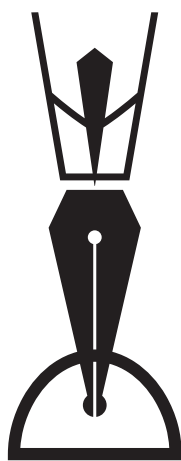


RELIGION AND CULTURE



Streevani

2017

2017

Religion and Culture

Published by:

STREEVANI

1&2 Lotus Building

Neco Garden, Viman Nagar,

Pune 411014. Maharashtra, INDIA

Email: Streevani@gmail.com

Printed by:

ST PAUL PRESS TRAINING SCHOOL,

Bandra, Mumbai - 400 050

(For Private circulation only)

BIRTHING A NEW VISION

The Empowerment of Women Religious in India

Vol. 24

March 2017

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Bystanders No Longer

We do not know the way out of the marasmus of the world, and it would be an expression of unforgivable pride were we to see the little we do as a fundamental solution, or were we to present ourselves, our community, and our solutions to vital problems as the only thing worth doing.”

Václav Havel – *The Power of the Powerless*” (1978).

Convinced of the power of women to be catalysts in the healing and transformation in the Church and Society, in 2016 Streevani embarked on a journey of light and shadow – muted and mottled through shadows that produced lesser light through the “*Impact of Religion and Culture on Women’s Empowerment - An Indian Perspective*, and another luminous, brilliant and shining – *Reclaiming the Legacy of Pandita Ramabai as an Inspiration to Live Our Times*. These were the two conferences co-organized by Streevani in 2016. One explored the negatives on how women are kept subservient by the laws and traditions of their religions and cultures and the other, how one woman could transcend both her religious and cultural framework of her time to commit herself to the values of dignity, equality, and human security for all women, particularly the excluded from Indian society in her day to become an inspiration for us in the 21st Century.

It is reasonable to say that in India we follow a patriarchal social order as a natural order in which women are expected to be neither seen nor heard. Do women have a place in religious leadership? Do women genuinely desire to stay at home or are they forced to by traditional culture and religion? Are women allowed to express their inherent freedoms or they don’t have a

choice? Does female genital mutilation have a place in modern society? Does society encourage men to legislate over women's rights but forbid women from doing the same to men? Can the Church cede and sustain leadership to women or will she succumb to pressures from conservatives? These were issues we wanted to delve further into at both these conferences. What is the role of women as equal disciples in Islam, Hinduism and Christianity?

In the National Consultation on *“Impact of Religion and Culture on Women's Empowerment - An Indian Perspective*, we explored how men are givers of religious knowledge and women receivers; we discussed how the interpretation of religion and culture remains one of the most problematic challenges faced by women today, and we reiterated our resolve to reclaim cultural and religious rights for women across the religious divide. We can aptly say that we - Hindus, Muslims, Christians and Sikhs - all sat in God's classroom!!!

Reclaiming the legacy of Pandita Ramabai, an inspiration for our social and feminine calling, aimed to revive the legacy that has been left behind by Pandita Ramabai for Women, Dalits and Christians in India as we grappled with newer and often narrower interpretations of our rights as enshrined in the Constitution. We explored the inspirations that Pandita Ramabai's life and work holds for the work ahead of us in the realms of justice and service.

This bulletin is a collection of papers from the two conferences on the varied dimensions of a woman's life in the contemporary Indian society under the larger umbrella concepts of religion and culture.

In *The Dynamic Interplay between Scripture and Tradition on Religious Teaching and Practice particularly in the Lives of Women*, Jacob Parappally MSFS states that women in the Church are a hidden treasure of God to collaborate with men

in fulfilling the liberative mission of Jesus Christ. He goes on to say they are hidden not because they want to be hidden and ignored by men but because the patriarchal power structures that evolved after the graceful time of Jesus.

Shalini Mulackal PBVM, is very clear in *The Impact of Christianity on Women Empowerment: An Indian Perspective*, that we need to distinguish between Christianity as a religion, and Christianity as a movement. On the one hand, women have been included by Christianity throughout the centuries, on the other, women have not always felt appreciated within the Christian tradition and have often felt excluded and oppressed by the church leaders. It is this ambivalence towards women that characterises the whole of Christian history.

In *Re-Scripting the Story: Transforming the Power Dynamics of Religion on Women*, Kochurani Abraham works within the gendered mould of religion. Women's roles are defined primarily as care givers and nurturers she reasons. Whatever be her religion, an average Indian woman is thoroughly exploited by these 'life-giving' roles under the banner of the 'feminine' ideal and gets dwarfed as she is denied resources and opportunities that facilitate her growth as a person. More so, religion conveniently changes the rules of the game to keep religious power vested in male hands. Consequently women are excluded from positions of religious leadership and from platforms of decision-making as well as from having a voice or a say in matters concerning religion.

We know that violence crushes the human spirit and erodes the health and well-being of both the victim and perpetrator. But what is the relationship between religion and violence? *Understanding the Impact of Religion and its Structures on Women in the context of Sexual Abuse* is what Virginia Saldanha explores. Religious structures have a negative impact on victims of sexual abuse, too. Women internalize scriptural interpretation

that describes woman as sinner, manipulator and temptress. This contributes to their silence on abuse. Seeing the priest in the place of God compounds the confusion and guilt. As a result, the psychosocial and spiritual impact of abuse committed by the clergy is immense on women victims.

Women and Moral Norms in the Catholic/Christian tradition and Ecclesiastical Law by Dr Shaji George Kochuthara CMI, takes us through elements of patriarchal thinking that discriminates women which can be found mainly in family and sexual ethics, virtue ethics and social ethics, practically in all social issues concerning women.

Why reclaim the legacy of Pandita Ramabai? Why is it important to remember a woman like Pandita Ramabai, now dead for nearly a century and what message could she possibly hold for us in the twenty first century, dealing with our peculiar politico-cultural climate in India today. Be it when she called out the sexism behind the Anglican Church's attempts to control her thoughts, words and deeds while in England, or when she wrote an eloquent appeal to rescue the women of India from the tyranny of Hinduism, Pandita Ramabai was a trailblazer.

Ramabai and Indian feminism of both indigenous patriarchy and colonial role through public discourse and institution Building by Dr. Geetali V. M. refers to Ramabai's scathing critique of Brahmanical patriarchy at a time when even contemporary male reformers were shying away from confronting its structure and how as a high caste Hindu widow herself, she 'chose' to become a Christian betraying her 'religion' and thereby her 'nation' in the eyes of 19th century Hindu society.

Ramabai was like the proverbial Phoenix, after each tragedy she rose higher in importance.

In Identifying the brokenness of our times and responding to it, Preety Paluri takes us through the main reasons for discrimination against women – unequal power relations, gender discrimination, patriarchy, economic dependence, negative portrayal of women’s image, no participation in decision making, gender stereotypes and a negative mind-set.

Dealing with Uniform Civil Code, Minority Rights and Christian Law Reform Flavia Agnes is firm. While it is true that the hardships and sufferings experienced by women of all communities, cannot be glossed over with the rhetoric of freedom of religion, at the same time, the demand of gender equality cannot be confined within a linear mould of granting uniform rights to women of all communities. In order to be relevant to women’s lives, there is a need to contextualise family law reforms within a comprehensive framework, inclusive of political and economic diversities.

So what do we do? What do we bring to the effort of gender equality that is different, unique, from any other group or trained specialist?

We see the work ahead as a cherished and challenging task to anticipate and acknowledge a future different from our beginnings, different from our present, but one that is full of hope, of promise, and of challenging new horizons.

Many of us as women, and as women religious, hold a hope and lay a claim, to a place and a voice in the Church as full participants in its life and mission because of our one baptism into the Risen Christ in whom there is no distinction of gender or race.

Over time we are discovering that we are more ready to work toward dispelling the tensions of the “we” and the “they” that characterize so much of conversation that arises in time of controversy. What would it be like if, in the Church, we owned

the truth that we are all the Institution even as we are all the People of God?

I still cherish the hope that one day we will be one again – reverencing our diversity and giving witness to its fruitfulness as we minister together in the Church we both love and serve.

Our challenge is to give those values practical effect in our communities.

Noella

The Dynamic Interplay between Scripture and Tradition on Religious Teaching and Practice particularly in the Lives of Women

Jacob Parappally MSFS

The Christian theological understanding about God is that God is sexless and beyond gender. However, in the biblical, theological and liturgical articulations God is predominantly male. It is generally re-enforced by the Christian spirituality that articulates the God-experience of the believer in vivid male imageries although there are a few exceptions. The biblical imageries of God like Father, Son, King, Judge, Shepherd etc. are well known to all Christians.

What are the consequences of such one-sided understanding and expression of who God is? According to Rosemary Reuther, well-known feminist theologian, “Women in contemporary church are suffering from linguistic deprivation and Eucharistic famine. They can no longer nurture their souls in alienating words that ignore or systematically deny their existence. They are starved for the words of life, for symbolic forms that fully and wholeheartedly affirm their personhood and speak the truth about the evils of sexism and the possibilities of a future beyond patriarchy. They desperately need primary communities that nurture their journey into wholeness, rather than constantly negating and thwarting it.”¹ Further she says that we must take steps to end this famine of the words of life and bake new bread of life. “We must begin to incarnate the community of faith in the liberation of humanity from patriarchy in words and deeds, in new words, new prayers, new symbols, and new praxis. This means that we need to form gathered communities to support us as we set out on our exodus from patriarchy.”

Both in theological language as well as in the practice of Christian faith nurtured by the sacraments there are instances of conscious or unconscious, inherited or invented use of language, symbols and world-view that prevent the unfolding of women as human persons. When any member of the Church suffers, being the body of Christ, it affects the entire body of the Church and so concerted efforts must be made by both women and men to heal the body of Christ empowered by the Spirit and their collaborative efforts. Those who are beneficiaries of any system would oppose any move to change the system that would make them insecure as well as losers. A large number of the beneficiaries of patriarchy in the Church would, with all their might, oppose and thwart any move to change the Church from within for a paradigm shift from patriarchy to “gonearchy” (parent-principle).² When God is a loving parent and the Church – the sacrament of Christ, the equal partnership of women and men in living and proclaiming the Christian faith – becomes a witness to the equality of women and men created in the image of God.

For the birthing of a new vision of human inter-relationships in the Church between women and men and for the specific understanding of their roles, Scripture and Tradition provide sufficient revelation. A meaningful and liberative interpretation of God’s revelation in and through Scripture and Tradition, we need to listen to what they say to us in our context as well as the self-understanding of humans as humans in our times. The growth of Christian religious consciousness is an important element in interpreting the Christian world-view revealed in the Scripture through its specific religious language. What is positive in Scripture for the liberation of humans and their unfolding must be further deepened and the negative expressions need to be de-constructed based on the insights of the evolved religious consciousness of the present times concerning human origin and destiny.

I. Positive and Negative Use of Religious Language

The Scriptures articulate religious experience. Any authentic religious experience is liberative in the sense it gives humans the ability to discover to a great extent the mystery of their being, the meaning and purpose of their existence in history, and the means to unfold the mystery of their being in history. When the Scriptures articulate an individual's or a community's God-experience or religious experience and when it is lived by the community, it becomes Tradition. The Scriptures have their ultimate origin in God as it is a record of God's revelation and humans' response articulated in the living tradition of the community of the believers. Therefore, the Scriptures themselves are a part of the Tradition. The God-experience of the Christian community originated in Jesus Christ who with his disciples formed a community which lived it, preserved it and proclaimed to others that they too might experience wholeness and fullness of human life by their God-experience through Jesus Christ.

The New Testament is the early Christian communities' articulation of their faith-experience recorded by the NT writers. It became the norm of faith and the constitutive element of the Christian Church and formed an essential part of the Christian Tradition. Since the Christian Tradition is a living Tradition which includes the Scripture, every generation of believers is guided, moulded and challenged by the dialogue between Scripture and the life of Christians. This dialogue is necessary because the liberative revelation of God is articulated by humans in a language conditioned by the religio-cultural and socio-economic, political, scientific and technological context of their lives. Humans cannot hear or experience the Word of God directly and immediately. It needs a medium of communication. It needs to be articulated in some way that it can touch the hearts and minds of those are open to experience it. Every word that God had spoken is enfleshed in human

categories of thought which itself is conditioned by the context in which humans live and have their being. Therefore, the self-understanding of the biblical authors is dependent on their culture and social situation, social status, historical condition of their life – agricultural or nomadic, peaceful or fighting wars, conquering or being conquered, oppressing or being oppressed, minority or majority, journeying or settled in a place, living in the midst of the people of other religions or in their own exclusive territory and so on. Therefore, the context of their life have a great influence on their understanding and experience of God and their self-understanding, social relations, their view of other religions and peoples and nature.

Religious language is descriptive, evocative, symbolic, metaphorical and mythical. The ordinary language of communication falls short of expressing the God-experience or the religious experience of an individual or a community. Therefore, if one has to communicate this experience to others to some extent at least, one has to use the religious language. The language which the Bible and the Tradition use, has all the elements of a religious language. Either this language can be used for the liberation and wholeness of every human being as it is meant for all or it can be manipulated to secure, sustain and enhance the power of a few or a group of people over and against others.

Even in articulating the religious experience of a community and its consequences for people, the biblical authors could have been influenced by the prevailing systems and structures of human inter-relationship of the society in which the community finds its existence. Therefore, those articulations that express sanctions, justification and even expressions that are presented as divine ordinances to dominate, control, oppress, exterminate others etc. need to be de-constructed as the God whom an enlightened Christian believes in, is the one who wills “that all humans experience wholeness and come to the knowledge

of truth” (cfr. I Tim 2:4). God, revealed in Jesus Christ, is the one who revealed that he created every human being equal and as male and female, he created them. There is no higher or lower, no superior or inferior, in-cast or out-cast among humans according to God’s plan. For God, the personhood of every individual human is important and not the gender of the person. In her or his given personhood one has to unfold and become the full image and likeness of God. Therefore, anyone or any system that creates and perpetuates structures of inequality and discrimination among humans whatever be the reason, goes against God’s plans for humans and their world.

The biblical and traditional God-talk has predominantly used the language of patriarchy in articulating the God-experience as well as presenting the imageries of God and God’s action in history. The sociological reason given for the theological understanding of God as Father was that society was a patriarchal society which could understand and express their experience of God as liberator, protector and transcendent one, only in terms of Father and not as Mother though in the course of time motherly qualities were attributed to God as Father. Surprisingly, when confronted with the questions to which gender God belongs, the emphatic answer given by the Church leaders and theologians would be that God is beyond gender. Concerning why God is always referred to using male-imageries, the reasoning is that it is metaphorical and symbolic and not referring to the essence of God. A further question, why such imageries are being used as if they are absolute in discussing the role of women in the Church and even denying women leadership roles in the community is met with the standard answer that leadership of men and not of women is proper for the community according to the will of God as revealed through the Bible. Further, it is in the teaching of the Church that the biblical revelation is inerrant. However, there is no unambiguous dogmatic statement in the Christian tradition that God is male or can be addressed only as Father.

The biblical imageries of God which are predominantly male imageries are explained as metaphorical and symbolic in theology but in reality they are used as if they were true expressions of Godhead. For this simple reason, when God is addressed always as Father, it enters into the consciousness and thinking of ordinary believers that God must be male. Further, the imageries like King and Saviour and abstract attributes of God like Almighty, All-knowing etc. get related to the male image of God in the consciousness of men and women and re-enforced by their usage in vocal prayers. It gives a justification for male domination over females and foments subservient attitude among women *vis a vis* men. In fact, the original God-experience of the Hebrew community as well as the God-experience of Jesus was not a God-experience *per se* but an experience of God in relation to humans and their world. The God of the Scriptures and Tradition is a human-centred God for whom humans are persons, for whom women and men are equally valuable as humans. God's concern is human unfolding as humans and God would do whatever is needed for their wholeness including becoming human like other humans.

II. Biblical Revelation about the Gender-Equality

The biblical revelation affirms that God has created all humans, both women and men equal in dignity and worth because humans as male and female are the images of the same God. When the surrounding cultures of other nations seemed to have discriminated and degraded women and used them as objects in the Canaanite temple worship, the creation stories of the Bible affirm both the equality of women and men as well as their fundamental unity. While the Priestly narration of the creation story clearly articulates that being human as male or female originated from God and the Yahwistic tradition narrates in an ordinary and simple way that a woman is taken out of the body

of man to communicate that woman is of the same substance as man indicating their equality and belongingness to each other and God. In his *Letter to Women* after referring to the meaning of Genesis 1:27 that human being is created in the image and likeness of God, John Paul II says, “Womanhood expresses the “human” as much as manhood does, but in a different and complementary way.... Womanhood and manhood are complementary *not only from the physical and psychological points of view*, but also from the *ontological*. It is only through the duality of the “masculine” and the “feminine” that the “human” finds full realization.”³

Pope John Paul II was reiterating what was the consistent understanding of the biblical anthropology that affirms the equality of both women and men as human persons with specific duties and rights to unfold themselves as humans and to contribute to the well-being of other humans and nature. However, some would take an extreme position and point out that the Bible does not affirm this truth with clarity. For example, according to Linda Woodhead, “Nowhere in the Bible it is clearly and unambiguously stated that women and men are of equal dignity and worth, that woman should never be treated as men’s inferiors, that the domination of one sex by the other is a sin, or that the divine takes female form. The closest the New Testament comes to any such statements is in Galatians where Paul writes, “There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus.” (Gal 3:28) In I Corinthians however, Paul explains that women should be veiled in the church to signal their subordination to men because, ‘the head of every man is Christ and the head of a woman is her husband’ and that ‘women should keep silence in the churches. For they are not permitted to speak but should be subordinate as even law says.’⁴ Further she says, the “egalitarian emphasis is contradicted by a symbolic framework that elevates the male over the female,

and by organizational arrangements that make masculine domination a reality in church life. Theological statements on the position of women from down the centuries testify not only to the assumption that it is men who have the authority to define women, but to the precautions that have been taken to ensure that women do not claim too much real equality with men – in this life at least”.⁵ Linda Woodhead is right in saying that though there are both the biblical and theological statements about the equality of women with men, the consequences of such a recognition of their equality was not translated into actual life where the ecclesiastical institutions that emerged from the Scripture and Tradition remained the exclusive domain of men. Such male domination in the Church seemed to have been theologically justified which, in fact, negated the Scriptural and theological affirmations about the equality of women and men.

The biblical revelation about gender-equality can be affirmed from two foundational texts, namely, Genesis 1:27 which states that God created humans both male and female in God’s own image and likeness in the beginning and their final destiny is to be one in Christ as equals as stated in Galatians 3:28. All other statements about the position of women in the society and the family defined by men in a patriarchal society must be considered as a culturally conditioned perversion of biblical revelation for justifying the power equations that systematically subordinated women to men following the practice of neighbouring oppressive cultures. God’s revelation in the Old Testament and in the New Testament was counter-cultural and revolutionary in the sense that God revealed everything necessary for the full-flowering of humans, both female and male, in freedom and dignity to become the true image and likeness of God. Therefore, any interpretation that justifies any form of discrimination and subordination on the basis of gender goes against the divine plan of human life and destiny in Christ.

In Jesus Christ God reveals what humans are and what they

can become. Jesus' relationships with other humans as testified in the New Testament reveal and affirm the original divine revelation about the equality of both women and men. Any type of domination goes against the reign of God. No, 'lording it over' should not happen among the disciples (Mt 20:25). Jesus treated women and men disciples equally with love and respect. If the Synoptic gospels present Peter's confession of faith in Jesus Christ as the foundation of community (Mt 16:16 ; Mk 8:27-30) John presents Martha's confession of faith which is all comprehensive as the foundation of the Christian communities' faith (Jn 11:27). Even in articulating the foundational faith of the Christian community, equal importance is given to both men and women which was a revolutionary departure from the prevailing practice of the Jewish society. Though the symbolic twelve disciples who represented the 12 patriarchs of old were men, many who followed Jesus were women (Lk 8:1-3) and some of whom provided for Jesus and his disciples out of their own means.

The gospels present both men and women disciples who share the vision of the "kin-dom" which Jesus lived and preached. In the Magnificat, Mary, the mother of Jesus, is presented as the one who recognizes the action of God in history, making a cultural, economic and political revolution where no domination or subordination is tolerated. Mary of Magdala, a prominent woman disciple who became the apostle of the apostles was given the grace of encountering the risen Lord before anyone else.

Paul's observations about the position of women in the family and in the Church is often quoted by those who justify the subordinate role of women in the Church and in the ministry of the Church as well as deny women their rightful place in the structure and ministry of Church. He is sometimes uncharitably criticized for his explicit statements about the role of women in the family and in the Church as subordinate to men as in 1 Corinthians 11:3-10;

1 Corinthians 14:33-35; Titus 2:3-5; 1 Timothy 2:9-15, Romans 16:1-6. How would one reconcile such statements of Paul with Jesus' attitude to women disciples and women in general? If some cultural conditioning like accepting the fact of slavery in the society might have influenced Paul's understanding of the role of women in the society and in the Church, along with it some pastoral concerns also might have prompted Paul to make such statements for the local communities. Today many interpreters consider that the statements degrading women in Pauline writings do not originate from Paul. According to Barbara J MacHaffie who writes about women in Christian tradition, "Paul was probably not the author of certain passages often cited in support of the view that he degraded women. It is likely that these passages (Col. 3:18; Eph. 5:21-33; Titus 2:3-5; 1 Tim. 2:8-15 and 5:3-16) originated at a later time and reflected changes in the environment of the early Christian community as well as its organizational structure. In the eyes of many contemporary interpreters, the material that does come from Paul himself reflects a marked ambivalence toward women".⁶ Paul experienced and believed in the complete transformation of human beings in Christ. What is consistent with his theology is expressed in Galatians 3:28 affirming the complete equality of both male and female in Christ. What he wrote to the local churches concerning women were his exhortations responding to some pastoral situations but in his own practical living of Christian life and ministry he acknowledged and appreciated the role and ministry of prominent women the early Church like Pricilla, Junia (Rom 16:7), Tryphena of Rome (Rom 16:6,12), and Euodia and Syntyche who were called his fellow-workers in the gospel (Phil 4:2-3). We must pay attention to Paul's real attitude towards the role of women in the Church which can be seen in his recognition and appreciation of the ministry of women in the early Church.

Often the leadership qualities and great contributions of biblical

women like Myriam, Deborah, Esther, Judith, Rahab, Mary of Nazareth, Mary of Magdala, Martha and so on are cited to bring to the awareness of men who claim that they have the support of the Scripture in justifying the subordinate position of women in the Church as well as to women who accept unquestionably their exclusion from important ministries and decision-taking bodies of the Church. We need to go beyond this stage of biblical interpretation of the roles of biblical women to empower women today and base our commitment to the cause of reclaiming the legitimate place of women in society and in the Church based on the biblical anthropology exemplified in Jesus, his human, the liberative insights concerning women and men in the Christian Tradition, the evolving Christian religious consciousness and the self-understanding of humans as humans in our times.

III. Church's Tradition and Teaching Concerning the Role of Women

The liberative movement of Jesus that envisioned the full flowering of human persons both women and men was not continued with same radical commitment of Jesus in the following centuries after his death and resurrection. There were women of heroic commitment to the Person and mission of Jesus in the early Church . “In light of the Jewish practice that defined a synagogue congregation by the number of circumcised males present, the fact that early Christian communities had inclusive membership was unusual. We have clear evidence, however, that women were included as full members of early Christian communities. For example, Saul (before his conversion) sets out to arrest both men and women who had adopted the new faith of Christianity (Acts 8:3; 9:2).”⁷But in the course of time their equality in the Body of Christ, the Church, was suppressed and they were given a subordinate position. From the third to sixth centuries women were ordained deaconesses

and by their office became a part of the clergy. The *Apostolic Constitutions*, for example, contains the following prayer for the ordination of a woman to the office of deacon: "O Eternal God, . . . the Creator of man and of woman, who replenished with the Spirit Miriam, and Deborah, and Anna and Huldah . . . do Thou now also look down upon this Thy servant who is to be ordained to the office of a deaconess, and grant her Thy Holy Spirit." Though there were some limitations in their exercise of ministry in comparison with the male deacons, they still had the possibility to hold a ministerial office in the Church. However, in the course of time when the ministerial office became a dominating and controlling power securing for itself spiritual and temporal power it became reserved for the male members of the Christian community. It was a tragic departure from Jesus' tradition which broke the boundaries of Jews and Gentiles, male and female, pure and impure, higher and lower classes etc. and initiated a new movement where all are equal in dignity, rights and commitment to God and to the people of God. Prejudices of the Fathers and the early theologians of the Church like Tertullian, Origen, Jerome and so on and even great philosopher and theologian Thomas Aquinas against women are well known.

