for example, inherited property (Agnes 2009). However, within the debate, it was predominantly argued that the children would be considered unwanted by all family members involved. Therefore, many women did not even get to choose their fate since the Indian government provided women with mandatory medical check-ups in the camps, a well-known euphemism for abortion (Menon and Bhasin 1995, 83). The regulation of abducted women and their bodies throughout their pregnancy by the state, was not changed after they gave birth, and the nation decided if she had any rights over the child.

Many assumptions are made within the debate about how the mother and father would feel towards the child:

> But let us look at the question from the point of view of the abducted woman. The children to her are a sign of the humiliation to which she has been subjected for a year or two. From her point of view the children are unwanted, and if she returns to Pakistan with these children, I think we may feel almost certain that they will not be treated as members of their mother's family. (Constituent Assembly of India 1949, 714)

The statement reproduces the idea that women felt shame and were shamed by their interfaith union and child. However, the statements do not acknowledge a situation in which different women

would have different feelings towards the children that were conceived through sexual assault, abduction or interfaith marriages.

Moreover, other members argue that this would be primarily from the point of protecting the child

> I think it would be a matter of shame for the girl to take the child to that place [Pakistan]. Even if such children are taken by the girls, they would be murdered or done away with. (Constituent Assembly of India 1949, 737)

While the risks of returning should be considered, the statement downplays the violence and vulnerability that was often experienced by women from Hindu and Sikh men in India during their time of abduction. This and many more factors such as the desire of the father to keep the child, the living situation, her age, the number of children she already has either abroad or at home and the former wives of her new husband were all factors that influenced the mothers' decision to want to keep her child or not (Menon and Bhasin 1995, 85). This indicates that the issue is very diverse, and the bill and discussion did not provide any ways in which the mother would gain ample time and consideration to make this agonizing decision since this decision is made for her through the bill. This was also a point to which many social workers objected due to their task to separate women and children before the bill (Menon and Bhasin, 1995, 85). After the bill, social workers had to separate the child and mother from the father, even this was not the wish of the woman (Menon and Bhasin 1995, 85). To summarize, the government made decisions on women’s bodies and their reproduction and subsequently made decisions of guardianship and belonging in which women and their attachment to the child was not taken in account.

Women as transmitters of its culture

The role of ideological reproducer of the collectivity and the transmitter of its culture is hard to define within the case of abducted women. Women were placed outside their own culture and often, they were expected to convert or to minimize their public adherence to their ethnicity and not to pass it on to their children (Menon and Bhasin 1995, 94). The relatively active roles like transmitting culture, as been discussed in the theoretical framework, is heavily restricted during conflict or times of hardship which is another signifier of the decreased autonomy of women during conflict and post-conflict.

Women as participants in national, economic, political, and military struggles

As discussed in the former role, the participant's role also requires autonomy. While conflict can sometimes increase women's independence since they can take in spaces left by men, this was not the case for abducted women that were completely dependent on their abductor, the local police force and their state to release and recover them (Menon and Bhasin 1995, 117).

Discussion

The analysis shows the interconnected ways in which the roles are presented within the debate. Often the discussion on one clause of the bill represents multiple intersecting roles. During the debate, the main topics related to the roles of women focused on: honour, sexual violence and reproduction. These are most represented in the roles that picture women as boundaries, as signifiers of difference and as biological reproducers.

First of all, the abductions of women by men from the other ethnicity was a tactic to demonstrate the perpetrator's virility and to humiliate the male enemy by violating their women and subsequently the whole community (Kumar 2016, 11). It transgressed the boundaries that women inhibit, and in the case of the partition, these were both symbolic and national. There was not only shame attached to the victimized women but also to the ethnic group and nation that did not protect them sufficiently from these harms. The events and the way both countries responded

fueled the debate around women's roles as signifiers of ethnic and national differences. The lack of the Pakistani government to commit to the recovery of women on the scale India demanded is a topic that fosters resentment in the debate. The 'civilized' India versus the 'uncivilized' Pakistan with the treatment of women as the vehicle of civility is a discourse that gets reproduced by the insults towards Pakistan and the admiration and pride of India's effort.

Moreover, these abductions also corrupted women in their role as biological reproducers of members of ethnic collectivities. This is especially linked to the sexual violence during the time of abduction and the subsequent 'shame' in which their ‘honour’ should be restored. Additionally, the state then had to address the issue of children who were conceived through sexual violence and abduction. Much of the debate focusses on the mother her perceived feelings towards the child; however, the bill still dictates the relationship of the mother towards the child.