In our times, for the first time the rights of women are mentioned in the encyclical of Pope John XXIII, *Mater et Magistra* in 1963. He reminds the State to protect the rights of the weaker sections of the society which include women when he writes, "It has also the duty to protect the rights of all its people, and particularly of its weaker members, the workers, women and children."⁸ In the same document the Pope insists on the right of men and women to choose the direction of their lives.⁹ Further in his encyclical *Pacem in Terris* Pope John XXIII in 1963, explains what it means to be human and how humans should relate with one another. He emphasises the need for creating societal structures that should provide basic necessities and

promote justice, human rights, respect, equality and liberty. From Nos. 15 onwards of the encyclical, the Pope discusses the right of men and women to choose the direction of their lives. In paragraphs 41-43 he recognizes the feminist movements. He writes, “Women are gaining an increasing awareness of their natural dignity. Far from being content with a purely passive role or allowing themselves to be regarded as a kind of instrument, they are demanding both in domestic and in public life the rights and duties which belong to them as human persons” .¹⁰

By the time of Vatican II, there was a certain awareness in the mind of the hierarchy that it is imperative to address the concerns of women as equal members of the Church. In fact, at the conclusion of the Council Pope Paul VI addressed the special sections in the Church which included women.

In the documents of Vatican II the renewed awareness of the role of women in the Church are evident though not clearly expressed. In the Decree on the Apostolate of the Laity (*Apostolicam Actuositatem* No.9) it is argued that women too should take a more active role in the lay apostolate. “Whether this means an expanded role within the church as an institution is not clear, given that the church does not provide more guidance on this comment. Nevertheless, what does seem quite clear is that as women enter further into public life and in jobs outside the home, they should be beacons of Christianity. Women are called to be founts of love, faith, and hope and should focus their effort on making the world a better place for all.”¹¹

The Decree on the Church in the Modern World (*Gaudium et spes*) explains further the role of women in the Church and in the world. The document places humanity in the creative plan of God and all humans, women and men are called to be sharers in God’s work. Women as a theological group are addressed in paragraphs 8, 9, 12, 27, 29, 52, 60 and 67. The document recognizes and affirms the public role of women in the modern

world. It also recognizes the still existing inequality between women and men in all aspects of life in spite of great progress in securing their equal rights through the struggles of women.

Gaudium et spes states that since both men and women are created by God both have the same inherent reasoning capacity, share in the same divine mission and therefore they are equal. Therefore it says, “any kind of social or cultural discrimination in basic personal rights on the grounds of sex, race, color, social conditions, language or religion, must be curbed and eradicated as incompatible with God’s design”.¹² All movements including feminist movements that struggle for securing human rights are acknowledged in paragraphs 41 and 60 of *Gaudium et spes*.

According to Ivy A Helman, “During the 1960s both Pope John XXII and Paul VI acknowledged women’s changing social status, improvements in the dignity and ...the Vatican had been leery of feminism and had warned humanity about the damage it could cause the family. Before, women were to avoid working outside the home if at all possible. Now, women do work outside the home even though their jobs should give priority to motherhood and women’s family responsibilities. Women and men also share the same human dignity and respect and should act as each other’s partners.” Though the documents of Vatican II is criticized for not using an inclusive language or they are “ridden with male language in the English translations”¹³ a tremendous progress was made in recognizing the equality and dignity of women as human persons in society.

The thrust of Vatican II recognizing the full humanity of women as women and their rights as human beings with full dignity and equality was further developed in the teachings of John Paul II and his successors. In his encyclical *Familiaris Consortio*, Pope John Paul II says, “In creating the human race “male and female,” God gives man and woman equal personal dignity, endowing them with the inalienable rights and responsibilities

proper to the human person. God then manifests the dignity of women in the highest form possible, by assuming human flesh from the Virgin Mary, whom the Church honours as the Mother of God, calling her the new Eve and presenting her as the model of redeemed woman.”¹⁴

The struggles of movements championing the cause of women affirming their equality, rights and liberty of women as humans to unfold themselves, challenging the systems and structures that refuse to let them be what they are called to be as humans are the signs of our times. This reverberated in the Church also. Reading the signs of the times Pope John Paul II wrote the Apostolic Letter *Mulieris Dignitatem* in 1988 in which he underlined “equal dignity and responsibility of women with men”. He says, “The witness and the achievements of Christian women have had a significant impact on the life of the Church as well as of society. Even in the face of serious social discrimination, holy women have acted ‘freely’ strengthened by their union with Christ”.¹⁵

In his *Letter to Women* in 1995 John Paul II acknowledged the discrimination women experience in different areas of their lives and recognized the need to create a situation in which they can realize themselves as humans with full dignity and rights as humans. He states, “And what shall we say of the obstacles which in so many parts of the world still keep women from being fully integrated into social, political and economic life? We need only think of how the gift of motherhood is often penalized rather than rewarded, even though humanity owes its very survival to this gift. Certainly, much remains to be done to prevent discrimination against those who have chosen to be wives and mothers. As far as personal rights are concerned, there is an urgent need to achieve *real equality* in every area: equal pay for equal work, protection for working mothers, fairness in career advancements, equality of spouses with regard to family rights and the recognition of everything that is part of the

rights and duties of citizens in a democratic State”.¹⁶ His public confession of the harm done to the dignity of women in 2000 was a clear admission of the sin committed against women by discriminating and marginalizing them in the Church.

Pope Benedict XVI was expected to take the discussion on the role of women in the Church and society further. As the Prefect of the Congregation for the Doctrine of the Faith (CDF), before becoming Pope he had published a document *On the Collaboration of Men and Women in order to* clarify the unique nature of women and affirm the role they have to play in every aspect of society. He was expected to take the discourse further but did not because the issue of the ordination of women to priesthood came up strongly from some quarters which he could not accept as it would be against the established tradition of the Church as well as against his understanding of sacramental theology.

With the approach of Pope Francis to issues concerning women, new vistas are opened to explore new possibilities for women to play important roles in the Church as equal members of the Church, the body of Christ through baptism. The appointment of a committee to study the possibility of re-introducing women deacons in the Church with six women and seven men is a welcome sign. By involving women Pope Francis is concretely, at least on one level, putting into practice making the Church listen to the Spirit in the present historical existence of the Church in continuing the liberative mission of Christ.

Conclusion

Women in the Church are a hidden treasure of God collaborating with men in fulfilling the liberative mission of Jesus Christ for the unfolding of humans as humans and care for the nature God has created. However, they are hidden not because they wanted to be hidden and ignored by men but because the patriarchal power structures that evolved after the graceful time of Jesus was influenced by the Greco-Roman culture. This culture idolized

the kyriarchic and hierarchic powers of the male members of the society. The Church could justify the male domination in the Church by a theology that reflected the male imageries of God and maleness of Jesus rather than emphasizing the revelation that God became human. His mission was to make everyone human and make them fully human like him. Jesus lived a counter-culture that affirmed the equality and dignity of every human being, woman or man. But the Church in history, for centuries, failed to continue the counter-cultural movement of liberation by making the movement a system. It preached about the equality of women and men but in practice men were more equal than women.

It affirmed, in recent times, the equality and dignity of women in society and in the public sphere. But what would be the consequence of such affirmations in the community of the Church. The answer to such a question is not yet clearly and unambiguously stated. An evolution of a revolution is taking place in the Church concerning the role of women in the Church. To recapture the vision of Jesus for the liberation of every human being to a dignified human life and to grow into “full stature of Christ” need continuous reflection, collaboration, struggle and above all listening to the Spirit from every believer, both men and women. That is the call of the hour!

Endnotes

- 1 Rosemary Reuther, *Women-Church: Theology and Practice of Feminist Liturgical Communities* (Eugene, Oregon: Wipf and Stock Publ. 2001), p.4.
- 2 *Goneus* in Greek means parent. This term gonearchy is coined for the sake of expressing the equal partnership of women and men in decision-making and implementing it in matters concerning their life and their societal relationships.
- 3 John Paul II, *Letter to Women*, June 29, 1995, No.7

- 4 A Linda Woodhead ,*Christianity: A Very Short Introduction* , London: Oxford University Press, (chapter 7).
- 5 Ibid.
- 6 Barbara J. MacHaffie , *Her Story: Women in Christian Tradition*(Minneapolis, Fortress Press, 2006), p.6
- 7 Ibid., p.3
- 8 John XXIII, *Mater et Magistra*, 1963, No. 20.
- 9 Ibid., No.15
- 10 John XXII, *Pacem in Terris*, No. 41.
- 11 Ivy A. Helman, *Women and the Vatican: An Exploration of Official Documents* (New York: Orbis Publ.,2012) p.24
- 12 Gaudium et spes, No.29
- 13 Pearl Rego, Women Theologizing: Beginnings of Feminist Theologies and their Concerns” in *Jeevadhara*, Vol XL, No. 237, May 2010, p. 241.
- 14 *Familiaris Consortio*, No. 22.
- 15 *Mulieris Dignitatem*, No.27
- 16 John Paul II, *Letter to Women*, 1995, No. 4.

The Impact of Christianity on Women's Empowerment: An Indian Perspective

Shalini Mulackal PBVM

Introduction

I would like to begin this paper on a positive note. I was delighted to read the following news paper report recently. “During his 45 minute speech at the company’s annual general meeting, RIL chairman Mukesh Ambani highlighted the contribution of his daughter Isha and son Akash. ‘Jio is a creation of the young, by the young, and for the young. Akash and Isha – both 24 – our directors at Jio, have been hands-on leaders.’ Isha is a double major in psychology and South Asian Studies from Yale while Akash majored in economics at Brown University.”¹ This news item struck me because I remember reading another news report a few years ago when Mukesh Ambani’s father Dirubhai Ambani died. The report about his death ended by saying that he left behind his wife, two sons, Mukesh and Anil and his two daughters. The names of neither the wife nor the daughters were given. It was understood that the Reliance Empire would be passed on to his two sons and not to the daughters. Just a generation later the situation has changed. Both the son and the daughter got equal opportunity for education and both are given equal responsibility as directors of Jio.

Does this mean that women are empowered in our country and we have every reason to rejoice? It only means that women empowerment is a true possibility. Every girl born in our country should get the opportunity to develop her full potential as Isha Ambani got and be given the opportunity to use her gifts and talents for the good of society. While we have good reason to rejoice that more and more girls are getting opportunities to grow and develop and be empowered citizens of this country,

we have disturbing news also reaching our ears every day. Look at the following news items coming from Delhi in the past few days...

“Jilted lover pushes woman off balcony.” Turning down the marriage proposed by a friend she met on Facebook proved costly for a 24 year old woman in Delhi. He threw her from the second floor of her house. She suffered multiple fractures and the injuries she suffered may leave her paralysed or disabled for life.² “In another horrific murder of a woman by a jilted lover on the streets of Delhi, a 34 year old computer teacher stabbed his former student 30 times with a pair of scissors till she died on the spot.”³ On August 31st 2016, *Times of India* reported, “After rape, Delhi gets tag of India’s ‘stalking capital.’” Cases of stalking more than doubled in Delhi, from 541 in the previous year to 1124 during last year. This spurt in stalking reflects an overall rise in crimes against women in Delhi. For instance, there were 17,104 cases in 2015, up from 15,265 in 2014.⁴

Even though more and more girls in cities and towns get opportunities to get educated, employed and thus empowered, their lives are not safe. The growing incidents of violence against women is indicative of the deep rooted patriarchal mind set of even the educated men in our country. A woman is not expected to have freedom to say *no* to a man who proposes to her. If she dares to say *no*, she can be murdered brutally in front of the public gaze or suffer acid attacks or the like. The patriarchal mindset expects her to be submissive and never say anything contrary to what the man is thinking and desiring. I think religion and culture continues to nurture and reinforce this patriarchal mind set. It is in this context that I would like to look at Christianity as a religion and its impact on the empowerment of women especially in our Indian context. We have heard that it is difficult to define religion, that religion is not only about spirituality and transcendence but a whole lot of unwanted things that are found

in its underbelly. This is what I want to explore specifically about the religion we call Christianity and its ongoing impact on the empowerment of women both its adherents as well as other women who are undergoing subjugation, exploitation and violence of all sorts.

When we talk about Christianity we may have to distinguish between Christianity as a religion evolved through history with its ups and downs and Christianity as a movement began with Jesus Christ and continued as a movement into the first few centuries before Constantine made it into a state religion. The impact of both these on women and their empowerment is very different and we can even say they are opposite. Therefore the history of Christianity shows great ambivalence towards women. On the one hand, women have been included, called, graced, inspired and canonized by Christianity throughout the centuries. On the other, women have not always felt appreciated within the Christian tradition and indeed have often felt excluded and oppressed by the church leaders. It is this ambivalence towards women that characterises the whole of Christian history.

When one speaks about the impact of Christianity on women empowerment, we have to keep in mind that Christianity like any other religion is inclusive of creed, cult and the written scripture. Women's status in Christianity is the result not only of the interaction between these three but also of the patriarchal mindset of its members. In this paper, I propose to have a critical look at Christianity as a religion and its impact on women's empowerment. I would also look at Christianity as a movement that began with Jesus' proclamation of the Reign of God and the impact of this movement on women of that time and Christian women throughout its history. I argue that the present situation of women in Christianity is very influenced by the last two thousand years of history, in addition to the liberative praxis of Jesus found in the Gospels.

I. Christianity as Jesus movement

Christianity as a religion traces its origin to Jesus. He was a first century Jew who experienced God as his Abba. From that experience he began to preach the good news of the nearness of God's reign which the Jewish people had been waiting for long. Deep down Jesus felt his own vocation as the anointed one of God, sent to preach good news to the poor and to liberate all those who were oppressed in any way. He stood against structures that were oppressive and he reiterated the primacy of the human person above all else. As a result, he came into conflict with the Jewish religious authorities of his time and eventually was eliminated with the help of the political powers. After his death and his unexpected rising to new life, his close followers gradually came to the realization that Jesus was the incarnate Word of God, who came to reveal God's love for humanity. They also began to interpret all that Jesus said, did and stood for as the revelation of God and God's plan for humanity.

1.1 Jesus' attitude towards women

Being the incarnate Son of God, Jesus actions and attitudes reveal the action and attitude of God. It is from this perspective we need to look at Jesus and how he related with women. As we know, Jewish women at the time of Jesus did not enjoy equal freedom and rights as men. There were many restrictions placed upon them. Women did not enter public life to any considerable measure. Even in the temple of Jerusalem they had access only to the court of women.

The primary role of the Jewish woman was that of wife and mother. Jewish women carried the stigma of Eve, and were defined in terms of their sexual relationship with men. "Thou shalt not covet thy neighbour's wife" is addressed to men (Ex 20: 17). The laws were largely addressed through men. Women

were the objects and not the subjects of the law. Though we come across other roles for women in the Jewish scriptures like judge, prophetess, queen, etc., their dominant value is as obedient wife, prized daughter and bearer of children who will continue the family name. Men could divorce their wives but wives could not do this in like manner: “When a man has married a wife, yet she does not win his favour because he finds something shameful in her, and he writes her a note of divorce gives it to her and dismisses her”(Deut. 24: 1).

This is the background against which we hear Jesus confronting the old one-sided system which degraded the status of the wife. He announces partnership and equality in marriage reminding his hearers that ‘from the beginning of creation, ‘God made them male and female’ (Mark 10:6). Mark further reports Jesus as providing protection for women, “whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery” (Mk 10: 11-12). Jesus addresses the rule to both men and women equally; both having the option to divorce and both are charged equally if they do. In Jesus’ code of ethics, woman has the same origin, meaning, value and responsibility as that assigned to the human person.⁵ So he includes them in his work and ministry. Luke shows Jesus as being helped and accompanied by women as well as the twelve men.

Jesus was a Jew who inherited Jewish teachings. In the book of Leviticus, there is a special discourse on women in menstruation. They are regarded as unclean. Women who have a flow of blood are regarded as sinful, whose sin can be purified through a ritual of purification, the offering of two doves. Anyone who touches a menstruating woman is also regarded as unclean until evening. In spite of this Levitical sanction, a woman with a flow of blood for twelve years dared to touch Jesus’ clothes. Jesus was not concerned about him being contaminated by this “unclean” woman. He demonstrated the liberating power of God for those who believe and act accordingly.⁶

Jesus' life indicates several occasions when he is presented as reaching out to women, men and children, beyond the customary norms of acceptable Jewish male behaviour. Mark shows Jesus using caring words to women, e.g. to Jairus' daughter, a special affectionate phrase, "My little one stand up." to the woman cured of a haemorrhage, "Take heart daughter..." (Mt. 9:22). In a milieu where widows were not important, Jesus values the contribution of the poor widow who puts two copper coins into the temple offering box. He presents her as a model for his disciples, "This poor widow has put in more than all those who are contributing to the treasury" (Mk 12: 43). When the woman caught in adultery was brought to Jesus, he places the men who are to stone, and the woman to be stoned, on an equal footing before justice: "That one of you who is faultless must throw the first stone." Jesus saves the life of the woman and takes away the power of men to dominate the woman and then missions her to a new life. He does not show her pity but gives her respect, guidance and love.⁷

Jesus allowed women among his followers and accepted the help they gave him (Lk 8:2f), visited the friendly family at Bethany and wished the sisters Mary and Martha to listen to what he had to say (Lk 10:38-42; cf. Jn 11:20-36). He spoke to the Samaritan woman in public at Jacob's well, to the astonishment of his disciples (Jn 4:27). He showed sympathetic love and mercy for women known as sinners and prostitutes, which was totally incomprehensible from the point of view of the Pharisees (Mt 21:31f; Lk 7:36-50; Jn 8:2-11).

Jesus' life-giving relationship with women stands as a heart-warming example for his Church. In a patriarchal culture of Palestinian Judaism where women could not speak to a man in public and were denied reading the scriptures, he talked to women in public, discussed theology with them (Lk 10: 38-42; Jn 11: 21-27; Jn 4: 3-42) and entrusted them with the proclamation of his messiahship (Jn 4: 25, 26) and his resurrection (Jn 20: 16-

18). Jesus had table fellowship with them, healing them at the risk of being considered ritually unclean (Mk 5: 22-43).

“In all of Jesus’ teaching, as well as in his behaviour, one can find nothing which reflects discrimination against women so prevalent in his day. On the contrary, his words and works always express the honour and respect due to women... (his) way of speaking to and about women, as well as his manner of treating them, clearly constitutes an “innovation” with respect to the prevailing customs at the time.”(*Mulerius Dignitatem*, 1988).

Even though the gospels as we know them do not give us biographical details of Jesus, we notice that the evangelists have no inhibitions about talking of Jesus’ relationship with women. According to all the four evangelists, Jesus dissociated himself from the customary exclusion of women. He showed no contempt for women. He was amazingly open to them. Even within the patriarchal culture of the time, the evangelists did not hesitate to say that Jesus had women followers among his disciples (Lk 8: 1-3). Women accompanied him from Galilee to Jerusalem, stayed with him during his hour of suffering and cruel death. They were the first ones to reach his tomb as soon as the Sabbath was over and were the first to bear witness to his resurrection.

1.2 Women in the Early Christian Communities

The early Christian Community continued the empowering practice of Jesus with regard to women. Unlike the Jewish religious practice, membership of this community was open to men and women. Through baptism women were given equal religious status and they participated in the Eucharistic communion. In both these initiation rites, women are affirmed like men and they form the body of Christ. The baptismal formula found in Gal 3:28, abolishes all socially determined

differences: *There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus.* We cannot doubt this since Paul addresses women in his letters as his *synergoi*, which literally means ‘fellow workers,’ i.e., ‘colleagues.’

Christianity was a movement of the disinherited and the disprivileged. It was not a hierarchically ordered community. It offered love and acceptance to all those who joined it, especially the outcast, the women. Elisabeth Schussler Fiorenza’s investigation confirms that in the early Jewish-Christian Jesus movement there was ‘praxis of equality and the involvement of all, both male and female disciples’:

The majority of them were not rich, like the Cynic philosophers who could reject property and cultural positions in order ‘to become free from possessions.’ Rather, they were called from the impoverished, starving and ‘heavy laden’ country people. They were tax collectors, sinners, women, children, fishers and housewives, those who had been healed from their infirmities or set free from bondage to their evil spirits. What they offered was not an alternative lifestyle but an alternative ethos: they were those without a future, but now they had hope again; they were the ‘outcast’ and marginal people in their society, but now they had community again.⁸

Women were involved in the Christian missionary movement at every stage of its expansion. If we read the greetings at the end of the letter to the Romans, it is evident that many women were actively involved in the proclamation of the gospel: ten of the twenty-nine prominent people addressed here are female. First we have Phoebe, who was on an official mission for the church of Cenchreae. She is called *diakonos*, which suggests that she was the leader of a house community. Junia is particularly important; Paul even describes her, along with Andronicus, as ‘distinguished among the apostles’ who had already ‘confessed Christ’ before him (Rom 16: 7). Priscilla and other women laboured alongside Paul in establishing new churches. They were his equals in the Lord’s work, were instrumental in

bringing new converts into the churches, helped in building up the newly formed churches, acted as church leaders, taught and participated in worship through praying and prophesying and willingly let their homes become 'house churches.'

Yet, as the time went on, the early Christian communities found it hard to separate from the Jewish patriarchal attitude to women. Although Paul is the champion of equality,⁹ he addressed another community saying that, "The head of the woman is the man... For a man indeed ought not to cover his head, for as much as he is the image and glory of God: but the woman is the glory of man. For the man is not of the woman; but the woman of the man. Neither was the man created for the woman; but the woman for the man." (1 Cor. 11: 3, 7-9). The real blow to woman in this passage is not about the custom of covering the head but more for the reason given for the custom, viz. that she is not equal to the man since she is made for him, that she is not the image of God, but he is.¹⁰

At this juncture we could possibly ask, what prevented a true emancipation of women in the early church? Among the different factors involved, Hans Kung identifies the following three factors as especially important.

- The establishment of hierarchical structures: as in the Roman Empire, so too in the churches, there was rivalry between an egalitarian ethos and political power-interests; the principle of equality primarily asserted itself only in the private sphere, whereas male domination became established especially in the sacramental sphere.
- Hostility to sexuality: this does not derive from Christianity, but is a general phenomenon in late antiquity; however, it became particularly developed in Christianity under the influence of Augustine and his theology of original sin.

- Devaluation of education: education was a Hellenistic ideal which, though initially not neglected in Christianity, was later in part openly despised, especially for women. This made a major contribution towards perceiving women exclusively as ‘body.’¹¹

Christianity as a Religion –A Historic Overview

Christianity as a religion is inclusive of creed, cult and sacred scriptures. As Christianity gradually evolved and metamorphosed into an institution with many structures in a prevailing patriarchal culture, the egalitarian ethos gradually receded. Jesus’ vision was forgotten and the movement he initiated was solidified into a mighty institution where women practically became ‘outsiders’. The Jewish Scripture which form part of the Christian Scriptures, and its patriarchal biases added to this evolving anti-women phase of Christianity.

2.1 Women in the Bible

The status and role of women in the Bible is rather ambiguous. The Bible sometimes ignores women or presents them as non-persons. The Bible narrates stories of women who compete with one another (Sarah and Hagar) or who are in solidarity with one another (Ruth and Naomi). There are women who are confined to domestic roles alone (Sarah and Rachel) and others who play significant role in the public space (Judith and Esther).

2.1.1 Women in the Old Testament

The Jewish religion and the Jewish society were a male dominated one. The exclusion of women from the very rite of circumcision, which was the sign of official admission into Judaism, is itself indicative of the subordinate role women played in that religion

and society. In the three opening blessings of the Eighteen Benedictions, one of the great prayers of Judaism, the pious Jew thanked God in the following way:

Blessed be God that he has not made me a gentile.

Blessed be God that he has not made me a woman.

Blessed be God that he has not made me a slave.

The Old Testament is a collection of writings by males from a society dominated by males. Women were the subordinates in Hebrew society. In the Decalogue, the wife is listed along with the rest of the husband's property: 'You shall not covet your neighbour's wife, or his male or female slave, or his ox or ass, or anything else that belongs to him (Ex 20:17). Further "if a man sells his daughter as a slave, she shall not regain her liberty like male slaves" (Ex 21:7).

2.1.2 Woman in the Old Testament Laws

In many respects the Israelite law resembles the law of ancient Mesopotamia and Syria. The salient features of Israel's laws were patriarchy, polygamy, concubinage, slavery and the thorough institutionalization of double standards. The inferior status of women is evident in laws dealing with inheritance, divorce, sexual transgressions, religious vows, cultic observances and ritual purity. For example, a female could not inherit property in Israel. A daughter could inherit from her father only if there were no sons (Num 27:1-11). There was no punishment for the man having sex unless a married or betrothed woman was involved. Adultery involving a married woman was a crime of the first magnitude in Israelite law (Lev.20: 10; Ex. 20:14), because it was a violation of the fundamental and exclusive right of a man to have sex with his wife. According to Deut 22:13-21, a young bride could be stoned to death, if her father could not prove her virginity whereas no man suffered a penalty for his lack of

virginity. Again, a husband could force his wife to submit to an extremely humiliating and terrorizing trial by ordeal, if he suspected her infidelity to him and not vice versa (Num 5:11-31). Since man possessed the woman he could dis-possess her as he wished, that is, a man could divorce his wife but she could not divorce him.

Besides, women also suffered religious disability in Israel. They could not receive membership in the religious community, namely, circumcision (Gen 17:10ff). They were also barred from becoming priests. Women were not obliged by the law of Deuteronomy 16:16 to attend the three annual pilgrim feasts. The Israelite religion also excluded all persons in a state of impurity or uncleanness from cultic participation. The various circumstances that made a person ritually impure included sexual intercourse, menstruation and childbirth (Lev.12-15). Consequently women often found themselves in a cultically proscribed state, which seriously affected their participation in the cult.

2.1.3 Images of Women in the Old Testament

The two most common images of women in the Historical writings are those of wife and mother. Other images include barren woman, the foreign woman, and the widow. A mother's special feeling for her child is given frequent and varied expressions (Jer .31:15; II Sam. 21:8-14; I Kings 3:16-27). The image of the suffering mother predominates the prophetic writings. It is the woman in childbirth who is the focus of attention (Is.13: 8, 21:3, 26:17; Jer. 4:31, 30:6, 48:41; Mic .4:9-10).

Some of the Biblical texts also portray woman as intelligent, strong-willed and capable, and especially endowed with the gift of persuasion (See II Sam. 14:1-20, 20:16-22; I Kings 1:11-31). As a result, she was considered potentially dangerous to man

and not even the strongest man could stand against her female power (Judg.16:4-21). In addition to the primary roles of wife and mother, women also appear in specialized roles, occupations and professions. Foremost among these is the prophetess. Few of them mentioned in the Old Testament are, Miriam (Ex.15: 20), Deborah (Judg. 4:4-16), Huldah (II Kings 22:14-20) and Noadiah (Neh. 6:14). There were other women known for their wisdom (II Sam. 14:2, 20:16). They were noted for their astute counsel, persuasiveness and tact. The community recognized the gift of wisdom in women too, and it was in no way restricted to men.

The following are some of the traditional Christian images of women based on the Bible.

- The “Wife and Mother” image; women are inspired to be good wives and mothers by the examples of Mary, the mother of Jesus, Sarah, Rebecca and others.
- The “hard working Housewife” image: the story of Martha and Mary in the Gospels
- The “pure and submissive woman” image
- The “Temptress” image: Eve is the best known in the Bible
- The “property of men” image: the Old Testament projects this image strongly (Judges 19)
- The “Unclean Creature” image: Book of Leviticus
- The “Nameless Non-Person” image: Only male parents and male offspring were important enough to get their names into the lists. In many Biblical stories, even when women are mentioned, they are nameless and identified only by their relationship to men: Lot’s wife, Jairus’ daughter, Peter’s Mother-in-law, are some examples.¹²

2.2 Other Historical Influences

Looking beyond the dawn of Christianity, we find the belief that woman is unequal to man, originated as far back as the 4th century BCE when the great philosophers Plato and Aristotle apparently fired the first salvo on female liberty. To Aristotle, “the male is by nature superior, and the female inferior; one rules and the other is ruled.”¹³ The early and medieval Church fathers like St. Augustine (4th century) and St. Thomas Aquinas (13th century) also reflected these views. Aquinas’ reference to woman as “an incomplete man” clearly echoes Aristotelian thought.

Further, *Malleus Maleficarum*, the mammoth encyclopedia of demonology and witchcraft compiled and published by two Dominican inquisitors, Heinrich Institor (Kraemer) and Jakob Sprenger in 1486 provide more insights into the denial of rights to women in the church. Commenting on the creation story they state: “...And it should be noted that there was a defect in the formation of the first woman, since she was formed from the bent rib... bent in the contrary direction to man...and since through the first defect in their intelligence, they are always more prone to adjure the faith...”¹⁴

These treatises on witches attribute to women a multitude of evil qualities, occult powers and insatiable sexual desire and even went so far as to state: “for the sake of fulfilling their lust they consort with devils.”¹⁵ We must admit that these early anti-feminist writings which contains grossly negative ideas and sex prejudices became the corner stone of Church and societal practices. Such thoughts permeated both medieval and contemporary thought, and provoked society to view the female sex as evil and intellectually inferior.

Not surprisingly, virginity in women was greatly respected and was to some extent equated with celibacy in men, thus

reducing the status of marriage. Sex and the act of procreation were considered to be innately evil and something to be shunned, as evidenced by the following statement: “since the first corruption of sin by which man became the slave of the devil came to us through the act of generation, therefore greater power is allowed by God to the devil in this act than in all others.”¹⁶

2.3 Women through the Eyes of the Church Fathers.

The tradition of viewing women inferior and sinful continued into the church down the centuries. The Church fathers picked up where St. Paul left off. St. John Chrysostom in the late fourth century says, “The woman taught once, and ruined all. On this account let her not teach... her sex is weak and fickle... the whole female race is transgressed...” St. Augustine slightly modifies the theme when he says, “the woman together with her own husband is the image of God,” and taken in herself alone, “she is not the image of God.”¹⁷ St. Thomas Aquinas declares women to be defective and misbegotten since the production of woman comes from some defect. Another Church Father, Tertullian is quite offensive in his language, “And you know that you are Eve? God’s sentence hangs still over all your sex and His punishment weighs down upon you. You are the devil’s gateway... with what ease you shattered that image of God: man! Because of the death you merited the Son of God had to die.”

These accusations and disrespect given to the whole class of women was nourished by the cultural milieu of the Christian communities and also by the interpretation of scripture through those culturally prejudiced eyes. Even today children are introduced to the creation story by the image of a male creator, aged, bearded and patriarchal, who created man, then woman as man’s assistant. The woman is tempted and deceived, she

tempts the man and then both are punished. This primitive rendering makes women ashamed of their womanhood, guilty of crime, burdened with the obligation of making good by complete subservience.¹⁸

The Scriptures, the laws (be they religious or secular) and state laws have all been handed down to us through the ages by men. Except for a few matriarchal societies, throughout history men have considered themselves as guardians of society, truth, law, justice and religious orders.¹⁹ It all stems from the concept that man is made in the image of God, therefore he is physically, intellectually and morally superior to woman, whom God created as his helper. Thus the sexist bias or sexual racism has its roots in religion. The church, universal with all its teaching, preaching and theologizing the ideals of justice, equality, freedom and grace, has been helplessly caught in a system and behavioural pattern which has emerged from and evolved around the age-old concept of woman being subordinate to man and man being superior, having been created in the image of God, the male.²⁰ Such attitudes towards women are expressed time and again by important church men who in turn shape the world view of Christian men and women. Consider the following statements:

Any woman who acts in such a way that she cannot give birth to as many children as she is capable of, makes herself guilty of that many murders... Augustine

‘Are women human?’ (in the year 584, in Lyon, France, 43 Catholic bishops and 20 men representing other bishops, after a lengthy debate, took a vote. The results were 32 yes, 31 no. Women were declared human by one vote). This happened during the Council of Macon, France.

‘Women should remain at home, sit still, keep house, and bear and bring up children.... If a woman grows weary and at last, dies from childbearing, it matters not. Let her die from bearing-she is there to do it.’ Martin Luther.

‘Woman, in her greatest perfection, was made to serve and obey man, not rule and command him.’ John Knox.

The soul of women is so small that some believe they have none at all.' Samuel Butler²¹

In spite of the positive affirmations of the equality between women and men in the Gospels, the reality is that women continue to be oppressed, treated as lower or inferior to men. In fact many parts of the Bible continue to be used to justify the oppression and dehumanization of women. For example, because of Eve (Gen 3: 16), woman has been blamed for the sins of the world. Some biblical passages that are often quoted to justify women's oppression are:

1Timothy 2: 11-12: *"Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."*

Ephesians 5: 22-24: *"Wives, submit yourselves to your husbands, as unto the Lord...." "The head of every man is Christ, and the head of the woman is the man...." "Man is the image and glory of God; but the woman is the glory of man."*

1Peter 3: 1-2, 6: *let wives "be in subjection to your own husbands" and have "chaste conversation coupled with fear."*

The history of the church is full of stories showing how the early church fathers (patriarchs) treated women. Hypatia (370-415), head of the Neoplatonic School of philosophy in Alexandria, was famous for her research in mathematics and astronomy. Seeing the world famous library of Alexandria burned down by Christian mobs, she spoke out against it by saying: "Reserve your right to think, for even to think wrongly is better than not to think at all" and "to teach superstitions as truth is a most terrible thing." For this and for being beautiful and unmarried, Bishop Cyril denounced her as immoral whereas many men who devoted their lives to intellectual research and did not marry were never condemned. Bishop Cyril is believed to have incited a Christian mob to kill Hypatia, dragging her body into the church and cutting it into small pieces. After his death, he became Saint Cyril of Alexandria.²²

It is obvious that Christianity as it evolved through the past twenty centuries has not contributed much towards the empowerment of women. On the contrary, it has absorbed the anti-women attitudes of the prevailing patriarchal cultures and has in turn reinforced such attitudes. However, many women found the ideal vision of the Reign of God proclaimed by Jesus and Jesus' own dealings with women a liberating experience. In that sense Christianity over the years helped women to feel empowered because in the power of the Spirit they are convinced that they are created in the image and likeness of God and are incorporated into the mystical body of Christ through baptism.

3. The impact of Christianity on Indian Christian Women

Christianity came to India at different times starting from the Apostolic era. The total population of Indian Christians is around 2.3 per cent of the total population. It is believed that majority of the Indian Christians belong to Scheduled Tribes and Scheduled Castes. They are economically and socially backward. When we speak of women from these groups we can speak of the Triple discrimination they are subjected to, namely on account of their class, caste and gender. Has Christianity empowered these women? Opinions vary on this.

One of the ways of empowering women is through education. There is statistical evidence about the role of Christianity in fostering literacy and education in India and, among the states in the North-Eastern Region. Using the data collected by the National Sample Survey Organization (NSSO), Government of India, during 1983 and 1999-2000, researchers show how Christianity is associated with high literacy rate in India in general and among the tribal people of NER in particular.²³

The SCs and the STs are usually the excluded groups who are not able to get the benefit of education in spite of the various

schemes of the government. According to 2001 Census, the SCs account for 16.2 per cent of the Indian population. Their exclusion is the direct consequence of the Hindu social order. The other social group that is excluded is the Scheduled Tribes (STs), also called adivasis or simply tribals. Their share in the population as per the 2001 Census is 8.2 per cent. Their exclusion is a consequence of geographical isolation and neglect as these groups are located in hills and forest areas that have been traditionally considered remote.

After analysing the data, the authors come to this conclusion. Among the social groups, a clear hierarchy is observed in educational attainment with the STs at the bottom and others (forward castes) at the top at the all India level. However, in NER, being an ST is not as big a disadvantage as in the country as a whole. Among the religious groups, Christians in general have higher educational achievement. ST Christians in particular are better placed in overall educational achievement especially in the tribal and Christian dominated states of NER. Among different social groups, an ST person with religious denomination as Christian is more likely to be literate. Thus Christianity does seem to play a role as far as educational achievements are concerned.²⁴

From 1891 onwards Catholic women religious had been working in the Northeast region. Today there are 46 religious orders with a membership of 2882 working in North east India. Believing that education is a powerful instrument of empowerment, some of these religious are the pioneers in education of Tribal girls. Besides education and health care, they also undertake other charitable works among the Tribals. They were preaching and teaching the faith in villages. Through education, they gave the tribals a 'new polity and identity.' Because of the healthcare work of the Religious women, they were not only able to save many lives but also liberate them from their superstitious beliefs in malevolent spirits.²⁵

Besides education, there are other ways by which Christian women get empowered. Most churches especially the Protestant churches have their own women wings that play a significant role in the religious life of Christians as well as welfare of the villages. These wings are called women's societies. These societies have only women as members of the church. They have their own leadership. Being part of such groups helps women empowerment. Talking about the status of Khezha naga woman, Lucy Zehol opines that women have received greater freedom after becoming Christians. With the advent of Christianity came western education. It provided them with a new outlook and network with other parts of the world. As a result women gained a new confidence.

According to Zehol, Christianity grooms a person to a large extent. It helps in one's personality development. It widens one's worldview, changes one's ways of thinking and is more exposed through different programmes and activities of the church. The church trains the person in leadership. In every stage of a Christian's life, one gets training and education. For instance, during childhood, one goes to Sunday school, during youth one joins youth fellowship, women join the women's group, and so on.²⁶

Lalrinawmi Ralte, a theologically educated Mizo woman on the other hand denies that there has been any meaningful improvement in the status of Mizo women following the introduction of Christianity. She argues on the contrary, that the church has suppressed even those "spaces" that women had within the admittedly patriarchal traditional society. According to her the traditional Mizo indigenous religion provides some important role for women and assigned positive value to the feminine. For instance, of the three most important deities of the traditional Mizo religion, *Khuanu*, was feminine. So important was she in the practice of the traditional religion that the Mizo word used for religion itself, *Sakhua*, can be interpreted to mean

“the worship of *Khuanu*.” Since *Khuanu* was believed to be the most active of the deities on behalf of people, the fact of her gender gave importance and dignity to the feminine. When Christian Missionaries looked for a name to use to translate the biblical “YAHWH” they chose a male deity named *Pathian*, and *Sakhua* was forgotten. She further argues that in the traditional religious society, women played significant roles as “wise women” and “prophetesses.” Women also were song writers. As Christianity gradually took root, women were excluded from many of the roles they held earlier. For instance the office of Bible Woman was abolished in the 1950s as the church became firmly entrenched in the patriarchal society.²⁷

4. Way Forward

As concluding remarks I would like to place before you the following steps that we could take so that our Christian faith and commitment will be meaningful and relevant in today’s context. The majority of Christian women have internalized the attitudes and values of patriarchal Christianity. As a result many are comfortable with the space given to them in the Church. When the question of including women in the foot washing ritual on Holy Thursday came up in our parish council meeting, I noticed that there were some women who were not for the inclusion of women. So the first step forward is to create awareness among all Christians. We need to continue taking gender sensitivity programmes for all age groups.

We need to continue coming together as like-minded people, men and women with a feminist consciousness to reflect on various aspects of our religion, to explore further the distortions that have taken place over the course of history and to clarify for ourselves the essence of Christianity. We need to do this on a regular basis.

As Elisabeth Fiorenza has proposed some time ago, we as

women need to initiate what she calls as ‘Women Church.’ It is going to be a temporary separation for the sake of reflecting together as women from our positive and negative experiences and to articulate our reflections, strengthen our convictions and to explore a relevant spirituality that will bring about wholeness and well being of all.

We need to encourage more and more women to do theological studies which will help them to be dissenting voices whenever there is a need. Women need to enter all fields of ecclesiastical studies including canon law with a critical feminist consciousness.

As far as India is concerned we need to continue to raise our prophetic voices in favour of all the oppressed especially women. We cannot be complacent until each and every woman is emancipated from all shackles and inner bondages.

There is need for ongoing study and reflection to explore and discover all the distortions that have taken place in the Church and to challenge such distortions especially all those traditions which deny the full humanity of women in Church.

As women followers of Jesus Christ and as legitimate members in the church, we need to diversify our ministries. We need to have more women theologians, professors, spiritual directors, retreat preachers, pastoral guides, etc. Finally all of us need to continue to search out our own patriarchal conditionings and to come out of such conditionings so that we can help others to do the same.

Endnotes

- 1 *Times of India*, New Delhi, September 2, 2016.
- 2 *Times of India*, New Delhi, September 21, 2016.

- 3 *Times of India*, New Delhi, September 21, 2016.
- 4 *Times of India*, New Delhi, September 21, 2016.
- 5 See Pearl Drego, "The Feminist Viewpoint" in Stella Faria, Anna Vareed Alexander, Jessie B. Tellis-Nayak (eds.), *Christian Woman*, (Pune: Satprakashan Sanchar Kendra/Ishvani, 1984), 42.
- 6 See Sun Ai Park, "Religion and Menstruation," in Stella Faria, Anna Vareed Alexander, Jessie B. Tellis-Nayak (eds.), *The Emerging Christian Woman*, 12- 18 at 16.
- 7 See Pearl Drego, "The Feminist Viewpoint," 38-9.
- 8 E. Schussler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins*, (London and New York, 1983), 135 f.
- 9 "In Christ there is no more Jew or Greek, slave or freeman, male or female," (Gal. 3: 27-28).
- 10 See Drego, "The Feminist Viewpoint," 43.
- 11 See Hans Kung, *Women in Christianity*, Translated by John Bowden, (New York: Continuum, 1995, (2005), 25.
- 12 See Anna Vareed Alexander, "Through the Feminist Looking Glass: Images of women," in Stella Faria, Anna Vareed Alexander, Jessie B. Tellis-Nayak (eds.), *The Emerging Christian Woman*, 75- 89 at 80-81.
- 13 John Warrington, ed., *Politics- The Athenian Constitution* (London: Heron Books: By arrangement with J. M. Dent & Son Ltd., 1959) BK. 1, 11.
- 14 J. Sprenger and H. Kramer, *Malleus Maleficarum*, Trans. Montague Summers (London: the Puskin Press, 1948), Part I Question 6 as quoted in *Women & Religion* ed. Elizabeth Clarke & Herbert Richardson (London: Harper & row, 1977), 122-123.
- 15 Sprenger and H. Kramer, *Malleus Maleficarum*, 125.
- 16 Clarke and Richardson, *Women & Religion*, 126.
- 17 See Augustine, On the Holy Trinity III
- 18 See Drego, "The Feminist Viewpoint," 44
- 19 See Doris Franklin, "Impact of Christianity on the Status of Women from the Socio-cultural Point of view, in *Religion and Society*, Vol. XXXII, No.2, (June 1985): 43-55 at 43.
- 20 See Doris Franklin, "Impact of Christianity," 46.

- 21 See Marie Assaad, 'Should we be Angry?' (New York: New World outlook, 1985), as quoted by Doris Franklin
- 22 See Hope S. Antone, "Asian Women and Christianity," *In God's Image*, Vol. 28, No.1, (March 2009): 26-33 at 27.
- 23 See Amaresh Dubey and Veronica Pala, "Role of Christianity in Fostering Literacy and Education in Northeastern Region: Statistical Evidence," in *Christianity and change in Northeast India*, eds. T.B. Subba.J. Puthenpurakal & Shaji Joseph Puykunnel (New Delhi" concept Publishing company, 2009), 63-92 at 63.
- 24 See Amaresh Dubey and Veronica Pala, "Role of Christianity in Fostering Literacy and Education in Northeastern Region," 90.
- 25 See Sr. Angeline Lotsuro, MSMHC, "Contribution of Catholic Women Missionaries to the Socio-Cultural Change among the Tribes of Northeast India, in *Christianity and change in Northeast India*, eds. T.B. Subba.J. Puthenpurakal & Shaji Joseph Puykunnel (New Delhi" concept Publishing company, 2009), 321-330 at 327.
- 26 See Lucy Zehol, "changing Khezha Culture, Christianity and women: Some observations, in *Christianity and change in Northeast India*, eds. T.B. Subba.J. Puthenpurakal & Shaji Joseph Puykunnel (New Delhi" concept Publishing company, 2009), 331-346 at 345.
- 27 See Frederick S. Downs, "Christianity and the Status of women in the Hill Areas of North East India: Differing Perspectives," in *Journal of Tribal Dudies*, Vol. 5, No. 1 (January- June 2001): 17-40 at 37.

Re-Scripting the Story: Transforming the Power Dynamics of Religion on Women

Kochurani Abraham

The task entrusted to me is to reflect on the topic: *Understanding of Power in Religious Structures and its Impact on Women*. However, I am re-wording the title as *Re-Scripting the Story: Transforming the Power Dynamics of Religion on Women*. This is done in view of identifying signposts that would have a transformative impact on religion from the standpoint of women. Even so, understanding the gendered power dynamics of religion is imperative for scripting women's story in a manner that is liberative.

As a starting point, I take the imagery of St. Kateri, an interesting woman saint from an indigenous community called the Mohawks in Canada. Kateri is the first Native American to be recognized as a saint by the Catholic Church, canonized by Benedict XVI on 21 October 2012. Kateri, born in 1656 with the Mohawk name Tekakwitha was converted to Catholicism when she was 19 and was given the name Kateri after St Catherine of Sienna. Her story is that she fell in love with the God she met in Christianity and decided to consecrate herself by taking a vow of chastity. This decision was very strange and unthinkable for the indigenous people of her times, but she persisted and lived her consecration with determination, serving the people around. Though she died at a very young age of 24, radiance of her sanctity spread near and far and people started flocking to her tomb. There were miracles especially of healing and she became a much revered saint, known as the Lilly of the Mohawks. Today she is considered the patroness of ecology and the environment, of people in exile and of Native Americans.

An obvious question at this juncture would be to ask how the story of St Kateri is relevant to our discussion on ‘Understanding of power in religious structures and its impact on women’? Recently on a trip to Montreal, I had the opportunity to visit the Kanawhake shrine of St Kateri and I was struck by two different portraits of the saint in the same shrine. The portrait installed in the church had the imagery of a delicate girl, her body bent and in an ascending posture, with a golden cross in her hand. After visiting the Church, an indigenous woman leader who shared with me the story of Kateri showed me a totally different portrait of their saint. The former delicate imagery of Kateri was how the colonial missionary had portrayed her, which was later accepted by the Church as the official portrait of the saint, while the latter picture represented how the Mohawk community had depicted their beloved saint. In the picture of the colonial missionary, Kateri’s body is bent and she has the appearance of being a delicate, fragile young woman, rightly fitting the ‘feminine’ gender stereotype. On the contrary, Kateri’s picture by the indigenous artist portrays a strong, robust woman, who is firm and secure and has a determined look on her face. They have even depicted her as an older woman, perhaps to represent her wisdom and maturity that went beyond her chronological age.

The portrayal of St Kateri in two different imageries point to the *politics of representation* and this holds the key to understand the power dynamics of religion on women. The term politics is deployed here as in social theory to indicate the methods, practices and ideologies used by an individual or group to assert power or to gain control over another.¹ In this paper, I take two areas where the politics of representation is obvious, that is on women’s identity and on women’s body and sexuality.

Gendering of women's identity

In all the mainstream religious traditions, politics of representation is at work mainly by casting humans in a gendered mould. The impact of this moulding is on both women and men, though men stand at an advantage for the manner in which masculinity is defined - strength, independence, rationality, leadership and the rest being the characteristic features of this privileged position of what it means to be a man. Women on the other hand, stand at a disadvantage of being cast in the mould of femininity since docility, obedience, capacity to suffer and sacrifice oneself are taken as its essential characteristics. Within the gendered mould of religion, women's roles are defined primarily as care givers and nurturers. While care and nurture are foundational to sustaining the life of humans and of this universe, the problematic is in identifying these as 'feminine' and in allocating these responsibilities primarily to women. Whatever be her religion, an average Indian woman is thoroughly exploited by these 'life-giving' roles under the banner of the 'feminine' ideal. And she gets dwarfed as she is denied resources and opportunities that facilitate her growth as a person.