The roles women do not play

While Anthias and Yuval-Davis talk about the different roles of women, the passive nature of these roles are largely overlooked, especially in conflict. Through these roles, women can be mothers, teachers and participants. However, simultaneously, they are often made boundaries, signifiers, victims, objects of possession, and battlegrounds. Furthermore, even within their active roles as mothers, teachers or participants, force, coercion and the patriarchal bargain often play a significant role (Kandiyoti 1988). The patriarchal bargain entails that women in patriarchal societies have no internal value and identities for women are based on the male-controlled framework in which women who do not want to be shunned from their community comply to its communities' rituals, even if this brings harm to themselves and other women (Kandiyoti 1988). With this theory, Kandiyoti (1988) also points out the roles of women are by default relational and that the upholding of ‘honour’, a ritual which brings great harm to women, is reproduced by women and men alike. Many of the abducted women struggled greatly with their perceived ‘shame’ that they would bring on her community, both through the values expressed externally as well as internally (Menon and

Bhasin 1995, 46). Interestingly, Yuval-Davis recognizes in her other work that 'womanhood' is a relational category and should be analyzed in this way, within the five roles she proposed with Anthias there is little attention to what roles women are not allowed to play and are reserved for men (Yuval-Davis 1993, 1). This causes two major issues: the opposites of the roles caused, in conversation, the vulnerability of women during conflict. Secondly, the intentional private sphere of the roles of women ignored their experience.

Firstly, while women were boundaries, men were the border guard. While women had to pass on the culture, men made culture, knowledge, laws, and history. Often while women were participants, they were so in absence of men or only in spaces approved by men. While women biologically reproduce members of the ethnic collectivity, men decide on when, how and with whom. While women are signifiers of ethnic and national differences, men draft this narrative. The division of the roles clearly show a difference of autonomy. Subsequently, the combination of men and women's roles cause gender-based violence to be a form of retaliation and attack on the other ethnic community. The familiar pattern of sexual violence towards women therefore becomes one of attack, retaliation and reprisal, all roles reserved for men (Menon and Bhasin 1995, 41). These attacks were highly symbolic: women were made to dance naked in gurudwaras, were raped in front of their menfolk or had their breast cut off (Menon and Bhasin 1995, 41). This indicates not only the 'disgrace' towards men but also the men and religion itself.

Secondly, the lack of representation and access to power and knowledge production also allows for the discourse to be repeated and reduced to a narrative that male members accept. Subsequently, different narratives are silenced, forgotten and ignored. Especially within the bill, the issue with a one-size-fits-all narrative becomes evident since the gruesome narrative is the one most reproduced: "leaving women in Pakistan is more barbaric than war" (Constituent Assembly of India 1949, 798).

This approach does not acknowledge that the rehabilitation process was an ambivalent and challenging task. Many factors could influence the woman's desire or possibility to either stay in the country of abduction or return to the country of her family. First of all, while it was always stressed that these women were abducted, the stories on how they ended up on the 'wrong side' of the border were diverse (Menon and Bhasin 1995, 89). Many of these "abductions" varied in form; some were left behind as hostages to barter for safe passage, others were separated by circumstances or force, others were given shelter and became part of families across the border, some were forcefully taken, converted and forced into marriage, some were sold or became second or third wives who were considered unwelcome by the husbands' other wives, and some were converted, married and were living a considerably happy life (Menon and Bhasin 1995, 89-90).

While there had been debates about the notion of "abduction", the bill enforced mandatory recovery when members of the police suspected abduction ("Abducted Persons (Recovery and Restoration) Act" 1949). While this was necessary for a portion of the women who were abducted in the cruelest sense of the word, this mandatory re-abduction ignores the range of experiences that women encountered during the partition and took away full autonomy of the women to make a decision, be it one with little options. Especially since acceptance within their former families was not guaranteed, the range of oversimplifications made the bill inept for the range of experiences of women. Therefore, there is an important need for scholars to examine gender and their role in ethnicity to be a relational one in which the roles are molded in a binary manner. These roles heavily restrict women to the private sphere and men to the public sphere that reproduces the inability to gain knowledge, power and independence for women. This can either boost the willful ignorance or lack of understanding that the government has and leaves problematic and reductive gendered discourses around ethnicity unchallenged, which can subsequently negatively influence legislation around women.

Conclusion

As Anthias and Yuval-Davis describe in their framework, many of the roles women are supposed to uptake in ethnicity are limiting and leave them in a state of high vulnerability, especially during conflict. Especially the roles that draft women as boundaries, signifiers, and biological reproducers leave women in the crosslines during ethnic conflict. These discourses have been reproduced heavily in the constituent assembly debate around the issue of abducted women during the partition. This indicates that the framework proposed by Anthias and Yuval-Davis is helpful to understand the roles women play. More can be said about the interrelation dimension of these roles. Firstly, the combination of these roles cause women to become battlegrounds fought by men. Secondly, the combination causes the experiences of women to be reduced and handpicked by men and leave women silenced and 'shamed'.

Additional research has to be done to understand the different axes of marginalization, beyond gender and ethnicity, such as class or caste, that also influenced the recovery efforts. Furthermore, due to the scope, little has been said about the colonial influence on the conflict and efforts afterwards. Thus, more research has to be done on how the troubled history of British Raj influenced the intersection of gender and ethnicity in India. The restrictive narratives around women's role in ethnicity can heavily restrict the post-conflict policies around women and reproduce the limitation of autonomy over their lives and bodies, to understand how these discourses work and recognizing those during political debates is critical to challenge them and grant women, and men, the opportunity to shape their own roles.

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