I just want to make a critical observation on the association of femininity with an added capacity to sacrifice oneself. In Christian circles, women are often reminded that is their divinely ordained privilege to break themselves in the family and in the Church at the service of others. The irony is that while breaking oneself in order to bring life to others is a core feature of the Eucharistic theology, women cannot or rather they are not allowed to break the Eucharistic species in their hands and say 'Take and eat, this is my body, broken for you...' Religion conveniently changes the rules of the game here to keep religious power vested in male hands. Consequently women are excluded from positions of religious leadership and

from platforms of decision-making as well as from having a voice or a say in the matters concerning religion.

Religions exercise power over women using the politics of representation. This is done using sculptures and paintings as in the case of St. Kateri or through teachings on what constitutes the profile of a good woman. If we take the Catholic Church as a case of analysis, this comes consistently through the magisterial documents, particularly those that are on women like *Mulieris Dignitatem*, the letter of the Congregation of the Doctrine of Faith (CDF) on ‘Collaboration of Men and Women in the Church and Society’ etc. Interestingly, of late it is coming in stronger doses evidently because there is a fear of cracks developing in the gender mould through the influence of feminism.

In recent times, gender is reinforced in the Church even through documents that are not directly on women. For instance, the 2013 document *Evangelii Gaudium*, while being progressive in many aspects falls back on biological essentialism in its understanding of gender. Even when the document speaks of the expansion of “possible roles (for) women in decision-making in areas of the Church’s life”,² it considers sensitivity, intuition and other distinctive skills as particular to women than men.³ It is ironic that the Pope cannot identify qualities like intellectual agency, theological expertise, organizing abilities and leadership skills in women particularly if he is serious about expanding women’s roles in Church’s life. And even in a document like *Laudato Si* which is basically on ecological concerns, there is an attempt to reinforce the gendered notions of what it means to be a man or woman. In its teaching about human ecology, the Pope speaks about the necessity of “valuing one’s own body in its femininity or masculinity” (LS 155). In repeating such statements, it is as though the official Church is comfortable to continue as a patriarchal institution even into

the 21st century, since patriarchy rests on defined notions of the masculine and feminine, and is held in place by sexual and property arrangements that privilege men's choices, desires and interests over and above those of women.⁴

It is important to note that power within a religious framework is generally not exercised in an abusive mode, but in a hegemonic manner by eliciting women's consent, beguiling them with its social and cultural myths and rituals and implicating them in its workings. Cultural and sexual norms constitute the everyday contexts for the exercise of patriarchal power. It is sustained by social relationships and belief systems that justify female subordination and male authority. Thus religious power exercised as hegemony obtains women's consent to keep them subjugated, making women believe in the bargain that God has created them subordinate to men and it is their supreme duty to be dependent on men, to serve them within the family and to obey them in the public realm of religious practice. This gendering process is done in a very subtle manner by presenting role models on ideal womanhood and inviting women to emulate them.

I shall illustrate this by sharing a recent experience. One day during the Novena celebrations before the feast of the nativity of Mary, I had accompanied my mother to a Church in my hometown which is dedicated to our Lady of Health. The mass we attended was celebrated by a young priest who preached an eloquent sermon on Mary taking different episodes of her life. In the course of the homily of 8 minutes, he repeated the word 'silently' 17 times in reference to Mary and at the end of the homily he made a prayer that said: 'We pray to Mary a model for women today...Amen'. What I infer from this experience is that the biblical injunction "Women be silent in the Church" cannot be brushed aside as a pre-modern expression that has nothing to do with where women are today. The silencing of women continues into the 21st century at different levels because that is the way religion keeps a check on women's power. This is done

either in a subtle way by making women believe that it is a virtue to be silent or by keeping women who speak up, who raises critical theological voices out of the platforms of mainstream theological discourse like colloquium of Bishops, commission of women etc. But those who hold the reins of religious power do not seem to realize that prophetic voices cannot be silenced.

Body and Sexuality of Woman and the Politics of Representation

Within the framework of religion, women's body and sexuality are significant areas where the politics of representation is strongly at work in view of meeting patriarchal ends. Religious patriarchy has targeted women's body and sexuality in order to define what womanhood is. Evidence of this we have in the creation myth that has been foundational to the major religions like Judaism and Christianity. Eve, the original woman is depicted as someone who is morally weak, prone to temptations and dangerous to the extent of causing the downfall of humankind.

As we know, in the Judeo-Christian tradition, the snake is symbol of evil / Satan and so this biblical text and imagery served to create the idea that a woman's sexuality is a highly potent medium by which the forces of evil contaminate the human mind. Since woman's body and sexuality were considered dangerous, norms were defined to keep them contained within strong confines or under strict vigilance. From this follows the text "*He shall rule over you*". This has been the strategy deployed by religious patriarchy to exercise strict controls over women's body and sexuality and subsequently on their minds.

This identification of sexuality with woman and associating it pathologically with sin is not limited to the Judeo-Christian traditions. In Islam, it is striking to note how the politics of representation is inscribed into language, specifically into

Arabic expressions like *awrah*. Etymologically, the term *awrah* derives from the root ‘a-w-r which means “defectiveness,” “imperfection,” “blemish” or “weakness”. Its most common English translation is “nakedness” as the usage of the term within Islam denotes parts of the body between the navel and the knee in both men and women, which must be covered with clothing. Even though the exact definition of *awrah* varies between different schools of Islamic thought, **the word *awrat* derived from the Arabic *awrah*, had been used widely to mean “woman”. In Urdu, *awrat* (*aurat*) is practically the only way to say ‘woman’.**

According to some schools of thought that hold strict views on women, the entirety of the woman is *awrah* and so she should be covered up entirely like the Afghan women wearing shuttlecock burqas, the most concealing of all Islamic veils. In the words of Faqeeh Qadhi Ibn Al-Arabi “all of the woman is *awrah*; her body, her voice, and it is not permissible for her to uncover that unless out of necessity, or need such as witnessing (in court), or a disease that is affecting her body...” [Ahkaam Al Qur’aan 3/1579]. In some groups that are misogynistic and sexophobic, even a woman’s *voice* is considered *awrah*, meaning that she must never even *speak* to an unapproved male. Women under the dominion of these sexist cults are valued only for providing sexual pleasure to men and for conceiving and raising children along with other household services.

Closer home, the Hindu tradition also identifies women’s essential nature with their sexuality. Women’s sexuality termed as *strisvabhava* is to be channelized into legitimate motherhood within a tightly controlled structure of reproduction. In a caste framework, this served to ensure caste purity and patrilineal succession. Women’s duty (*stridharma*) is defined as fidelity to the husband. However, there has been an association of women’s sexuality or *strisvabhava* with sin. According to Tryambaka’s version of Manu’s ‘Stripumdharma (written for

women in the 18th century) women are innately promiscuous, fickle minded, lacking in love and unfaithful to their husbands even when closely guarded. The ideal notion of womanhood constructed by the patriarchal ideologues was represented as the '*Pativrata*', which means the woman submissive and devoted to her husband⁵.

It is ironical that while female behaviour was regulated within the *strisvabhava* - *stridharma* framework and the consequent promiscuous woman *versus* the chaste woman dialectic, the good / bad woman dichotomy was written into the notions of upper caste / lower caste women. Labouring lower caste women were not expected to adhere to *stridharma* as they were treated as the sexual property of the men for whom they work. Their socially subordinate status marked them as 'low' women, who are sexually deviant and not expected to be chaste⁶ whereas for the 'caste' woman through the ideology of *Pativrata*dharma, the actual mechanisms of control over women's sexuality and the subordination of women was completely 'naturalized' and with it patriarchy was firmly established. Uma Chakarvorti, a feminist historian calls '*pativrata*' the ideological 'purdah' of Hindu women, the mask by which the hierarchical and inegalitarian structure of the social order was reproduced with the complicity of women.⁷

The promiscuous woman *versus* the chaste woman dialectic of Hinduism finds an echo in the Eve-Mary dialectic of the Christian tradition. Since religions consider all women potentially promiscuous if not controlled through strict codes of behaviour, dressing etc., it is as though men have an inherent right to control women's sexuality and reproductive functions while women have no such right over men.⁸ But the paradox is that even as female sexuality is seen explosively dangerous as per religious codes, male sexuality is accepted as something that cannot be controlled, and often accommodated even when it turns violent. Consequently, prescriptions of modesty and

chastity become normative only for women. Sexual violence in the public space – which is ever on the increase in India – gets excused with expressions like ‘boys are boys... they make mistakes’. In the domestic space, marital rape is taken to be a husband’s right and privilege that even Indian parliamentarians would consider it unthinkable that the word ‘rape’ can be used in the context of marriage. Their stand is based on the argument that ‘marriage is sacred’ in India. In situations of sexual scandals within the framework of religion, men are defended; or they are even promoted by those in religious leadership as apparent in the many cases that have surfaced even in the Indian Church. The double standards on the question of sexual morality in relation to women and men make evident the manner in which religion exercises power on women’s bodies and sexuality and what impact it has on women.

Further, in the context of the emergence of new movements where women have begun claiming rights over their bodies, the anti-choice offensive led by religious conservative groups have become stronger, the Vatican being a major player in this regard. While the pro-choice groups claim that they are also ‘pro-life’ in the sense that they take life in its connectedness, not just of the unborn fetus, they see the stand taken by the religious conservatives on contraception and abortion as an impingement on women’s rights.⁹ The letter of Pope Francis authorizing priests around the world to absolve those who repent of the “sin of abortion” during the jubilee year of mercy, also raises critical concerns in relation to women’s bodies, sexuality and the exercise of religious power. The letter though apparently a benevolent gesture, tends to see women as mere recipients of mercy through male mediation while forgetting the moral responsibilities of the man involved in the questions underlying the case of an abortion.¹⁰

Another dimension of the sexual politics of religion is in taking woman’s body and sexuality as defiling. Menstruation

is considered highly polluting that women are barred from entering the sanctuary or coming anywhere near the temple during their menstrual years. This is not merely the case of Sabarimala temple or some other temples in India where the deity is taken to be male and celibate. Even in some of the churches of oriental rite in the catholic tradition, female bodies are forbidden in the sanctum sanctorum, which is clearly set apart by railings. The recent commotion in the Indian Catholic Church on the issue of including women in the foot washing ritual is a further pointer to the uneasiness with the female body and sexuality that is prevalent in the present times. The statement by a certain bishop in Kerala that the priests of his diocese could wash the feet of older women or nuns if they choose to, lays bare the heightened expressions of this 'sexophobia'. In these misogynic expressions of fear of female sexuality, the dualistic thinking pattern that is foundational to patriarchal ideology continues to inscribe religious belief systems and practices, leading to women's exclusion from the exercise of religious power and from roles representing the Divine.

Re-Scripting the Story:

How do women re-script the story? Is it possible to transform the power dynamics of religion on women? These questions find an answer in a book titled '*When God was a Woman*' by Merlin Stone.

Merlin Stone, an American author, sculptor, and professor of art and art history, spent a decade on research before writing the book *When God was a Woman*, published in 1976. In this she describes how a benevolent matriarchal society and Goddess-reverent traditions were undermined and destroyed almost completely by the ancient tribes in order to replace it with the Sacred masculine as the dominant power. She shows how the

creation myth of the Judaic tradition was a cleverly devised means to suppress the Goddess religion as its sacred symbols like the Tree, the Fruit, the Serpent.

As Merlin Stone observes, the Serpent is linked to wisdom and prophetic counsel in the ancient Middle East. Artifacts portray Goddesses or Priestesses holding snakes in their hands: Goddess Nidaba – the Scribe of the Sumerian Heaven was depicted as a serpent; Ninlin is called the Great Mother Serpent of Heaven; Ishtar of Babylon is portrayed holding a staff of two coiled snakes and Tiamet described as a dragon or serpent. In Egypt – a sign that precedes the name of the Goddess was Cobra since the cobra was taken as the symbol of mystic insight and wisdom. The Goddess was revered as the original Creator – *Ishtar* and *Inanna* were esteemed as tutelary deity of sexuality and new life. In the Goddess cult, Serpents and Sacred Fruit Trees, Women taking advice from serpents was common.

It is understandable then how in the Biblical creation myth, these symbols get a counter meaning of evil and sin. With the notion of ‘Original Sin’ and its association with woman who is to be blamed for the downfall of humanity, the biblical story becomes a cleverly devised tool to keep women in ‘their place’

Elizabeth Cady Stanton, the foremother of the feminist movement found it necessary to engage in the interpretation of the Bible because it was used as the ultimate sanction against any change of conditions for women. In her opinion: ‘the chief obstacle in the way of women’s elevation is the degrading position assigned to her by religion: an afterthought in creation, the origin of sin, cursed by God, marriage for her a condition of servitude as she is unfit to minister at the altar. Such is her position in the Bible and religion.’

The process of re-scripting the story has begun with the emergence of feminist theology and through the stand taken by feminist activists in the different religious traditions. Through this has

emerged a counter politics which can be termed the politics of transformation. The flood of feminist theological works that emerged in the 70s and 80s interrogated the constructions of patriarchal imagery of God and the consequent power structures of religion and its implications on women.

The classical works in feminist theology of pioneers like Elizabeth Johnson, Rosemary Radford Ruether and Elisabeth Schussler Fiorenza and others have paved the way for deconstructing the patriarchal script of religious power that has a damaging impact on women. This is done in view of re-writing a liberative theology for women and for the rest of humanity. In the last few decades, feminist theology has become global and it is beginning to gain visibility and voice even in India, though it has been a slow and difficult task given that the mainstream theology is still strongly wired by patriarchy in theory and praxis.

While we are familiar with the initiatives of Christian feminist theologians, I think it is encouraging to note that re-scripting the story has begun in other traditions as well. In Islam, the books authored by Amina Wadud, a scholar of Islam and professor of Quranic Studies titled *Quran and woman rereading the sacred text from a woman's perspective*(1999) and *Inside the gender Jihad: women's reform in Islam*(2006) are significant in this regard. Besides her feminist theological scholarship and intellectual contributions, Wadud also engages in transformatory interventions. In August 1994, Wadud delivered a Friday *khutbah* or sermon on "Islam as Engaged Surrender" at the Claremont Main Road Mosque in Cape town, S. Africa, something that was unheard of at that time in the Muslim world. More than a decade later, Wadud decided to lead Friday prayers (*salat*) for a congregation in the United States, breaking with Islamic laws, which allows only male imams in mixed-gender congregations. On Friday 18 March 2005, Wadud acted as imam for a congregation of

about 60 women and 40 men seated together, without any gender separation.

While the Qur'an puts men in charge of women (4:35), groups have emerged like Sisters in Islam in Malaysia and other places, which are re-reading the Quran from a feminist perspective. In the Indian context, it is interesting to note that the Bebaak Collective (Voices of the Fearless), an Islamic feminist group has issued a statement against the All India Muslim Personal Law Board, challenging its patriarchal and conservative stand on the issue of the triple talaq, decision-making abilities of Muslim women, the question of polygamy within Islam and on the right of Supreme court to intervene in the religious law of the community. Another group NISA – Progressive Muslim Women Forum has filed petitions in the Supreme Court against gender discrimination in Islamic personal law on religious practices of marriage, divorce and property inheritance. The recent widespread campaigns against the triple Talaq also indicate that Muslim women have begun rethinking their identity and status in their community, all these posing a serious challenge to the gendered power equations within the religious structures of Islam.

The recent temple entry movement in India spearheaded by the Bhoomata Brigade, breaking age-old traditions and lifting gender barriers within the Hindu framework is another striking pointer signaling to revolutionary changes in the manner of understanding and exercising power in the structures of religion. Even though this change is just beginning as in the case of Shani Shingnapur temple, it reflects the assertions of power by the marginalized groups as in the case of Dalit temple entry movement. When Ambedkar was asked why he was so passionate about the issue of temple entry for Dalits, he replied: "The issue is not entry, but equality". What mattered to Ambedkar was that one of the most powerful tools by which an unequal society expressed and reinforced its hierarchies

– through the denial of equal access to religious and sacred spaces – had to be smashed.¹¹

To conclude, widows dancing with colours on Holi at Gopinath temple in Vrindavan, made news in March 2016. This event was reported by the media as *Widows celebrating 'colours of change', a proud moment for India*.¹² Even if the patriarchal power inscriptions of religions continue to have a hold on Indian women, the Vrindavan widows breaking a 400 year old tradition is indeed an invitation to initiate colours of change at a more wider or even global level. However, this entails a transformation of consciousness at the personal level and at the collective level. We need more organic intellectuals and feminist theologians among women as well as men who can voice concerns without fear. It is time to stop the reinforcement of sexism under the garb of religion because religions can and must make liberative interventions in societal concerns of injustice and inequality. For this we need more collective power and voice within particular religious traditions and in inter-religious networks. In this context, the '*colours of change*' initiated by the Vrindavan widows is indeed a challenge and a wake-up call to the Indian society.

Endnotes

- 1 Julia Leslee and Mary McGee (eds) *Invented Identities*, New Delhi: Oxford University Press, 2000, 9.
- 2 *Evangelii Gaudium*, no.104.
- 3 Cf. Numbers 103 and 104 of *Evangelii Gaudium*, Apostolic Exhortation of Pope Francis, Vatican, November 2013.
- 4 V Geetha, *Patriarchy*, Calcutta: Stree Publications, 2007
- 5 For more sayings of Manudharmas Sastra and mythical representations from *Mahabharata*, see Uma Chakravorti, "Conceptualizing Brahminical Patriarchy in Early India, 280-81.

- 6 For a detailed analysis of the interplay of caste, sexuality and gender, See V. Geetha, *Patriarchy*, 133-144.
- 7 “Conceptualizing Brahminical Patriarchy in Early India...”, 285.
- 8 These patriarchal assumptions are indicators of the status and position of women in a given historical period in a given society. Cf. Gerda Lerner, *The Creation of Feminist Consciousness*, New York: Oxford University press, 1993, 4.
- 9 Cf. Denise and Elise Couture, “An Antiracist, Ecofeminist and Theological Perspective for a Sustainable Life and a Sustainable Choice,” in Gerald Boodoo, ed., *Religion, Human Dignity and Liberation*, Sao Leopoldo: Editora Oikos Ltd, 2016, 73-83.
- 10 See Kochurani Abraham, “Women, the ‘Sin of Abortion’ and Absolution: Feminist Theological Questions” in *Asian Horizons: Dharmaram Journal of Theology*” Vol. 10, No. 1, March 2016, pp. : 171-177
- 11 Gautam Bhatia , “ The Equality of Entry”, Hindu, 8 Sept., 2016,10
- 12 Times of India, 22 India, March 2016.

Understanding the Impact of Religion and its Structures on Women in the context of Sexual Abuse.

Virginia Saldanha

The structures of authority in the Catholic Church are Patriarchal, hierarchical, and absolute. The Pope has absolute power over the whole Church (but Pope Francis does not use it), the Bishop has absolute power in his diocese, the priest has absolute power in his parish. Many bishops use this absolute power to thwart complaints about sexual abuse making it difficult for victims abused by priests to speak up about it.

Fr. Tom Doyle OP¹, a canon lawyer and therapist says “I cannot find language that can adequately communicate the full import of this monstrous phenomenon. The image of a Christian church that enabled the sexual and spiritual violation of its most vulnerable members and, when confronted, responded with institutionalized mendacity and utter disregard for the victims cannot be adequately described as a “problem,” a “crisis” or a “scandal.” The widespread sexual violation of children and adults by clergy and the horrific response of the leadership, especially the bishops, is the present-day manifestation of a very dark and toxic dimension of the institutional church.”

In my presentation I discuss the various aspects and positions of persons involved in making sexual abuse so easy to perpetrate without fear of recrimination or punishment by abusers, while victims and advocates continue to be frustrated.

The Priest

Priests come from our communities. They grow up in the context of a very patriarchal culture. The position of a priest

is held in high esteem in a Christian community. So a man who becomes a priest is literally spoilt by his family and community. This gives him the feeling of importance, fans his ego, and reinforces in him the belief that he is the centre of Christian life in a parish. Many of these young men come out from the seminary with an air of self importance and arrogance. More so in these days when the number of vocations to the priesthood is decreasing. The bishops are eager to 'nurture' the few vocations to enable the staffing of parishes. So one can only imagine the importance these young men feel when they come to a parish. If they possess a particular gift or charisma, real or imagined, they can soon develop a fan club in the parish.

The community is taught to revere priests. We were told from a young age that he is in the place of God, and no one should speak ill of him. If he does something wrong, people are told to pray for him, not confront him, as we need the priest for our spiritual well-being. To have blind faith in the priest could be termed as socialization. This blind faith has given several unscrupulous priests the confidence to do whatever they please as they will never be "caught" or confronted. If ever someone in the parish has the courage to show up the wrong doing of a priest, word will go around that they have a personal axe to grind, that they are doing it only to spoil the good name of the priest and before long the person is soon ostracized by the community.

When I brought up the issue of sex abuse by a priest in my parish who was well known for his "healing powers", people turned on me for spoiling his good name. I was told by a relative that just because people know a bishop they make complaints about good priests and get them removed. The priest spread the rumour that I am a feminist who wants to destroy the priesthood because I am fighting for woman priests which is against Church teaching. So I became an outcaste in my parish community.

Scripture interpretation:

Scripture has been interpreted to show women up as sinner (the so called adulterous woman and the woman at the well), and temptress (Eve). St. Paul's teachings on women are used to keep women in a subservient role – “women be subject to your husbands”(Eph. 5:22), “women should cover their heads to show that they are under their husband's authority” (I Cor 11:10), “women should keep silent They are not allowed to speak”, (1 Cor14:34-35). The fact that twelve men are named as Christ's apostles who are depicted sitting around the table with him at the last supper is used to bar women from ordination to the priesthood and therefore from all leadership and decision making positions in the Church. All this has been internalized by women and has the effect of keeping them in a subservient position vis a vis the male leadership in the Church. The rigid hierarchal structure reinforces this attitude.

The Victim

Victims are usually vulnerable people. Socialization in the Church brings about a lot of confusion within themselves when abuse takes place. This ensures their silence. They find it difficult to bring themselves to accept that the priest is capable of committing sin, much less breaking his vow of celibacy (which is synonymous with chastity for most people.) They have been taught to trust a priest, go to him when in trouble, when in doubt, when burdened with sin, so the tendency is to believe that somehow the victims themselves are responsible for the abuse. As it is, Sex is a taboo subject. Very few are willing to speak openly about it, much less speak about one's own sexual experiences, and certainly not if one is guilty of a sexual act with a priest. The psycho-social and spiritual impact of abuse committed by the clergy is immense on victims.

However in recent times, because of some degree of awareness mainly through cases being taken up in the West and the ease of communications, there have been women who have come forward to talk about sex abuse by priests. They know that the priest is culpable, and they want him to be penalized and more than that, prevent him from being a repeat offender and creating more victims. But sadly there are no redressal mechanisms in the Catholic Church. Complainants go to the bishop. The Bishops either deny any wrong doing by their priests by trifling the abuse especially if it was a non-coital sexual act, or imply that somehow the act was consensual because the woman wanted it. If coital sex is involved, they will try and get the victim to try and forgive the abuser, convince her that it is in her best interest not to publicise the deed especially if she intends to marry at some later stage. They focus on the importance of keeping the abuse 'secret' so as not to jeopardize her marriage prospects. They may even indirectly encourage her family to find a partner to marry her, because then marriage becomes the ultimate silencer.

I have known a case where the bishop put pressure on the parents of an unmarried woman to make her withdraw the case and silence their daughter.

For women religious who have been abused the situation is precarious. Some congregations function under two hierarchies – the first is the hierarchy of their own congregation which is subject to the second hierarchy which is the Church leadership. Congregations of religious women often bend over backwards to please their bishops to maintain a good relationship so that they can function smoothly in the diocese. Most sisters who dared to speak up about their abuse have ultimately left their congregations in bitterness, frustration and hopelessness as they received little or no support from their congregational leadership. This is such a crying shame because these women gave up everything to work for the Church within a religious

congregation. They had dreams of spending their lives in service and being fulfilled in the true sense of their Christian vocation. When religious women leave, the case closes and is forgotten. The priest continues in his position. Most religious women who are abused continue to remain and suffer the consequences of the abuse silently in their congregations.

Church Tradition, Culture and Practice:

Religion and abuse are a tragic mix for silencing women. Despite numerous cases of abuse, till date the Church has never come out openly to admit that their priests have committed crimes and deserve to be punished for the same. Traditional theology, ecclesiology and spirituality legitimize the behavior and response or lack of it from the Church authorities.

The way we put the priest on a pedestal and look up to him we create a separation between them and the members of the faith community. “The clerical male hierarchy in the Catholic Church is an example of exclusion and separation. This system under which ministers operate prevents them from entering the reality or experience of women where the level of pain and struggle is most intense.”²

In May 2010 the Vatican released the document “*Normae de Gravioribus Delictis*” (Norms concerning the most serious crimes) signed by Pope Benedict XVI. This was done in the context of the sexual abuse scandal that hit the Church with strong accusations of inaction by the bishops. But shockingly included in the same document was that “The attempted ordination of a woman has also been introduced as a delict in the new text, as established by the decree of the Congregation for the Doctrine of the Faith on 19 December 2007 (art. 5);³ “With due regard for Canon 1378 of the Code of Canon Law, both the one who attempts to confer sacred ordination on a woman, and she who attempts to receive sacred ordination, incurs a *latae sententiae*

excommunication reserved to the Apostolic See.” Thus putting this offence against a man made rule that bars women from ordination on par with the crime of sexual violence against a woman. The first is a violation of a regulation that could change, the later is a violation of rights and dignity of a human person where the victim is scarred forever. This gives us an idea of the mindsets of the male leaders of the Catholic Church that has created a Church culture of misogyny.

In cases where women activists have pushed for investigations, the priest abusers were supposedly removed from public ministry for a few years and then reinstated. In two cases where an investigation was conducted and reports submitted to the bishop, there was no accountability with regard to the action taken or whether the suggestions of the investigation team were adhered to. In both cases the priests have been put back into ministry without following through on the suggestions of the investigation team. So there is no assurance that he will not repeat the crime. This brings home to us the realization that we function within a patriarchal and hierarchal structure where women have no voice or power and are examples of the operation of absolute power by the bishop.

In another case a group went to the Nuncio, in an attempt to reach the Commission for Abuse set up in the Vatican, but again there was no action. On contacting one of the women on the Commission, I was told that the Commission is mandated only to deal with cases of abuse of children. We get the impression that women do not count at all and that violence done to women is not even an issue with the Church.

The law of the land requires mandatory reporting, mandatory setting up of mechanisms and structures to address sex abuse of women in the workplace and the Church is deemed to be the workplace of priests. But to date the Church has not brought out a Policy to deal with cases of Sexual Abuse,

nor do we have mechanisms for complaints and redressal in place.

Shaji George, CMI points out “The pattern and development of the abuse scandal puts into question the very structure of the Church, the concept of priesthood, the existing system of gender relationships, the administration of justice within the Church, the lack of dialogue and participatory leadership in the Church, even the sincere attempts to tackle the issue without radical changes in the very structure of the Church will be ineffective.”

The Advocates:

I echo Tom Doyle’s sentiments when he says:

”It (sex abuse in the Church) has had a profound impact on the belief systems and the spirituality of many directly and indirectly involved. My own confidence and trust in the institutional church has been shattered. I have spent years trying to process what has been happening to the spiritual dimension of my life.

The vast enormity of a deeply engrained clerical culture that allowed the sexual violation of the innocent and most vulnerable has overshadowed the theological, historical and cultural supports upon which the institutional church has based its claim to divinely favored status. All of the theological and canonical truths I had depended upon have been dissipated to meaninglessness.

Some of us who have supported victims have been accused of being dissenters from official church teachings. We have been accused of being anti-Catholic, using the sexual abuse issue to promote active disagreement with church positions on various sexual issues.

These accusations are complete nonsense. This is not a matter of dissent or agreement with church teachings. It is about the sexual violation of countless victims by trusted church members. It is not a matter of anti-Catholic propaganda.

It is, however, direct opposition to church leaders, policies or practices that enable the perpetrators of sexual abuse and demonize the victims. It is not a matter of defaming the church's image. No one has done a better job of that than the bishops themselves."

There have been attempts by a few women and men in the Indian Church to reach out to victims to help get them justice, but the problem is huge. We all aim at healing the structure that undermines the painful experiences of abuse and silences the voices crying for justice. We feel it is our responsibility as followers of Jesus to bring this grave crime to the attention of the Church authorities, especially in the context of Jesus' own attitude towards women. Jesus stood up for women's rights in an age when society was ultra conservative. Today the world governments and institutions function within a human rights framework that is universally accepted, but the Vatican is still not a signatory of CEDAW, the instrument of the UN that deals with addressing violence and discrimination against women.

Women who stand up and give voice to the situation of women and the resultant injustices, especially those who speak up about the sexual abuse of women are ignored, marginalized, and sometimes even ostracized in the faith communities. This happens with the tacit approval and encouragement from the clergy. My personal experience and that of some who have shared their stories are evidence of this.

Conclusion: We continue to struggle for justice for women within the Church. It is an uphill task. I describe it as going one step forward and two steps backward. The story of the Commission of Women in the CBCI is an example of this.

It took a step forward when it started as a Desk for Women; another step forward when it became a Commission for Women; but when the Bishops found that the Commission could really empower women, they demoted it to an Office and then to a Council. Very few know about this structural change. Yet, there are women who continue to work with hope and trust that Jesus who promised that he would always be with the Church, which is the People of God, will be with us in helping to renew the Church according to his Vision for Women.

Endnotes

- 1 Fr Thomas P. Doyle. is a priest, canon lawyer, addictions therapist and long-time supporter of justice and compassion for clergy sex abuse victims. He sacrificed a promising career in the Vatican Embassy to become an outspoken advocate for survivors of sex abuse in the Church.
- 2 Bermisa Nila, MM, “That SHE May Dance Again” Published by the Women & Gender Commission of the Association of Major Religious Superiors in the Philippines, March 2011. Pg 31.
- 3 **A brief introduction to the modifications made in the *Normae de gravioribus delictis*, reserved to the Congregation for the Doctrine of the Faith** No. 13. http://www.vatican.va/resources/resources_rel-modifiche_en.html accessed 17th Sept, 2016.

Women in the Catholic Moral Tradition and Ecclesiastical Law

Shaji George Kochuthara, CMI

Although in principle, the Christian vision stands for the equality and equal dignity of all, of both men and women, it is often felt that Christianity in general, and Catholicism in particular continues to discriminate against women. The causes behind this discrimination and the ways in which this is practised are varied. Here we shall try to have an overview of the continuing influences of patriarchy on the theological tradition, and on ecclesiastical law and structures.

We shall begin by critically evaluating some aspects of theology that have a gender-bias, directly or indirectly. In the theological approach, though many things have changed, we can still identify elements of patriarchal thinking that discriminates women. This could be found mainly in family and sexual ethics, virtue ethics, and social ethics, that is, social issues concerning women.

It may be argued that the ecclesiastical law does not discriminate women from any position or office in the Catholic Church, except that of ordination. Women are excluded from some positions, since those positions are reserved for the ordained. That is, not only women, but also lay men are not entitled to those offices. However, one difference is that lay men have the possibility of changing their status. That is, if they are not married, the possibility of becoming a priest is open to them. Even if they are married, in some Churches the possibility of being ordained as deacons is possible for them. This possibility is not there for women. Apart from the offices and functions reserved for the ordained, are women excluded from any other offices or functions? Theoretically not; or, perhaps from a few, which may be considered rather insignificant. We also find that

there are a few laws which still continue the patriarchal bias. We shall consider some of them in the second part of this paper.

We shall not however, forget that the main difficulty to be considered is the gap between theology and practice. That is, between theological and theoretical awareness and acceptance of the equality of women and men and their equal rights and the actual practice.

1. Women and Ethics of Sexuality, Marriage and Family

We know how the creation narratives, especially the Yahwist narrative (Gen 2:4b-3:24), had been used to argue for the inferiority of the woman, since she was created after Adam, from his rib, as his 'helper'. It took almost 20 centuries for the biblical scholars to argue out that these elements in the story do not indicate any kind of inferiority of the woman, but the story as a whole has the theme of mutuality.¹ Similarly, the Fall story, which presents Eve as the one falling into temptation first, was interpreted for centuries in such a way that the woman was considered as the cause of sin, easily falling into temptation. The biblical idea that, through Eve, a woman, sin entered the world, reinforced this view. The Prophetic symbol of marriage as depicting Yahweh-Israel / Church relationship also indirectly conveyed the incorrect message that the wife/woman is prone to be unfaithful and sexually immoral, whereas the husband, who is in the place of Yahweh, is always faithful, merciful and kind. Even when he punishes the erring wife, he does it out of love, so that she may be corrected and taken back.² Paul's imagery of husband-wife relationship as symbolic of the love between Christ and the Church, where Christ is the head (Eph 5:22-33), established further the dominance and superiority of the husband over wife in the Christian interpretation of marriage, with implications even for Ecclesiology.³ Moreover, Paul's instructions regarding the use of veil by the women, and

silence expected of them in public places — which had perhaps cultural reasons — were interpreted as divine commandments, strengthening the discrimination against women, and establishing further the view that women are by nature weak, inferior, and unless strictly controlled, they could be temptresses endangering the morality and virtue of men. Hence, a code of conduct demanding strict modesty, and supervision and control by men, was in general imposed upon women, so that they may not disturb the moral life of men, and the peaceful life of the society.

Almost from the beginning of the Christian tradition we find that these biblical stories and imageries were made use to control the freedom of women, and to place them under the surveillance and control of men. We cannot say that the biblical tradition was the only reason for this. The cultural and scientific view of those days were equally or even more responsible for such a view of women.⁴ For example, Thomas Aquinas's views of women are shaped by the Aristotelian / Greek philosophical and medical views that women were mal-formed men, hence defective by nature, that they were physically and psychologically weak. In fact, such cultural views were more responsible for the formulation of discriminatory moral norms. One pertinent question to be raised is: shouldn't such norms which were formulated on the basis of inadequate and incorrect information be re-examined and changed, especially since the scientific data on which such norms were founded have been proved to be incorrect?

1.1. Procreative Norm

As we know, for most of the cultures and religions, the primary meaning and purpose of sexuality was procreation. Christianity was not an exception to this. Until the Second Vatican Council, procreation was considered the primary end of marital sexual

intercourse.⁵ Though the Second Vatican Council abandoned this hierarchical presentation of the ends of marriage, and spoke of the inseparability of love and procreation, many Catholics, including those in leadership, continue to think and speak about procreation as the primary end of marriage. As a result, the interpersonal meaning of sexuality, including love, was not developed in the ethical discourses on sexuality and man-woman relationship. Interpersonal relationship and romantic love were not completely unknown, but the focus was on procreation. There is no doubt that procreation is an essential meaning of sexuality. However, it seems that due to the influence of historical, cultural and philosophical contexts, the procreative meaning of sexuality was emphasised in the Christian tradition, sometimes without giving equal importance to love and mutuality. Though today the Catholic Church speaks about the inseparability of love and procreation in marriage, often people think that the Catholic teaching on sexuality and marriage is only about procreation. It is due to the long tradition that gave undue importance to procreation that such prejudices against Catholic sexual morality prevail. On the other hand, we have to acknowledge that even today the Catholic sexual morality sometimes fails to give due importance to love and mutuality.

Moreover, the procreative norm was also influenced by the patriarchal thinking, namely, the children were known as the man's children. Woman was considered only as a fertile ground, which would receive and nurture the 'seed' of the man. That is, her role in procreation was thought to be passive. This was mainly due to the lack of scientific knowledge in the past. Only with the discovery of ovum the 'active' role of the woman in procreation was known. However, this lack of scientific knowledge strengthened further the patriarchal concepts and behaviour and it continues to exert its influence.

A sexual ethics based on procreative norm will not be conducive to develop a marital relationship based on equality and mutuality.

In such a view it will be difficult to consider the wife as an equal partner. She would be rather be considered as an instrument of reproduction to continue the family lineage of the husband. Only if love and mutuality become the central values in marital and family ethics, will it encourage a relationship based on equality.

Theologians argue that mutual love should become the centre of ethical thinking on marriage. Similarly, as Margaret Farley⁶ and some other theologians have pointed out, Justice should be integrated into the discourse on love in conjugal and family ethics.

1.2. Conjugal “Rights” and “Duties”

“Rights” and “duties” are two traditional terms associated with marital sexuality. For example, in the Christian sexual ethics, we frequently find the usage of “rights” and “duties” while addressing norms in conjugal sexual ethics. Denial of one’s “rights” or failure to fulfil one’s “duties” may be accepted as legitimate ground for divorce according to the civil law or even according to the norms of some religions. Husband and wife are expected to respond to each other’s sexual needs and demands as a duty. In the Christian tradition, this became a norm in marital ethics, referring to Paul’s teaching in 1 Cor 7. Although Paul gave this instruction in the context of Christians who advocated sexual abstinence (1 Cor 7:1) even in marriage following the dualistic Gnostic ideal, and thus affirmed the goodness of sexuality and shared pleasure in marriage, this passage was later used to claim the right to have sexual relationship with the partner. In the patriarchal context, this was used practically, to exploit women within marriage and to justify it; women found any sexual demands – even unjust demands – by husbands demanded by their faith. Failure to respond to such demands would be considered failure in their marital duty, implying even in their religious duty.

Instead of considering sexual relationship as a sharing in love and mutuality, it is considered in legalistic terms. In male-dominated cultures, this would practically mean that the wife should be always available for the husband's sexual needs as and when he wants. On the other hand, women are compelled to make themselves available even at the unjust demands of men. Like many other norms in sexual ethics, "rights" and "duties" may indirectly encourage or even legitimize sexual violence in marriage or in intimate relationships. The *Gender Policy of the Catholic Church of India* has something important to say regarding this: "Promote a spirituality of sexual relationship perceived as an expression of mutual love and self-gift rather than an exercise of conjugal right (of the man) and duty (of the wife). Emphasise the sacramental nature of marriage to ensure the fidelity of both partners."⁷

1.3. Active-passive Paradigm as Facilitating Objectification and Sexual Violence

One of the most long-standing and deep-rooted gender polarizations is the concept that in sexual relations men are supposed to take active role while women are to take passive and submissive role. Being passive or active does not refer only to certain postures or positions in sexual intercourse, but considering the woman a subject or an object. That is, the real question is whether the woman is considered a subject who has the equal right and ability for fulfilment, or an object that is meant only to provide satisfaction for the male partner. Moreover, assigning a passive role to women and an active role to men encourages different forms of degradation and exploitation of women.

In general, cultures have considered women as sexually passive. Similarly, there is a long-standing assumption that women are inherently less sexually inclined than men. That women engage

in sex only to please men and that “normal women” do not enjoy sex as much as men are some of the gender prejudices coming from this negative socialization.⁸ Seeking sexual fulfilment would be considered appropriate and normal for a man, but inappropriate for a woman. A woman seeking pleasure, is generally considered as a pervert, or as indiscriminate and hence available to anyone. Only passive women and only those who do not enjoy sex or who do not express their sexual desire are considered to be women of character.⁹ This active-passive gender categorization became foundational for the gender polarization in the Western tradition, including the Christian paradigm for gender relationships. Taking roots from the Greek tradition, for centuries, gender norms and roles have dictated submission and passivity for women and dominance and agency for men.¹⁰ Subsequently the one who assumed the active role was considered to be more important and greater than the one who was assigned the passive role. Indiscriminate sexual behaviour and sexual promiscuity of men are tolerated on the basis that sexual aggressiveness and inability to control sexual instinct are natural to men. Thus, social constructions of sexuality persist even in the modern era.¹¹

The active-passive paradigm considers the woman as unequal, weaker and inferior. This facilitates many forms of exploitation of women and violence against them. Men who adhere to the active-passive model may find it as a justification for coercive sex. Indifference and even resistance from the part of women may be seen by such men as natural to women. Sometimes, resistance from the part of the woman may be even interpreted as techniques to invite the ‘active’ role from the man. Since, in any heterosexual relationship the man, according to this paradigm, is supposed to take the active role, woman’s resistance will be ignored as natural responses of a ‘good’ woman. Thus, men may consider even the disapproval and resistance by women as legitimising their violence. Similarly, any kind of interest

shown by the woman may be interpreted by a man adhering to the active-passive model as an indirect invitation from a woman playing the passive role and hence legitimizing force from the 'active' man. Moreover, women who differ from the traditional model of passivity by the way they mingle with men, or the way they dress, may be viewed as 'loose' women or as 'easily accessible'. In such cases men may justify sexual violence arguing that they were provoked by the woman or that it was not an act of sexual violence since the woman was of 'loose' morality, or that they were encouraged by the indirect invitation of the woman.¹² Such violence may take place within marriage, in the context of dating or friendship or even with strangers.

I do not mean that the active-passive model was proposed by the Church, or that the Church has endorsed it officially. However, it cannot be denied that many Church teachings were directly or indirectly influenced by these concepts. For example, in the past the missionary position was the only position which was considered morally acceptable by many Church personnel. Or, even today, we would find many considering modesty as a virtue belonging to women. Even today we hear priests and other Church leaders accusing women of provoking men by immodest dress. For example, in recent times also we have heard some priests speaking against women wearing jeans! The accusation is that such 'half naked' dresses provoke men sexually. Biblical verses and Church teachings are used (abused!) to support such absurd arguments.¹³

1.4. Sacramentality of Marriage and Its Indissolubility

'Sacrament' or Indissolubility has been considered good for marriage from the beginning of the Christian tradition.¹⁴ The sacramental character of marriage made indissolubility an integral part of the doctrine concerning marriage. Evidently, both partners are equally responsible for keeping marriage

indissoluble. But, practically, more responsibility falls on women; especially, in patriarchal cultures, the indissolubility of marriage is understood as the responsibility of the wife / woman. Not only that the woman herself will feel so, but also her parents, family members and even the Church leaders would exhort her to keep the marriage bond, sacrificing and suffering anything.

Clearly, this is not a Church law. However, this is an effect of an exaggerated view of the indissolubility of marriage. Fortunately, Pope Francis, in *Amoris Laetitia*, differs from such an exaggerated view of indissolubility: “The verbal, physical, and sexual violence that women endure in some marriages contradicts the very nature of the conjugal union” (Paragraph no. 54). Again, in Paragraph 241, the Pope says, “In such cases, ‘separation becomes inevitable. At times it even becomes morally necessary, precisely when it is a matter of removing the more vulnerable spouse or young children from serious injury due to abuse and violence, from humiliation and exploitation, and from disregard and indifference.’” However, as I already mentioned, this is much different from the traditional positions taken.

1.5. Woman and Motherhood

From the biblical times we find that motherhood is presented as a special privilege and blessing given to the woman. In the Old Testament times, becoming a mother, that too of a male child, was the greatest blessing that a woman could expect. This continued in the Christian tradition. Recent documents of the Church also follow this pattern. *Mulieris Dignitatem* (MD),¹⁵ though it upholds the dignity of women, continues to present motherhood as the unique vocation of women. In fact, motherhood and virginity are presented as “two particular dimensions of the fulfillment of the female personality” (MD,

17). Hence, Mother Mary, the perpetual Virgin, is the model for women. In paragraphs 18 and 19, MD explains further the uniqueness of the vocation to motherhood. This approach is followed in most of the subsequent documents which speak about women. The same can be found in many theological works as well.

There is no doubt that motherhood is unique. However, we may doubt whether it is justified to define the whole vocation and personality of the woman in terms of motherhood alone. Such approaches sometimes imply defining the personality of the woman in terms of her domestic roles alone and attempts to confine her role primarily within the walls of the home, in relation to her husband and children. We may also ask why fatherhood is not equally presented as the quality of a man or as the unique vocation of man. It may be, however, noticed that *Amoris Laetitia* differs from this approach to a certain extent. It elaborates the dignity of motherhood and the duties of mothers, but it also speaks clearly and elaborately about fatherhood and the duties of the fathers.¹⁶ This perspective may help to see parenting not as a responsibility of the mother alone, but as that of both the mother and the father.

The problem is not with the emphasis on the dignity and uniqueness of motherhood, but with the attempts to conceive the personality of women primarily – or, only – in terms of motherhood. Such views on women lead to limiting their freedom, their vocation and mission and thus may lead to various forms of discrimination.

1.6. Concept of a Virtuous woman

Another way of insisting and continuing the patriarchal structures is the expectations of an ideal or virtuous woman. A woman is traditionally expected to have certain virtues, or they are considered as feminine virtues. For example, humility,

docility, meekness, obedience, modesty, submissiveness, self-sacrifice, willingness to serve others, etc. are considered feminine virtues. “In the name of certain so-called feminine virtues like submissiveness, obedience, cleanliness, poverty, self-sacrifice and so on, women, including consecrated women are considered as persons who are supposed to carry out certain works like slaves.”¹⁷ The influence of these can be in the theological and spiritual tradition of the Church. These are the virtues praised often in Blessed Virgin Mary. These are the ‘heroic’ virtues in women saints, presented as models especially for women. Aren’t men supposed to have these virtues? Aren’t these important virtues for all – men and women? This is the way patriarchy ensures submissiveness from women. Unrealistic ideals lead men to unjust expectations of women and if women fail to meet such ideals, even violence from the part of men may be justified as caused by the failure from the part of women.

Such concepts of a virtuous woman can be seen across cultures and religions. I shall only present a couple of examples from the Bible, which are repeated again and again even today. A typical example is 1 Pet 3:1-6: “Wives, in the same way, accept the authority of your husbands... let your adornment be the inner self with the lasting beauty of a gentle and quiet spirit... It was in this way long ago that the holy women who hoped in God used to adorn themselves by accepting the authority of their husbands. Thus Sarah obeyed Abraham and called him lord. You have become her daughters as long as you do what is good and never let fears alarm you.” This text may have its own background. But, the difficulty is that this is read over and again in the celebration of marriages, and on other occasions, and is presented as the ideal to be followed by a virtuous Christian wife.

Often man and woman are presented as complementary sexes. Although it may be considered as better than the hierarchical model, ‘complementarity’ model also has its limitations. In this

model as well, certain qualities and character traits are assigned for men, and others to women. In general, the qualities/virtues assigned women are those which are considered weaker. In recent decades, another model presented, especially in the Catholic circles, is that of ‘feminine genius.’ In the Catholic context, this usage is attributed to the writings of John Paul II, especially to *Mulieris Dignitatem*. Though it is considered to be a recognition of women, there are many who criticise that the concept “feminine genius,” like the complementarity model, facilitates gender discrimination in a subtle manner by attributing certain qualities as more feminine, and as integral to women and hence as belonging to “feminine genius.” For example, motherhood is often presented as a special gift and quality of the woman. This may also imply that the woman is supposed to be primarily concerned about the duties at home. Why fatherhood is not equally presented as the quality of a man or as “masculine genius”? Similarly, docility, humility, patience, etc. are sometimes presented as feminine qualities, which may indirectly confine women to the traditional roles.¹⁸ However, ‘feminine genius’ continues to be a dominant model in contemporary Catholic theological reflections on gender.

1.7. Ambiguity in Church’s Social Teaching and Women’s Role

The Church’s social teaching in the contemporary times has been often praised as revolutionary, even by critics. However, the Church often fails to apply the principles of justice, equality and respect for equal dignity in the sphere of the family. Especially when it comes to the question of equality of women in the family, the Church is less vocal. Similarly, compared to the strong stance against various forms of violence in the world, the Church’s voice is rather meek and weak when it comes to issues that women face, such as domestic violence, marital rape,

dowry, denial of the rights of the girl child, etc. Take for example, how weak the Indian Church's response to dowry is, though it is one of the major form of discrimination against women.

Based on the biblical vision, the Church stands for the equality of the sexes. However, it may be difficult to say that the Church's stance on gender equality and gender justice is as emphatic as it should be. One of the reasons for this is that a lot of injustice towards women takes place in intimate relationships and within the realm of the family. Hence it is dealt with as a relationship issue, and more as related to sexual ethics. Hence, gender justice becomes a subject matter mainly of sexual ethics and family ethics. Perhaps because there are other issues which are much more debated and controversial, the issue of gender justice does not get adequate attention even there. Another reason might be the reservation of certain religious roles and functions exclusively to men. There seems to be a concern that the call for gender equality and gender justice may question this tradition of the Church. Moreover, many of the papal statements on the dignity of women are in addresses to particular groups, or in messages given on Blessed Virgin Mary or saints. Often, the silent and obedient role of the women saints is highlighted in such messages. Such messages may not get a public attention as in the case of many other documents.

2. Women and Ecclesiastical Law

According to the *Code of Canon Law (Codex Iuris Canonici – CIC, 1983)*, women and men are recognized as members of the Christian faithful, baptized in Jesus Christ, incorporated into the church from which flow duties and rights in accord with their condition (canon 96). In virtue of baptism, each faithful shares in the priestly, prophetic and kingly ministry of Christ (canon 204).

Women are either members of the laity (canon 207, 1) or of consecrated life (canon 207, 2). Hence, in general, the canons

regarding laity and religious in general refer to women as well, unless otherwise specified. Moreover, as already mentioned in the introduction, except in a few matters, at least technically, there is no distinction between the rights given to men and women. Certain offices and functions are reserved for the ordained. That is, even men who are not ordained are not entitled to hold those offices. In other words, the difference or distinction is based on the ordination.

Women enjoy equality with men in determination of residence (canon 104), in changing rite at the time of marriage (canon 112, 1b), in establishing associations of the faithful (canon 299, 1) or in joining them (canon 298) as well as in choosing a place of Christian burial (canon 1177).

The opening canon of the section, “The Obligations and Rights of All Christ’s Faithful”¹⁹ says: “Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ’s faithful. Because of this equality, they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ” (c. 208).

Pampara points out that this is in fact a reiteration of the teachings of the Second Vatican Council: “There is, therefore, no inequality in Christ and in the Church, with regard to race or nation, social condition or sex, because ‘there is neither Jew nor Greek, there is neither slave nor free, there neither male nor female; for you are all one in Christ Jesus’ (Gal 3:28; cf. Col 3:11)” (*Lumen Gentium*, 32). *Gaudium et Spes* also underscores this basic equality: “Since all men and women possessed of a rational soul and created in the image of God have the same nature and the same origin, and since they have been redeemed by Christ and enjoy the same divine calling and destiny, the basic equality which they all share needs to be increasingly recognized” (GS, 29). Based on these, Pampara argues that, every type of discrimination “should be overcome and done away with, as contrary to the purpose of God.”²⁰

2.1. Teaching Function

In certain cases canon 766 permits lay persons, both men and women, to preach in a church or oratory without prejudice to the prescriptions for the homily in canon 767, 1: “The most important form of preaching is the homily, which is part of the liturgy itself, and is reserved to a priest or deacon.”

In case sacred ministers are unavailable, lay people, women included, can supply certain of their functions. For example they can exercise the ministry of the Word, preside over liturgical prayers, confer baptisms and distribute Holy Communion in accord with canon 230, 3.

Canon 830, 1 includes the laity among the censors chosen by the local ordinary for judging books.

2.2. Sanctifying Function

Canon 861, 2 allows in the absence of an ordinary minister any lay person with the right intention to lawfully confer baptism. Canon 230, 1 reserves to lay men the stable ministry of lector and of acolyte. According to canon 230, 2 a lay person can receive a temporary deputation as lector in liturgical functions. Likewise, a lay person can be active in the liturgy as commentator and cantor. In 1992, the Pontifical Council for the Interpretation of Legislative Texts permitted female altar servers. In a letter dated April 12, 1994 from the Congregation of Worship and the Discipline of the Sacraments advised presidents of Episcopal conferences that each ordinary would make a prudential judgment on the matter in his own diocese.

In accord with canons 230, 3; 910, 2 a lay person can be committed as extraordinary minister of Holy Communion. In the absence of priests and deacons, the local ordinary can even delegate lay persons to assist at marriages if such an option is

granted by the Holy See (see canon 1112). Women who are appropriately equipped may with the permission of their bishop administer certain sacramentals (see canon 1168).

2.3. Governing Function

Lay persons who are suited can be admitted to certain ecclesiastical offices (see canon 228, 1). Lay persons with the proper education can be part of councils as experts and/or advisors in lieu of canon 228, 2.

Lay persons may exercise the office of chancellor or vice chancellor in the diocesan curia (canon 482). Likewise, lay persons may serve as diocesan notaries (canons 482, 3; 483, 1). A lay person with at least a licentiate in canon law can be appointed as a judge in a collegiate tribunal (canon 1421, 2, 3). Lay persons can also serve as auditors (canon 1428, 1, 2), as *ponens* or *relator* (canon 1429), as promoter of justice (canon 1430) or defender of the bond (canon 1432).

Furthermore, lay persons can be appointed to parish councils (canon 536,1), to the parish finance committee (canon 537) and, due to the shortage of priests, a local ordinary can appoint lay persons as public juridical persons subject to him (canon 1279,2).

Finally, lay persons may also be designated to represent the Apostolic See as a delegate or observer at international councils, conferences or meetings (canon 363,2).

2.4. Code of Canons of the Eastern Churches

The common law for the Eastern Churches likewise reflects conciliar and postconciliar teachings on the equality and dignity of persons. With a few exceptions, women share an equal juridical status with laymen.

Marriage: Although a wife is free to transfer to the church of her husband at their marriage celebration, there is no mention whether or not the husband could do likewise (CCEO, canon 33).

Code of Particular Law of the Syro-Malabar Church

Members of the *Potuyogam*:²¹ Heads of all the families in the parish are members of the *Potuyogam*. Traditionally, in the past, only the husband represented the family in the *Potuyogam*; after his death his widow could be a member. The particular law promulgated in 2013, the husband or wife can represent the family: “Heads of families: Ordinarily only the head of the family shall represent the family in the *potuyogam*. However, the husband and wife can mutually agree who is to represent the family in the *potuyogam* on a stable basis and that has to be communicated to the parish priest in writing...”²²

2.5. Ordained Ministry (CIC and CCEO)

Sacred Ordination: A baptized male alone receives sacred ordination validly (CIC, Can. 1024). Only a baptized man is able to receive sacred ordination validly (CCEO, 754).

There are various official teachings and instructions regarding the question of women and ordained ministry in the Church. The Apostolic Constitution, *Sacramentum Ordinis* (1947) of Pope Pius XII teaches that the Church has no power to change the substance of the sacraments. The sacrament of order is conferred on baptized men.

The Congregation for the Doctrine of Faith by its teaching in *Inter Insigniores* (1976), made a declaration on the question of admission of women to the ministerial priesthood. It is a promulgation of the official position of the Church on this matter. The main arguments are: 1. Church’s tradition never admitted women to priesthood; 2. The attitude and practice of Christ are important. He never ordained women. Church wants

to carry on that attitude of Christ; 3. Practice of the Apostles and the Apostolic Church was also in the pattern of Christ in this regard. No woman was among the twelve; 4. The priest should act *in persona Christi* and a male is the suitable one; 5. There is no right to priesthood. It is a vocation. Mere sociological responses and theories cannot rule the Church.

Catechism of the Catholic Church (CCC) teaches as follows: “Jesus and the twelve and later the college of Apostles were all men. Christ wants this pattern until his second coming” (CCC1577). “No one has the right to demand ordination. It is a call and gift. So it has to be received with humility and obedience” (CCC, 1578).

In the Apostolic Letter, *Ordinatio Sacerdotalis* (May 22, 1994), Pope John Paul II points out that, 1. The Roman Catholic Church does not have the authority to ordain women, and that, 2. Women’s exclusion from the priestly vocation is not a form of discrimination. Three arguments are put forward: 1. The first apostles were all men; 2. The Roman Catholic Church has always exclusively ordained men; 3. The Roman Catholic Church has always taught that only men can be ordained. It further clarified that, 1. The Apostolic tradition and pattern have to go on; 2. Non-admission of women to priesthood does not in any way put women in any lesser position or dignity; 3. The Church is not authorized to admit women to priesthood. On the basis of these, the Pope teaches that,

“Although the teaching that priestly ordination is to be reserved to men alone has been preserved by the constant and universal Tradition of the Church and firmly taught by the Magisterium in its more recent documents, at the present time in some places it is nonetheless considered still open to debate, or the Church’s judgment that women are not to be admitted to ordination is considered to have a merely disciplinary force.

Wherefore, in order that all doubt may be removed regarding a matter of great importance, a matter which pertains to the Church's divine constitution itself, in virtue of my ministry of confirming the brethren (cf. Lk 22:32) I declare that the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church's faithful."²³

The Congregation for the Doctrine of the Faith, in an explanation given, stated that the Church has no authority to confer priestly ordination to women. Although the CDF indicated that the teaching of *Ordinatio Sacerdotalis* is to be considered infallible,²⁴ scholars have pointed out that the internal evidence and the style of the letter did not support this and hence it cannot be considered as an infallible teaching.²⁵ At the same time, it is given as a definitive teaching. The implications of a 'definitive' but at the same time not 'infallible' teaching have to be further explained by the canonists and theologians.

2.6. Ordination of Women as Deacons

There is a renewed hope for the ordination of women to diaconate, since Pope Francis has reopened the issue of women deacons in the Catholic Church in his remarks to the meeting of heads of religious orders of women which was held in the Vatican in May this year 2016. Subsequently, on the 2 August he appointed Archbishop Luis Ladaria to head a commission of six men and six women to examine the topic "especially in the early church" and to report back to him. In a recent article, Norman Tanner, SJ, one of the renowned Church historians and an expert on the official teachings of the Church, explains that the tradition of the Church cannot be considered as preventing the ordination of women to the diaconate. His arguments can be summarised as follows:²⁶

The earliest clear evidence for the ordination of women as deacons comes in canon 15 of the council of Chalcedon in 451: “No woman under forty years of age is to be ordained a deacon, and then only after close scrutiny...”²⁷ The key phrase “to be ordained” (*cheirotoneisthai* in the Greek original, literally “to have hands laid on”) is clear. She is described as a deacon (*diakonos*) not a deaconess.

There are earlier references: Rom 16:1 (Phoebe), and 1 Timothy 3:11 may also be referring to women deacons.

Women continued as deacons throughout the first millennium of the Church’s history. However, with the demise of adult baptism through full immersion in the baptismal font, one of their key functions – attending to adult women being baptized with little or no clothing on – disappeared.

After the beginning of the schism in 1054 between the eastern and western churches – subsequently called Orthodox and Catholic – women deacons continued in the Orthodox church but soon disappeared from the Catholic church.

The wording of the two medieval councils – Lyons II in 1274 and Florence in 1439 – implies that the sacramentality of ordination did not begin in 1274 but had always been present. If the ordination of men to the diaconate was declared part of the sacrament of orders, then – it may be argued – the ordination of women to the diaconate had likewise always been sacramental.

The tradition of women deacons remained in the Orthodox church after the schism of 1054, as mentioned, and it continues today. The Orthodox church fully adheres to the teaching of the first seven ecumenical councils, from Nicea I in 325 to Nicea II in 787.²⁸ So what has been said about the ordination of women as deacons in canon 15 of the council of Chalcedon, is fully part of Orthodox tradition too.

As a result, the *Magisterium* of the Catholic church has been careful not to exclude the possibility of the ordination of women to one of the three grades of the sacrament of Orders, namely the diaconate.

In short, the ancient tradition and practice of the Church, and the absence of prohibition of ordination of women as deacons, etc. keep open the possibility of reviving the practice of ordination of women deacons in the Catholic Church.

Concluding Remarks

Although the Church, based on the biblical vision and its conviction, stands for the basic equality of both men and women, there are various theological concepts which indirectly discriminate against women. Similarly, there are ecclesiastical norms and practices which do not ensure the equality of women. Many such concepts, norms and practices were formed down through the centuries due to the influence of patriarchal structures and concepts. Inadequate medical and psychological knowledge were responsible to a great extent for such practices. Even though not only medical and psychological knowledge have advanced, but also many of the theological concepts regarding the hierarchical view of sexes have changed, many of the norms discriminating women continue in different forms. They restrict the freedom of women undertake their ministry as equal disciples in the Church, not only a right, but also a duty entrusted to them by God. Denial of equal opportunity and denial of the possibility to follow their vocation as equal disciples should be considered as an issue of injustice and violation of basic human rights. Ensuring justice to all should be taken up as a fundamental duty by the Church. Both the theological thinking and ecclesiastical law should recognise women's right to be equal disciples.

Endnotes

- 1 For example, see Cfr. J. Goldingay, "The Bible and Sexuality," *Scottish Journal of Theology* 39 (1986) 175-188. The word "helper" or "companion" does not suggest that the woman is a subordinate. In the Old Testament, God himself is often called people's "helper." In the New Testament also similar usages can be seen. John 14 presents the Holy Spirit as our helper and companion.
- 2 For a critique of the prophetic symbolism of marriage, please see G. Baumann, *Love and Violence. Marriage as Metaphor for the Relationship between Yhwh and Israel in the Prophetic Books*, Collegeville, Minnesota: The Liturgical Press, 2003.
- 3 For a critical evaluation of this metaphor, see For example, Cfr. P.K. Jewett, *Man as Male and Female. A Study in Sexual Relationships from a Theological Point of View*, Grand Rapids, 1975, 49-61; C. Osiek, "The Bride of Christ (Ephesians 5:22-33): A Problematic Wedding," *BTB* 32 (2002) 29-39; P.M. Meagher, "Women in the Pauline Letters," *Jeevadhara* 21 (1991) 150-160.
- 4 For example, biologically, medical science of the Greeks and early centuries considered men to be perfect human beings. They were those foetuses who had realized their full potential. Women were failed males. This implicated also a natural hierarchy, in which women were naturally assigned only a lower place. *Men were supposed to be always virile, and to avoid the softness of the women*. See P. Brown, *The Body and Society. Men, Women and Sexual Renunciation in Early Christianity*, New York 1988, 9-12.
- 5 Although this idea was prevalent even before Augustine, his concept of the goods of marriage definitely established the procreative norm, which continued until the second half of the 20th century. "These are all goods on account of which marriage is a good: offspring, fidelity, sacrament" (*proles, fides, sacramentum*). Offspring is considered to be the primary good. (Augustine, *De bono conjugali*, 24.32). Thomas Aquinas reinforced this reinforced this position by making procreation as the primary end of marriage. To understand how deep rooted this norm had become, it is sufficient to consider that just a few years before the Second Vatican Council, the Holy Roman Rota unambiguously teaches that procreation is the primary end of marriage [The Holy Roman Rota: "The Order of the Purposes of Matrimony" (January 22, 1944)].
- 6 Margaret Farley, *Just Love: A Framework for a Christian Sexual Ethics*, New York, London: Continuum, 2010 (first published in 2006). Farley

elaborates upon norms for just love and just sex. Although the book was criticised by the Congregation for the Doctrine of the Faith, it has been acclaimed as one of the most significant works in sexual ethics.

- 7 Catholic Bishops' Conference of India, *Gender Policy of the Catholic Church of India*, New Delhi: CBCI Commission for Women, 2009, 15. New Delhi: CBCI Commission for Women, Catholic Bishops' Conference of India, 2019, 15. Also available at, <http://cbci.in/DownloadMat/Gender_Policy.pdf> Hereafter *GP* in the text. (Note: Though released on 24 February 2010, the official date of publication is 8 December 2009, the feast of Immaculate Conception).
- 8 Robert Crooks and Karla Baur, *Our Sexuality* (8th edition), Pacific Grove, CA: Wadsworth, 2002, 74.
- 9 Robert Crooks and Karla Baur, *Our Sexuality* (8th edition), Pacific Grove, CA: Wadsworth, 2002, 74.
- 10 S. Beauvoir, *The Second Sex*, New York: Knopf, 1954.
- 11 Diana T. Sanchez, Amy K. Kiefer and Oscar Ybarra, "Sexual Submissiveness in Women: Costs for Sexual Autonomy and Arousal," *Personality and Social Psychology Bulletin*, 32 (2006) 513.
- 12 Studies have revealed that such attitudes are a major reason behind date-rape. For example, in a study on male high school students, 39% of them said that it was justifiable to force a girl to have sex if she is drunk. In another study, men consistently reported forcing a woman into sex as justifiable if she asked him out, went to his apartment or to a party or 'parking', if she wore sexy clothes, if she kissed him voluntarily, or if she drank alcohol.
- 13 For example, see the report on a preacher saying that women wearing dresses like jeans should be drowned. "Kerala: Catholic Priest's 'Insulting Remarks' against Women in Jeans Go Viral," <http://www.hindustantimes.com/india-news/kerala-priest-s-remarks-against-women-in-jeans-go-viral/story-8W7Xg1k1yecHI1QYaPh1XN.html>. accessed 07-03-2017.
- 14 In Augustine, 'sacrament' one of the three goods of marriage, was not actually referring to the sacramental celebration of the marriage in the Church, but to the indissolubility of marriage.
- 15 John Paul II, *Mulieris Dignitatem*, https://w2.vatican.va/content/john-paul-ii/en/apost_letters/1988/documents/hf_jp-ii_apl_19880815_mulieris-dignitatem.html

- 16 Francis, *Amoris Laetitia*, 176, 177, https://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html
- 17 Kochuthresia Puliappallil, OSS, “Feminine Virtues and the Ethical Necessity of Attitudinal Change,” *Gender Justice in the Church and Society*, ed. Shaji George Kochuthara, Bangalore: Dharmaram Publications, 2016, 399.
- 18 Shaji George Kochuthara, Gender Policy of the Catholic Church of India: A Contribution of the Indian Church for Women Empowerment,” *Journal of Dharma* 41, 4 (October-December 2016) 430
- 19 CIC, Book II, Part I, Title I.
- 20 James Mathew Pampara, “Fundamental Rights and Duties of Women in the Catholic Church: A Study Based on *the Code of Canons of the Eastern Churches* and *the Code of Canon Law*,” *Journal of Dharma* 41, 4 (October-December 2016) 395.
- 21 The *Palliyogam* is different from the Parish Council in the Latin Church. *Potuyogam* is one of the two forms of the *Palliyogam*. Heads of all the families in the parish are its members. It is a mandatory body. Besides, its powers also are more extensive than the Parish Council.
- 22 *Code of Particular Law of the Syro-Malabar Church*, Part II, Statutes, 6, *Palliyogam*, Part I, Section II, 5.6., *Code of Particular Law of the Syro-Malabar Church*, Kochi, Mount St Thomas: Syro-Malabar Major Archbishop Curia, 2013, page, 113.
- 23 John Paul II, *Ordinatio Sacerdotalis*, Apostolic Letter (22 May 1994), 4, https://w2.vatican.va/content/john-paul-ii/en/apost_letters/1994/documents/hf_jp-ii_apl_19940522_ordinatio-sacerdotalis.html
- 24 CDF, “*Responsum ad Propositum Dubium* Concerning the Teaching Contained in ‘*Ordinatio Sacerdotalis*’,” (28 October 1995)
- 25 James Mathew Pampara, “Fundamental Rights and Duties of Women in the Catholic Church: A Study Based on *the Code of Canons of the Eastern Churches* and *the Code of Canon Law*,” 403.
- 26 Norman Tanner, SJ, “Ordination of Women Deacons,” *Asian Horizons* 10, 2 (2016) 374-377.
- 27 Norman Tanner, ed., *Decrees of the Ecumenical Councils*, London and New York: Sheed & Ward and Georgetown University Press, 1990, 94; hereafter, *Decrees*. The pagination is continuous through the two

volumes of the work, so the volume number (1 or 2) is omitted. A few more details regarding the ordination of women deacons can be found in James Mathew Pampara, “Fundamental Rights and Duties of Women in the Catholic Church: A Study Based on *the Code of Canons of the Eastern Churches* and *the Code of Canon Law*,” 405-409.

Quotations are given in English translation, with an indication of the original language as appropriate.

- 28 Regarding councils after Nicea II in 787, none is regarded as “ecumenical” by the Orthodox church (the word “ecumenical” stems from the Greek word *oikos* meaning “house” and by derivation means “where there are houses”/“the inhabited world”/“the whole world”: thus “ecumenical” councils are considered councils of the whole Church and therefore binding in authority). Fourteen councils after 787 came to be included in the Roman Catholic church’s list of ecumenical councils: the disputed Constantinople IV in 869-70; ten medieval councils after the beginning of the schism with the Orthodox church in 1054, from Lateran I in 1123 to Lateran V in 1512-17, including therefore Lyons II and Florence; and three councils of the modern era: Trent, Vatican I and Vatican II. The ecumenical nature of these medieval councils and Trent, as well as the early councils, was confirmed by their inclusion in the so-called “Roman Edition” of the councils, which was approved by Pope Paul V and published in four volumes between 1608 and 1612. However, the status of the medieval and later councils was reopened by Pope Paul VI in 1974 when he referred to the medieval councils as “general synods in the western world” (*generales synodos in occidentali orbe*) rather than as ecumenical councils (*Acta Apostolicae Sedis*, 66 (1974) 620). For a fuller account of these factors, see N. Tanner, *The Councils of the Church: A Short History*, New York: Herder and Crossroad, 2001, 7-8 and 49-50.

Ramabai and Indian feminism of both indigenous patriarchy and colonial role through public discourse and institution building

Dr. Geetali V. M.

At the outset, I salute Ramabai's great, unparalleled work! She was internationally iconised as an Indian Christian emancipator of the oppressed Hindu Womanhood.

Before going into the details of her work let us have a brief account of her childhood and upbringing. Ramabai was born at the forest home where her father ran a residential school for boys in the traditional Hindu style. Ramabai's training for her momentous task began during her unconventional childhood. Her father Anant Shastri an erudite Sanskrit scholar of Western India insisted on imparting the 'sacred' Sanskrit language and its texts to a woman namely Laxmi, his wife. It was from Laxmi that Ramabai received the training that ultimately won her praises of the pandits of Calcutta and gave her the title of Pandita. She however had to have her education in another school – of hardship and suffering. At the age of 16 Ramabai lost both her parents because of rigorous life style and undernourishment due to famine in Madras Presidency and then her elder sister passed away. The story of her early life was an amazing revelation of her depth and passion for the spiritual desire within the Indian Soul.

To carry her mother's dead body, she argued for the equal rights of woman and lifted the fourth corner of the *arthi*. She may be the first Hindu Brahman lady to be a pall bearer. Right from the childhood she could not stand injustice, she saved a little girl of nine years from being burnt with the dead body of her husband. She asked indignantly does man become *sata* after her wife's death? Her mother said "It's man's world, they make laws and

women have to obey.” “Why do women tolerate such laws?” countered Ramabai, adding “When I grow up I will fight against these laws.” Till her last breath she really fought against every type of exploitation of women by men.

A deep religiosity served as an anchor to Ramabai’s life since her childhood. With brother Srinivas she walked more than 15,000 miles. They visited many holy places and followed all rituals but never begged. They recited and read religious scriptures but God neither helped nor motivated people to help them. This destroyed her faith in God. People used to admire the young girl reciting Sanskrit scriptures in a sweet and clear voice. The news of a young woman’s knowledge of Sanskrit scriptures and her oratory spread like wild fire in the city of Calcutta. Scholars, social workers, government officers and even European officers attended and enjoyed her speeches and discourses. She had all the elements required for a ‘great’ character. She was articulate, learned, confident and forceful. Men of the nineteenth century both reformists and traditionalists who had been waxing eloquent on the glorious position of women in ancient India suddenly found an embodiment of such womanhood in the person of Ramabai. They felicitated Ramabai by awarding her the title Pandita Ramabai Sarswati. However, later on after Ramabai’s critique on Brahminical patriarchy and her decision to convert to Christianity, she was awarded the title ‘betrayed’!

Ramabai denied an offer of marriage from a Brahmin ICS officer and married a scholar and a poet Bipin Das Medhavi. This was an inter caste marriage when she was 22 years. By this time her faith in Hinduism had already eroded. Her study of Christianity and the concrete work done by Christian Missionaries like setting up of Rescue Homes attracted her to Christianity. Jesus Christ’s teaching of love, compassion and equality appealed to her. Even then, she had differences with Christian Priests and had the courage to express them. “I am, it is true, a member of the Church of Christ but I am not bound to accept every

word that falls from the lips of Priests or Bishops. Obedience to the word of God is quite different from perfect obedience to priests. I have with great efforts freed myself from the yoke of the Indian Priestly tribe so I am not at present willing to place myself under another similar yoke.” What a great degree of courage and bravery she had!

After studying much about Christianity when Ramabai declared her intention to become a Christian, her husband did not like the idea. Ramabai said, “I do not know just what would have happened had he lived much longer.” A grave, haunting question comes to my mind, could Ramabai do the same revolutionary as well as missionary work if she were not a widow.

Ramabai got converted to Christianity in England in 1883 along with her two-year-old daughter Manorama Mary Medhavi under the guidance of her spiritual mother the Anglican Sister Geraldine. This multilayered triangular relationship encased Ramabai’s life throughout her years in England, USA and India. The fact that Geraldine was a typical representative of the Anglican Church and missionary establishment, that Ramabai was a highly unusual and independent-minded Indian convert and Manorama a rare blend of East and West highlights, the areas of friction effectively lay bare the underlying issues.

In society nobody understood her spirit of love, compassion and service. They did not appreciate her missionary zeal for making women independent and liberal in their thinking. She was very much ahead of her times. They tried to suppress Ramabai but she was like the proverbial Phoenix, after each tragedy she rose higher in stature. Ramabai’s critique on Brahmanical patriarchy and her decisive break with its oppressive structure through her conversion to Christianity were too much for those riding the high tide of history and for whom nationalism was synonymous with Hinduism.

Ramabai crossed two Laxman rekhas 1) She mounted a scathing critique of Brahmanical patriarchy at a time when even contemporary male reformers were shying away from confronting its structure 2) As a high caste Hindu widow herself, she 'chose' to become a Christian betraying her 'religion' and thereby her 'nation' in the eyes of 19th century Hindu society. Not just that, she had led other high caste Hindu widows to do likewise.

Ramabai symbolized a threat to the moral and social order of the kind of nationalism being forged by the Hindu Nationalists. It was not without reason that Ramabai was regarded as having betrayed the nation: such a label masked the power relations which determined what the political and social agenda within nationalism should be.

The difference in the way in which Ramabai and Annie Besant have figured in historical writing in both 19th and early 20th centuries as well as now indicates that there has been an easy conflation not only of nationalism with Hinduism but more importantly of Christianity with colonialism. There is a latent assumption that by opting for Christianity Ramabai and others had accepted the religion of rulers and had therefore become compradors and were complicit with colonial presence. Such an assumption is both simplistic and motivated. The mere existence of a relationship between Christianity and colonialism is not enough to treat Christianity automatically as the handmaiden of colonialism. That there were some shared ideological positions is evident but it needs to be noted that there were also major moments and points of tension between colonial administration and the Christian missionaries. More importantly, for those who were potential or actual 'converts', were Christianity and colonialism the same thing? Did acceptance of Christianity mean acceptance of colonial relationship or of Western dominance over indigenous people? There is no reason to accept such assumptions without an

analysis, which has hardly been undertaken, of the many facets of Christianity in India.

In locating Ramabai in the history of the 19th century and in exploring her conceptualization of Brahmanical patriarchy and her search for an alternative to it, we find such a paradigm highly restrictive. Gender history forces us to recognize that it is not enough to use methodologies which focus essentially on men, even as they make a passing gesture to gender by writing about the feminization of the colonized male in relation to the colonizing male, thereby reducing gender to a representational phenomenon rather than a material and ideological arrangement. Further, studies using the framework of Said's Orientalism treat the colonized and colonizers as homogeneous entities. Such an approach ignores the power relations and hierarchies within the colonized and is unwilling to concede the different histories of social groups and their relationship to each other in pre-colonial times as well as to their experience of colonialism.

To provide an alternative framework of analysis of studies of gender Dr. Uma Chakravarti treated Ramabai's controversial life as an entry point to explore the relationship between gender, class and nation in the 19th century.

Ramabai's critique of a patriarchal system as the locus of women's oppression, embodied in the title of her book, 'The high caste Hindu woman' highlighted Brahmanical patriarchy as it prevailed in all parts of India but more significantly in Maharashtra. To understand the structure of that, Ramabai attempted to analyze, break with and contest through her work it is necessary to outline those factors, material and ideological, which provided the basis for a specific set of cultural practices. The manner in which the relationship between caste, gender and the state and the manner in which gender codes, a crucial component of cultural practices prevalent in the 18th century, were upheld, reinforced and reproduced in a patriarchal,

hierarchical society backed by the coercive power of the Peshwa state. Further the extent to which the relationship between caste, gender and the state was transformed by the establishment of colonial rule and the impact of this transformation on cultural practices in the 19th century was analyzed by Dr. Uma Chakravarti is very crucial. The manner in which the process of caste contestations, class formation and the emergence of nationalism shaped issues of gender, formed the central aspect of the analysis of Dr. Charavarti.

Adultery remained the most important offence in 18th century Maharashtra. It was the non-observance of the defiance of the sexual codes that brought woman into public gaze and led to the most stringent action by the community. Men lost their Brahmanya by renouncing it. Women lost their Brahmanya through sexual lapses. Such type of blatant disparity between men and women continued in 19th century. Pandita Ramabai struggled hard against it. The major contestation in Ramabai's educational and missionary activities was that of patriarchy. Ramabai's idea of education was comprehensive in scope. Her conviction was that women must be socially aware and self reliant. This conviction was propagated through Arya Mahila Samaj. Self reliance was her password for progress which was reflected in her book 'Stree Dharma Neeti' in 1882.

She addressed the issues in gender reform like abolition of child marriage, support for widow remarriage and introduction of women's education. She visited the USA for the graduation of Dr. Anandibai Joshi who was the first Indian woman doctor. There she delivered powerful speeches. She travelled across North America giving public lectures, visited women's organisations, met famous persons and gathered friends single handedly. In 1887 the American Ramabai Association was formed in Boston. As part of fund raising efforts, Ramabai wrote 'The High Caste Hindu Woman' her most famous book and virtually an Indian feminist manifesto in 1887. After returning to India, she opened

Sharada Sadan in Mumbai amid great publicity. She received full support from the social reformers as it was the first institute of its kind, a residential school for Brahmin women mainly widows (also unmarried girls and day scholars) providing regular school education as well as vocational training like teacher education and nursing. It was a radical idea which sought to achieve economic self reliance for women while providing shelter. Ramabai then shifted it to Poona in order to reduce the expenses. Poona being the orthodox cultural heartland of Maharashtra, patriarchal backlash quickly followed. The widows were said to be pampered there which could not be tolerated by traditional Brahmins. There were rumours that Ramabai was converting these widows. War of words broke out between her conservative attackers and her reformist supporters through their newspapers.

After being abandoned by her liberal Hindus, Ramabai appears to have gradually turned away from the upper caste intelligentsia in Poona and Bombay and broadened the arena of her operations. The famine of 1897 proved to be her decisive shift. Travelling through central India where the famine was severe, at first she brought few of these hundreds of girls to Mukti Sadan in Poona. However, prominent citizens objected on the grounds of burden on civic amenities and sought municipal intervention. She moved all the famine stricken girls to Kedgaon where she had few acres of land.

Thus isolated and boycotted Ramabai shifted the school out of Poona to the nearby village of Kedgaon in 1899. It then became an overtly Christian missionary institution. It was known as Ramabai Mukti (Salvation) Mission. It soon grew up into a large community of nearly 2000 women having several sections such as original Hindu Widows Home, a home for Christian women, a rescue home for sexually victimised women, a separate section for old women and one for the blind. Ramabai was the first one to introduce Braille to blind girls. In Mukti

Mission singing and music were not only a part of their school curriculum but also a vital part of their family and church life. The blind girls went on to become teachers or to work in craft industries, baskets made by them were in demand for sale. The usual domestic chores such as cooking, cleaning, caring for the young and sick were done by the inmates themselves. A regular school, she conducted classes according to the government rules and vocational training was given in weaving, tailoring and handicrafts as well as in the running of a laundry, an oil press and a printing press.

Ramabai was a great woman patriot – she boldly and clearly taught that citizens of India should honour their country above even the head of the Empire. She was one of the first in India to introduce the idea that Hindi should be the national language and Devnagari the national script.

Her representation in front of the Hunter Commission was very forceful and effective. Hunter was so impressed by her speech that he translated her views in English. It even moved the Empress, Queen Victoria and inspired in establishing women's hospitals and the training of the first women doctors in India.

Vivekanand showed strong disapproval of Ramabai's conversion to Christianity and her appeal on behalf of Hindu widows in the West. Travelling in the northern India a year after Vivekanand's storming of America, Ramabai's ire was in full evidence, especially in Benaras, Mathura and Brindavan where widows lived out their 'ascetic' existences, at these centres where sublime philosophies were taught daily, she found that the widows were oppressed, neglected and sexually exploited without any Mahatma championing their cause. Thus the controversy was notable for the larger question of gender versus nation.

A complex of pressures was simultaneously working on Ramabai and her attempt to integrate a range of positions in her own life and work. By the end of 19th century, the intersection of caste, class,

religion and gender worked to form a particular construction of nation which was chauvinist in orientation. Ramabai and her standpoint on gender could not be accommodated in this construction. Hence she became the 'betrayed' of her nation. The nation itself was viewed in terms of predominantly Hindu ethos.

In 1897 Ramabai became embroiled in a controversy that brought on the wrath of the colonial state and the Anglican missionaries. Government's measures against plague were unpopular with many charges of high handedness and invasion of homes against the authorities. Ramabai was always characteristically concerned about the gender dimensions of the measures and sexual hazards faced by the girls from the state employees. She wrote to Bombay Guardian criticizing the measures against plague and the government's handling of the epidemic. She gave details of these girls. The letter created quite a stir and the matter was taken up by a member of British Parliament.

It was Pandita Rambai's efforts that resulted in nine women delegates attending the 1889 session of the Congress. She made a forceful speech on the resolution about the practice of shaving of widows' heads. "You men are demanding the right of representation in British Parliament so that you can voice the opinions of Indians. You have been crying hoarse in this very pandal for freedom of expression. Then why don't you give the same freedom to the women in your family?"

In the well known case against Rakhamabai, the first Indian woman doctor, she took a very firm stand against the government. She pointed out the interlocking nature of patriarchies and distinguished between Christianity and the British government. She denounced the latter's judicial decree sending Rakhamabai to jail. She sadly commented that there was no hope for the women in India whether they be under Hindu or British rule.

Today, in our democratic India, cultural nationalism is on the rise. Alarm bells are ringing loudly and we have to wake up and follow Pandita Ramabai's path of resistance, and service with love and compassion.

My thanks to Dr. Uma Chakravarti, late Dr. Meera Kosambi and Dr. Vidyut Bhagwat for their valuable writings which have helped us to understand feminism and gender in depth.

References:

A testimony of our inexhaustible treasure- Pandita Ramabai (Pandita Ramabai Mukti Mission, Kedagaon)

Chakravarti Uma (1998). *Rewriting history: the life and times of Pandita Ramabai*, Kali for Women.

Panandikar Surekha (2002) Pandita Ramabai Saraswati in *Women pioneers: The Indian Renaissance*. Sushila Nayar and Kamala Mankkekar (Eds.) National Book Trust.

Kosambi Meera (2007). *Crossing thresholds: Feminist essays in social history*. Permanent Black.

Kosambi Meera. (n.d.) Multiple contestations: Pandita Ramabai's educational and missionary activities in the late nineteenth century India and abroad.

Sathe Tarabai (1975). *Aparajita Rama*. Prakashak: Da. Pu. Nagarkar.

Bhagwat Vidyut (2004). *Stree prashnachi vatchal*. Pratima Prakashan.

Identifying the brokenness of our times and responding to It

Preety Paluri

INTRODUCTION

Pandit Jawaharlal Nehru once stated: *“You can tell the condition of a nation by looking at the status of its women”*

What is the status of women in our country today? Have we crossed the greatest barrier of polarized gender differences and stigma? Do we perceive our situation today as victorious or as defeated? Does “Patriarchy”, which maintains a hierarchical system in the Indian society still continue to creep within and carry forth gender discrimination? All these questions are continually asked by various people from and at different times but with very few satisfactory answers and with very minimum effort to combat the situation for the emancipation of women. We must, therefore, try to identify the brokenness of our times and must respond to it. In an attempt to do so this paper tries to emphasize some of the issues that women still face today in their day-to-day life and situation in our country. The first section elaborately discusses the current status of women in our socio-economic, political, educational and other areas in order to identify the brokenness of our times. The second section deals exclusively with the issues related to Dalit women, women who are triply oppressed in terms of class (poor), caste (Dalit) and gender (women). Third section is a humble response to “Gender Equality”.

INDIAN WOMEN TODAY: PRIDE OR SHAME?

Indian history records instances of outstanding women who accomplished great feats in the spheres of literature, art, philosophy, administration, and even warfare. However, these

women belonged to the royal and aristocratic families of society and hence were free from conditions of social disabilities and subjection in which the mass of women lived. Women today are entering into certain new fields that were unknown to the women's sphere and are actively participating in social, economic, and political arenas, yet we can see a large gap in terms of participation, contribution and egalitarianism between the two genders of the society.

Traditionally, an Indian woman has four-fold status-role, as a daughter, wife, housewife (homemaker), and mother. These status and roles are traditionally well defined and almost fixed in the society. Such stereotypical roles and patriarchy stigmatizes and discriminates women in social, political and economic spheres.

Social Stigmatization

Plight of a Girl Child

In many places of our country, the birth of a girl has never been treated as a joyous event and son is more preferred as he is considered as an asset to the financial security of the parents. In every society people as male and female are expected to make some exclusive role performance. This role internalization is done through the process of gender socialization. The expected role performance of the female places them in a secondary position in the social structure and in the minds of men and women alike. Women are never viewed as persons in their own right. Moreover women do not view themselves as autonomous beings due to their cultural socialization. In most Indian families, a daughter is viewed as a liability, and she is conditioned to believe that she is inferior and subordinate to men. Sons are idolized and celebrated. 'Meera Kosambi's translation of Pandita Ramabai's statement reads,

“The Indian people seem to think that no one ought to have a female child born to him. The supposed reason is that there is no use of a female in this life. Though this belief is not universal, yet it is general. If a female child happens to be born to anyone, there is a feeling of sadness. And it is sometimes observed that the parents of female children treat them badly.”²

The birth of a girl is often a bad news to a poor Indian family so parents choose to terminate a girl’s life before it begins. Sex-selective abortion has been made illegal for the last twenty years, however, many registered as well as unregistered ultrasound clinics perform foeticide. Pregnant women who cannot afford prenatal tests are obliged to wait until they give birth to determine their babies’ sex, and then new born baby girls are strangled or simply allowed to starve to death, they are fed salt, poisoned, stuffed with rice that punctures their windpipes, or the new born is simply wrapped in a wet towel to contract pneumonia and die.³

Dowry

A women’s status in her husband’s house is determined by the dowry she brings with her. Extortion takes place if her family is not able to meet the demands by the in-laws. If the dowry is not given the bride faces danger of abuse, divorce and even death so that the groom can marry again for another dowry. Dowry deaths have increased in our country. According to the statistics released by India’s National Crime Record Bureau officially recorded fatalities have shot up from 1,912 in 1987 to 8,391 in 2010 and 8233 in 2012.⁴ Thousands of dowry deaths go unreported, and a relatively small number of murderers are punished.

Violence against Women

The problem of violence against women is not new. Women in Indian society have been victims of ill-treatment, humiliation,

torture and exploitation for as long as written records of social organization and family life are available. But, regretfully, violence on women have not been given much attention as social problems or criminal violence. Ahuja remarks that the attitude of indifference and negligence can be attributed to factors like lack of awareness of the seriousness of the problem, general acceptance of man's superiority over women because of which acts of violence against women were not viewed as violent or deviant, and the denial of violence by women themselves owing to their religious values and socio-cultural attitudes.⁵

Despite the Human Rights movement, violence against women still continues unabated in many parts of India. It ranges from female foeticide, female infanticide, child-marriage, wife-battering, rapes, eve-teasing and molestations, prostitutions, kidnappings and abductions, trafficking, intra-familial murders, forced widowhood, dowry death, harassments and humiliation by the society. Crimes against women have more than doubled over the past ten years.⁶

Sexual violence, like all violence, is by nature functional, in that it serves certain objectives that include reinforcing female subordination and disempowerment under patriarchy which constantly devalues women's socio-cultural position and rigidly controls their sexuality in terms of caste-based norms. Hence, this violence cannot be seen as merely personal or cultural, but as essentially structural and political. Sexual violence can be clearly seen as gender violence, where the victims-survivors are women and girls, which violates the rights of equality and non-discrimination on the basis of gender.⁷

Widows of India

Widows in the Vedic period had higher status. During that period, the number of widows were very small because of the absence of early marriages. A widow could marry if she wished. *Sati* was

not in practice. The issueless widow had a share in her deceased husband's property.⁸ But the status of widows in our country today is very pathetic. As per the census department, India's population in 2011 was 121 crore and of this 4.6% or 5.6 crore are widows.⁹ The term 'widow' in India itself brings low status and discrimination. The lifestyle of the Hindu widow in itself is an expression of violence against women. They are deprived of property rights, excluded from productive work, debarred from any chance of remarriage, doomed to a parasitic existence, malnourished, devoid of any security by their own right, shut out from all luxury, they are condemned to a sort of living death. The social participation in family life is not welcomed and their presence is symbolic of inauspiciousness for many. The economic problems that the widow faces compel many to live in starvation. The problem is severe in the deep rural pockets of the country throwing them in permanent despondency. They are commonly blamed, shamed and robbed of property rights. In tribal communities, widows are accused of being witches. In some places caste leviratic marriage is practiced and the widow is taken by a brother.¹⁰

Tanika Sarkar critically argues that "for Hindus, widow remarriage 'involves guilt and disgrace on earth and exclusion from heaven'; it would flout 'the usage and obligation of Caste and Custom'. Moreover, 'the whole framework of the Hindoo Law of Inheritance would be shaken and subverted'. The Registrar of the Allahabad Sudder Court reiterated this view, saying that "the widow's life of chastity and privation" was 'both a religious and a moral obligation'."¹¹

Addressing the cruel treatment towards widows in her time Pandita Ramabai said: "Now that the Suttee rite, partly by the will of the people and partly by the law of the Empire, is prohibited, many good people feel easy in their minds, thinking that the Hindu widow has been delivered from the terrible fate, but little do they realise the true state of affairs". "Widowhood

is regarded as a punishment for sins committed by the women in her former existence on earth, and that sin is described as disobedience or disloyalty to the husband”.¹²Being concerned of the poor widows she said, “My sympathies are excited by the need of young girl-widow especially at this time. To let them go to the relief camps and poor-houses, or allow them to wander in the street and on the highways means their eternal destruction.”¹³Ramabai herself at the age of twenty four became a widow i.e., within nineteen months of her marriage.

After she returned back from England in 1889 she started a home for widows, and the widows began to arrive in ones and twos. Some were brought by their relations or by members of the Arya Samaj, sometimes they came alone, having run away from unhappy homes and unkind relations. Occasionally, Ramabai went out herself all over India to rescue such women and girls from lives of misery.¹⁴Ramabai’s contribution was her attempt to rescue the chaste upper-caste widow from her marginalized position within the domestic sphere and to reinstate her in a newly created space in the public sphere, by educating her and training her in professions such as teaching.¹⁵

The condition of widows did change in the hands of Ramabai but the overall picture of the other Hindu widows all over the country remained unchanged. In 1956, the Hindu Succession Act conferred on women the right of absolute ownership over property and the right to will her share of property to her heir.¹⁶ But most widows in India have very little legal knowledge to assert their right nor do they have financial capacity to assert their rights.¹⁷ The Government of India under the ministry of women and child development introduced many schemes which include monetary assistance to livelihood benefits. However, the pension schemes for the widows under the Indira Gandhi Widow Pension Scheme is restricted to selected widows. The welfare policies for the marginalized section which is case selective in nature leave many to face extreme poverty. Widows only above

40 years of age are entitled for pension in most Indian states. In Rajasthan and Gujarat widows are not entitled to pension if they have sons of 25 and 21 years respectively, who are considered to be old enough to take care of their mothers. This means a large number of young widows do not get government support.

Women and Politics

Women's involvement in politics can be traced all the way back to 1926. It was then that women gained the right to sit in Legislative Councils in the Provinces of the then British India. In Madras the first woman to gain elective office was Dr. Muthulakshmi Reddy, who was not only the first woman doctor to graduate from the Madras University but also the first Vice-President to the Madras Legislature.¹⁸ In the Indian struggle for freedom, women's leadership had been established all over the country and thousands of women rallied to political events. Election of four women Presidents of the Indian National Congress (though two of them were British) viz., Annie Besant in 1917, Nellie Sen Gupta (wife of patriot Deshbandhu Gupta) in 1933, Sarojini Naidu (first Indian Woman) in 1925 and Indira Gandhi in 1960, 1978, 1983 is an example of women's active participation in political life. Also the election of Mrs. Indira Gandhi as the Prime Minister of India in 1967 is a pride for Indian women in the field of politics. The recent female politicians who are successful in their field are *Sonia Gandhi*¹⁹, *Sushma Swaraj*²⁰, *Sheila Dikshit*²¹, *Mamata Banerjee*²², *Jayalalitha Jayaram*²³, *Mayawati*²⁴, *Vasundhara Raje Scindia*²⁵, *Ambika Soni*²⁶, *Supriya Sule*²⁷, *Agatha Sangma*²⁸. However, it has never been easy for women to hold political status in India.

In Indian families the voice of a daughter counts less in family decision making. Thus a girl is deprived of the feeling since her childhood that she can influence decisions. This creates a sense of ineffectiveness. Even after marriage she does not have much

of an effective role in her in-laws family. Hence, in political affairs a permanent apathy towards women is observed. The structural position of women discourages both political participation and political independence. Maya Majumdar argued that women differ considerably among themselves as to their political involvement, some women simply join politics in ignorance following a male 'authority figure' whereas some participate on their own but concede to male pressure. There are several alternates for a women to get to a highest form of political participation but whatever the avenue may be, she has to depend on the favours of male party officials for their political promotions. Most women in top legislative positions either accommodate or depend on male leaders for whatever influence they might exert. Lacking a strong power base of their own, it is often hard for them to build their own independent spheres of influence. Moreover, the fact that most women remain in office only for brief periods gives them very little opportunity to build influence.²⁹

Economic Status of Women

In India there is a gender division of labour where women are expected to perform a reproductive role along with the burden of household chores and subsistence responsibility. This leaves hardly any opportunity for the productive role for women. Lack of skill and knowledge also limits their access to the labour market. Hence, the economic condition of women in India is miserable.

India being an agricultural country predominantly, women do more than half the total agricultural work, but their work is not valued.³⁰ In rural areas, more than 80% of the women are employed in agricultural activities, with a distant second at manufacturing (7.5%), construction (5.2%) and only 7% in services sector. About 60% of all agricultural operations are handled exclusively

by women.³¹ On an average, a woman is unpaid at home where she works for about 15 to 16 hours a day at home (such as cooking, washing, cleaning up the house etc.) and underpaid outside. Younger women, besides all these, have to carry the burden of early pregnancy, childbirth and breast-feeding. Women are responsible for bearing children, yet they are malnourished and in poor health. In terms of help offered to people for their various functions women seem to receive the least attention from society. Women engaged in outside work such as daily labour are paid half to three-quarters of the money equated to their male counterpart's earning for the same work. In a developing country like ours where the scarcity of work compels men to hunt for work, they are unwilling to encourage women entry into public spheres to pursue power and assume position.

Pandita Ramabai after her return to India from US in 1889, opened her famous institution in Bombay known as *Sharada Sadan* (House of Learning) on 11th March with the sole purpose of sheltering, training and educating child-widows from the high-caste Hindu community. In this school she also admitted girls and women who were not child-widows, but whose lives were a drudgery, a misery, and a struggle for existence.³² She challenged them by saying, "God has given every animal in this world the right to develop itself and above all He has given this power to human beings; but women have been given no opportunities to develop. *Self-help is the best help*, and women must not depend upon others".³³ She thus tried to emancipate women by encouraging them to stand on their own feet. However, if we look at the condition of our women today very little change can be seen.

Women and Education

Since women's role in economic activity has not been recognized and her role in the home is over emphasized, education of the

girl child is generally given a low priority. In India the literacy rate of women is much lower than men because boys receive more schooling than girls.

The Indian Constitution guarantees free primary schooling to everyone up to 14 years of age, but very few females attend school. Only about 39 percent of all women in India actually attend primary schools. There are several reasons why families choose not to educate their daughters. One reason is that parents get nothing in return for educating their daughters. Educational deprivation of girls is intimately associated with poverty. Another reason is that all the females in a household have the responsibility of the housework. So even though education does not financially burden the family, it costs them the time she spends at school when she could be doing household chores. In addition, even if a woman is educated, especially in the poorer regions, there is no hope for a job. Most work women perform are agricultural or domestic which do not require a formal education. Another reason girls are not educated is because families are required to supply a chaste daughter to the family of her future husband. With over two-thirds of teachers in India being men and students predominately male, putting daughters in school, where males surround them all day could pose a possible threat to their virginity.³⁴

In a country like ours where girls receive less priority for education Pandita Ramabai was as a champion of women's rights and a pioneer in the fields of women's education and social reform. She was a Sanskrit scholar who at the age of twenty was publicly honoured by the *Shastris* of Calcutta as a "Pandita". She was the first to introduce the kindergarten system of education and also the first to give a vocational bias to school education in India.³⁵ Ramabai states, "Education is indestructible wealth. He who possesses it is the happiest in the world. Like the sun, education gives light to one who is drowning in the terrible darkness of ignorance and is unhappy."³⁶

Fighting for the rights of girl's education Ramabai argued that,

“The Indian people do not take the same amount of care for the education of their girls as they do of their boys. Because it is only considered to be of no use to give education to girls, but it is the general view that girls are rather spoiled by education. Those reformed men who call themselves ‘reformed’, and who are well aware of the benefits of female education, even they do not give the same attention to the matter as they ought, through fears of sacrificing their own interests...Learned men, even though they know the great necessity of female education, ‘hurl their daughters into the well of ignorance in a cruel way’, through fear of being outcasted and laughed at by ignorant people if they were to give a high education to their sisters and daughters.”³⁷

Women and Health

Health is one of the basic needs and is essential for ensuring the dignity of an individual. Right to health includes accessibility and availability of health care to all irrespective of any discrimination. Accessibility of health care includes provisioning of health care in such a way that no person faces any difficulty in terms of health care accessibility within the government medical set-up and in terms of geographical location, financial position and any other constraints.

Sahu states that human rights need to be contextualized in such a way that it would ensure and protect women against violation of their health rights. Right to health or right to accessibility to health care is a human right, but due to the low socio-economic status of women in the society, they are not able to avail the health facilities in the same way as men access health care.³⁸

Taking a glance back to the days of Ramabai, we see that there were no hospitals for women, nor there were special facilities for the medical examination and treatment of women. And they would rather die of disease than appear before male doctors for examination and treatment. It was Ramabai who pleaded to the Hunter Commission that the Government make arrangements to open special medical schools for training women physicians. Ramabai's plea was that 'the want of lady doctors is the cause of hundreds of thousands of women dying premature deaths'. Listening to the plea made by Ramabai the National Association for Supplying Female Medical Aid to the women of India was established in 1885 by Lady Dufferin. This association was started in India with the object of teaching and training of women as doctors, hospital assistants, and nurses; opening dispensaries and cottage hospitals for women and children; of instituting female wards in hospitals; and wherever possible, founding hospitals for women, and for supplying lady doctors and nurses to visit women in their own homes. Though Ramabai herself desired, she could not become a doctor. However, she can be said to be the pioneer and founder in India of the medical profession as far as women were concerned.³⁹

DALIT WOMEN: "THE LEAST AMONG THE LEAST"

Dalits, having no place in the Hindu hierarchical structure are the ones having the least status in the Indian society. They are considered outcastes and are discriminated against in all areas. To be born a Dalit woman in Indian society is a great misfortune. They are the most neglected and the most oppressed, devoid of justice and suppressed under the pressure of various social oppressions. Dalit women are commonly referred as "the least among the least", "downtrodden among the downtrodden", "the Dalit among the Dalits" or "thrice-Dalits".

The oppression of Dalit women echo issues such as state violence, denial of land rights, social and legal discrimination, infringement on civil liberties, inferior status, dehumanized living and working conditions, total impoverishment, malnourishment, bad health conditions, adverse effect of various contraceptives and newly invented family planning devices in violation of their bodies, their status of illiteracy and ignorance, social ostracism, and untouchability maintained by Hinduism and other religions including Christianity.⁴⁰

In the patriarchal set-up, violence against Dalit women at the intersection of gender and caste becomes a symbolic gesture of the exploitation and discrimination against Dalit communities. Sexual harassment or an attack on the honour of women by the land-owners and money lenders is common. Women are raped by the upper-caste to suppress their demand for minimum wages, settle sharecropping disputes or to reclaim 'lost' land. Many Dalit women are unable to seek justice or redressal because of lack of proper law enforcement measures. They are often unaware of legal provisions, and thus their ignorance is exploited. Even when cases are registered, the accused are acquitted for lack of appropriate, timely and just investigation and gender bias. Such a lackadaisical system allows for crime against Dalit women to continue and has encouraged the rich and powerful to use rape as a tool to punish and silence them.

Temple prostitution is another form of violence against Dalit women. Dalit women are being forced to become temple prostitutes or *devadasis*. Desperate poverty is the main reason behind this practice. Mary Grey in her book "The Unheard Scream" narrates the story of a Dalit girl Yellama who was 9 years old when sold by her parents to an upper-caste man, who gave her a sari and a blouse and paid for the alcohol at the initiation celebration. After that, she became his unpaid concubine begging for money and breaking stones for construction site to support herself.⁴¹ *Devdasis* are kept as concubines by the man

who bought them. Although the *devadasi* system is banned by the Indian Government, according to the human-rights activists, as many as 15,000 girls in rural areas are still dedicated to Gods each year.⁴²

Violence against Dalit women is systematically used to deny them opportunities, choices and freedom at multiple levels, undermining not only Dalit women's dignity and self-respect, but also their right to development.⁴³ It is apparent that for those who have converted to Buddhism or Christianity, their life has undergone some change, in a sense, they are more conscious and are trying to establish their own identity in society. However, Hindu Dalit women are still stuck to tradition and superstitions.

Even though Ramabai did not particularly address the issues of Dalits, she spoke for the cause of other castes who did not belong to her Brahmin caste. Emphasizing her concern for the people of every caste group, she disapprovingly said "How good, how indescribably good! What good news – for me, a women, a woman born in India among Brahmans, who holds out no hope for me and the likes of me. The Bible declares that Christ did not reserve this great salvation for a particular caste or sex".⁴⁴ After Ramabai shifted to Kedgaon her focus was on low caste famine victim rather than upper-caste widows.⁴⁵

GENDER EQUALITY: A RESPONSE

According to the India's Constitution, women are legal citizens of the country and have equal rights with men but because of lack of acceptance from the male dominated society, Indian women suffer immensely. Though Indian law does not discriminate against women, the status of women today is far below the status of men. The Indian Constitution prohibits any kind of discrimination on the grounds of sex, however, no serious attempt has been made to promote gender justice. The Indian Constitution grants women equal rights

with men, but strong patriarchal traditions existing in India, shapes women's lives. Although the country's Constitution says women have equal status to men, women are powerless and are mistreated inside and outside the home. There are a number of constitutional and legal provisions enacted to protect Indian citizens generally, and socially marginalized citizens such as Dalit women specifically. However, studies reveal that these legal measures are not being implemented to protect them from violence, nor allow them legal redress after violence takes place. In other words, the Indian state fails in its duty to act with due diligence to prevent inequality and violence against women, to investigate and punish acts of violence and provide compensation.

Pandita Ramabai one of the greatest social reformers in Indian history did try to address the situation concerning women. She identified the brokenness of women in her time and responded with constructive efforts to bring healing to their lives. Ramabai launched the Arya Mahila Samaj, on 1st June 1882 in Pune as a pioneering venture, intending to mobilize women through 'consciousness-raising' and to demand reform in the oppressive social customs.⁴⁶ Due to the concentrated effort of Ramabai and other reformers the position and status of today's women in India is better than before. Some women occupy high ranking posts like, I.A.S, I.F.S., etc. Indian women are also in Defence Services. Modern Indian women participate in various sports and games like football, hockey, cricket, table tennis, lawn tennis and athletics. Moreover, contemporary Indian women serve as MPs, MLAs, governors and ministers. However, the question remains: How far have we overcome the barrier of polarized gender differences and stigma?

Ramabai's book *Stree Dharma Neety (Morals for Women)* that intended to help women in their daily lives spoke about her desire for liberty and freedom of women from the cruel bonds imposed by tradition and perpetrated especially upon women of

the Hindu community, down the centuries. This book was also meant as a guide book for women to live a life of enlightenment instead of being blind slaves to tradition.⁴⁷As Ramabai had thought and acted for the women of her times, if the people of India today think and act we would be able to contribute much and create an opportunity for the emancipation of women in India.

Ramabai's dedication for the cause of Indian woman is thus appreciated in the words of Helen S. Dyer, "It was the nature of Ramabai that she works with all her heart and soul for the highest ideal she knows; and as soon as more light dawns upon her, she leaves the things that are behind and reaches out to that which opens up in the vista of the future."⁴⁸

Indian women are capable of playing a significant role in family, society and professional spheres but the patriarchal system in India has made women live at the mercy of men, who exercise unlimited power over women. The main reasons of discrimination against women are unequal power-relations, gender discrimination, patriarchy, economic dependence of women, low moral values, negative portrayal of women's image, no participation in decisionmaking, gender stereotypes and a negative mind-set, etc. If only these discriminations are addressed firmly by the state and by both men and women alike, then, can we build a more egalitarian society respecting all human beings despite differences and can experience the beauty of life gifted by God.

Endnotes

- 1 Lalneihzovi, *Changing status of women in North-Eastern states*, (New Delhi: A Mittal Publication, 2009), 18
- 2 Meera Kosambi compiler, editor and translator, *Pandita Ramabai Through her own Words: Selected works*, (New York: Oxford University Press, 2000), 106.
- 3 Deborah Meroff, *SOS: Save our Sisters*, (USA: Pilot Books, 2014), 44.

- 4 "Dowry deaths: One woman dies every hour", <http://timesofindia.indiatimes.com/india/Dowry-deaths-One-woman-dies-every-hour/articleshow/22201659.cms> (Accessed on 10/8/2016)
- 5 Ram Ahuja, *Violence Against Women*, (Jaipur: Rawat Publications, 2009), 11.
- 6 According to latest data released by the National Crime Records Bureau. As many as 2.24 million crimes against women were reported over the past decade: 26 crimes against women are reported every hour, or one complaint every two minutes. The reports provided by National Crime Records Bureau are as follows: assault on women with intent to outrage her modesty (470,556), earlier classified as molestation under section 354 of IPC, is the second-most-reported crime against women over the last decade. Kidnapping and abduction of women (315,074) is the third-most-reported crime followed by rape (243,051), insult to modesty of women (104,151) and dowry death (80,833). More than 66,000 cases have been reported under the Dowry Prohibition Act, 1961, over the last decade. Ten cases of cruelty by husband and relatives are reported every hour across the country followed by cases of assault on women with intent to outrage her modesty (5), kidnapping & abduction (3) and rape (3). NCRB added three more heads under which cases of crime against women have been reported in 2014. These include attempt to commit rape (4,234), abetment of suicide of women (3,734) under section 306 IPC and protection of women from domestic violence (426). As many as 66% of women reported experiencing sexual harassment between two and five times during the past year. ["Crimes against women reported every two minutes in India", <http://scroll.in/article/753496/crimes-against-women-reported-every-two-minutes-in-india> (Accessed on 18/08/2016)]
- 7 Aloysius Irudayam S.J., Jayshree P. Mangubhai and Joel G. Lee, *Dalit Women Speak Out, Dalit Women Speak Out*, (New Delhi: Zubaan, 2011), 203.
- 8 R. K. Upadhyay, "Widows in India: Today and Yesterday", in *Living Death: Trauma of Widowhood in India* edited by V. Mohini Giri, (New Delhi: Gyan Publishing House, 2002), 51.
- 9 "Massive spike in number of widows", <http://timesofindia.indiatimes.com/india/Massive-spike-in-number-of-widows/articleshow/46438010.cms> (Accessed on 10/8/2016)
- 10 Deborah Meroff, 105.
- 11 Tanika Sarkar, "Wicked Widows: Laws and Faith in Nineteenth-Century Public Sphere Debate" in *Behind the Veil*, edited by Anindita Ghosh, (New Delhi: Permanent Black, 2007), 91.
- 12 *Carest Thou Not? Being the story of Pandita Ramabai and the Mukti*

- Mission*, Compiled by B. T. for the Australian Council of the Ramabai Mukti Mission, (Melbourne: Keswick Book Depot, 1920?), 39
- 13 Helen S. Dyer, *Pandita Ramabai: The Story of her life*, (London: Morgan and Scott, year?), 58
 - 14 Barbara Underhill, *Pandita Ramabai Pioneer*, (Sydney: Stanmore Missionary Press, year?), 38.
 - 15 Meera Kosambi, 22.
 - 16 Section 10 provides that when a man dies without making a will the property must be divided between the heirs – the widow getting her share and sons and daughters theirs.
 - 17 V. Mohini Giri, *Living Death: Trauma of Widowhood in India*, (New Delhi: Gyan Publishing House, 2002), 126.
 - 18 Maya Majumdar, *Protecting our Women. Imperative of Empowerment: The Political Response* Vol. III, (New Delhi: Dominant Publishers and Distributors, 2001), 2.
 - 19 Congress President holding the office for the longest period of time and also the chairperson of United Progressive Alliance.
 - 20 Seven times Member of Parliament and three times Member of the Legislative Assembly, BJP leader, and now the Union Minister of External Affairs of India.
 - 21 Former Chief Minister of Delhi from 1998 to 2013. Also a senior member of the Congress party. She has led the national party to three consecutive electoral triumphs in the capital. She became the governor of Kerala on 11 March 2014, however, she resigned from the post on 25 August 2014.
 - 22 Firstwoman Chief Minister of West Bengal and was also the first woman railway minister of the country.
 - 23 Chief Minister of Tamil Nadu also the general secretary of All India Anna Dravida Munnetra Kazhagam (AIADMK). In 1984, she became a Rajya Sabha MP.
 - 24 Dalit leader, Chief Minister of Uttar Pradesh.
 - 25 Rajasthan's first woman Chief Minister. She was introduced to active politics by her mother Vijayraje Scindia, who was a prominent BJP leader.
 - 26 Member of Parliament, served as the Union Minister of Information and Broadcasting.
 - 27 Lok Sabha MP, daughter of Maratha leader Sharad Pawar.
 - 28 Youngest minister of state who represented the Tora constituency of Meghalaya in the 2009 parliamentary polls, former Lok Sabha member.
 - 29 Maya Majumdar, 22.

- 30 Though majority of the female workers are in agriculture, they neither have better access, control and ownership of land and other productive resources, nor do they have access to market or a role in decision making. Women's lack of title/ownership of productive inputs have naturally impaired their access to facilities like credit, subsidies and have rendered them more vulnerable to economic status.
- 31 "An Overview of the current economic situation of women" <http://nmew.gov.in/WriteReadData/1892s/46223537An%20overview%20of%20the%20current%20economic%20situation%20of%20womenPA-revised.pdf>(Accessed on 23/08/2016)
- 32 S. M. Adhav, *Pandita Ramabai*, (Madras: The Christian Literature Society, 1978). 27.
- 33 S. M. Adhav, 23.
- 34 "Current Status of Women in India", http://global_india1.tripod.com/current.htm (Accessed on 02/08/2016)
- 35 A. B. Shah, *The Letters and Correspondence of Pandita Ramabai*, compiled by Sister Geraldine and edited by A. B. Shah, (Bombay: Maharastra State Board for Literature and Culture, 1977), p.xi.
- 36 Meera Kosambi, 47.
- 37 Meera Kosambi, 107
- 38 Skylab Sahu, *Gender, Sexuality and HIV/AIDS*, (New Delhi: Sage Publications India Pvt. Ltd., 2015), 23-24.
- 39 S. M. Adhav, *Pandita Ramabai*, 29-30.
- 40 Ruth Manorama, "Dalit Women" in *Life as a Dalit: Views from the Bottom on Caste in India*, edited by Subhadra M. Channa and Joan P. Mencher, (New Delhi: Sage Publications India Pvt. Ltd., 2013), 256.
- 41 Mary Grey, *The Unheard Scream: The Struggles of Dalit Women in India*, (New Delhi: Centre for Dalit/Subaltern Studies, 2004), 38.
- 42 Mary Grey, 39.
- 43 Aloysius Irudayam, 427.
- 44 *Carest Thou Not? Being the story of Pandita Ramabai and the Mukti Mission*, 26.
- 45 Meera Kosambi, 11.
- 46 Meera Kosambi, 8.
- 47 S. M. Adhav, 22.
- 48 Helen S. Dyer, 9.

Uniform Civil Code, Minority Rights and Christian Law Reform

Flavia Agnes

Introduction

The issue of women's rights and family law reform are intrinsically entangled within the polemics of identity politics and minority rights. At one level, there is a tendency in the media and among some social activists to project the demand for an all-encompassing Uniform Family Code (or Uniform Civil Code – UCC) as a magic wand which will eliminate the woes and sufferings of Indian women in general and minority women in particular. At another level, within a communally vitiated political climate, the demand carries an agenda of 'national integration' and 'communal harmony'. The demand is also laden with a moral undertone of abolishing polygamy, triple talaq and other 'barbaric' customs of Muslims and extending to them the egalitarian code of the 'enlightened majority'.

The sharp polarization between the pro-UCC lobby (with women's rights' groups sharing an uneasy alliance with the Hindu fundamentalists) and the anti-UCC lobby symbolised by Muslim fundamentalists, leaves very little space for voicing misgivings about the feasibility of an all encompassing code, within a culturally diverse pluralistic society.

Secular groups demanding the protection of women's rights, place gender as a neutral terrain which is disjunct from the contemporary political events. In this context, it would be relevant to take note of the historical fact that although the plank of social reform has been 'women's welfare', the political manoeuvring at each stage of Hindu law reform has resulted in bartering away crucial economic rights of women. In the current political context, the binaries within

which the demand for a UCC is located, postulates similar dangers.

It is true that the hardships and sufferings experienced by women of all communities, minority as well as majority, cannot be swept under the carpet nor glossed over with the rhetoric of freedom of religion. But within a complex social, political and economic structure, the demand of gender equality can not be confined within a linear mould of granting uniform rights to women of all communities. In order to be relevant to women's lives, there is an urgent need to contextualise family law reforms within a comprehensive framework, inclusive of political and economic diversities. (See Agnes, Flavia, *Law and Gender Inequality the Politics of Personal Laws in India* New Delhi: Oxford University Press 1999 for a more detailed analysis on the challenges and perils of enforcing a uniform civil code.)

A Gradual Approach towards Uniformity

The Bar Council Review on Uniform Civil Code articulates this premise as follows: The production of a new, progressive code, overnight, sought to be enforced from above, may be seen as a quick solution. Let us however remember, that there are well meaning, genuinely secular minded intellectuals and social activists who would utter a word of caution and hoist the "go slow" signal in order to achieve productive social results. This approach is informed by the experience of world history and the knowledge that crude homogenization is not the best solution. This caution must not, however, be equated with acceptance of the status-quo nor treated as a call for inaction. [The Special Issue on Uniform Civil Code' Indian Bar Review XVIII/3-4 (1991) p.vi-vii]. Though this comment was made around 25 years ago, it is still valid today.

Though in 1985 at the time of the *Shahbano (Mohd. Ahmed Khan vs Sjahbano Begum)* which dealt with the maintenance

rights of a divorced Muslim woman and the backlash against this ruling within the Muslim community, there were many supporters to demand for a Uniform Civil Code, as mandated by Article 44 of the Indian Constitution, among secular, human rights and women's rights groups. But a drastic change in the ground realities led to many groups changing their earlier position. The demolition of Babri Masjid in 1992, the attacks on Christian churches in tribal areas of Dang in Gujarat and later in Khandamal in Orissa and other places, the gruesome sexual violence inflicted upon Muslim women during the Gujarat carnage of 2002, and also several rulings of the Supreme Court which secured the rights of Muslim women are factors that necessitated a re-examination of the earlier call for a UCC as a means to secure the rights of minority women.

In this context, Justice K. Kannan, a former judge of the Punjab and Haryana High Court, in an insightful article has expressed his reservations about enacting a Uniform Civil Code ("Uniform Civil Code – Now is not the moment" *The Hindu* July 13, 2016) Responding to the news reports that the Union Law Minister has requested the Law Commission to examine the feasibility of ushering in a Uniform Civil Code, the jurists commented that if a Uniform Civil Code is enacted now, it will be perceived as an apology for hegemony of the Hindu laws over the personal laws applicable to Muslims and Christians. "If we withdraw the personal laws by force, we tread upon the most intimate emotion of an individual," was his anguished comment.

He also commented that significant changes in the laws concerning minorities have been brought about in a gradual manner by judicial interpretations which have been less contentious. Though all communities had objected to a common adoption law, when adoption was made possible through the Juvenile Justice Act, the Bombay and Madras High Courts adopted dynamic interpretations to hold that adoption under the Act will be applicable to Christians. Soon

thereafter, the Supreme Court ruled that Muslims could also adopt under the Act. There were no protests against these judicial dictates.

Regarding reforms within Muslim laws, when the Supreme Court in 2001, in *Danial Latifi v. Union of India*, declared that a Muslim woman is entitled to maintenance not only during the iddat period but through her entire life, until her remarriage, and in 2002, in *Shamim Ara v. State of U.P* curbed the rights of a Muslim husband for unilateral and arbitrary triple talaq, and held that talaq must be strictly proved and arbitration prior to pronouncement of talaq is essential, and brought about significant changes in the realm of Muslim women's rights, there were no protests against these judgements.

He explained further that while Hindu women were denied rights to property until 1956, Muslim law recognised a Muslim woman's rights to inherit property since the days of Prophet Muhammad, several centuries before the whole of the modern West accorded to a woman property rights. According to him, the provision granting Hindu women property rights has generated the maximum litigation, the cause being the unwillingness of the Hindu patriarchy to cede to a female member an equal right in the property.

Further, the Muslim law which views marriage as a contract is more secular than retention of the concept of the marital bond as a sacrament among the Hindu and Christian communities. The provisions for divorce by mutual consent that have been introduced in the Hindu Marriage Act or under the Divorce Act applicable to Christians is actually a movement towards the Muslim understanding of marriage. Commenting on the issue of Muslim polygamy, he raised an important question, "Do you think that allowing up to four wives for Muslims requires a change? Shall we in the same breath make illegal even consensual adult relationships outside marriage or concubinage as cognisable offences?"

There are many legal scholars who believe that the social transformation through the instrument of law from diverse civil codes to uniformity needs to be a gradual process which cannot take place overnight. Our country shall be stronger by its multi-cultural, multi-religious differences and our national identity would be more secure in its diverse form than through a forced homogeneity of all personal laws. That shall take place by borrowing freely from laws of each other, making gradual changes in each of the legislations, making judicial pronouncements that assure gender equality, and adopting expansive interpretations for broadening the outlook relating to marriage, maintenance, adoption and succession by specifically acknowledging the benefit that one community secures from the other. Justice Kannan explained that reforms within each personal law through independent initiatives will help to create laws that are uniform over a period of time.

Reform from Within in the Christian Law

In keeping with this premise of reforms from within, Christian women's groups have worked consistently to bring about reforms within the statute governing Christian divorces, the Indian Divorce Act of 1869.

This statute was enacted by our colonial rulers in order to bring the developments introduced in England through the Matrimonial Causes Act of 1857. This Act rendered Christian marriages contractual—a clear shift from the earlier sacramental notion of marriage – and introduced divorce, which was a historic move. This statute was the mother of all matrimonial statutes in India, including the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954, and was made applicable to all Christians, not just Roman Catholics. In fact the Roman Catholic Church had nothing to do with the enactment of this statute.

Since it was a pioneering statute enacted in the nineteenth century, understandably the grounds for obtaining divorce were very stringent – women had to prove two grounds – adultery coupled with either desertion or cruelty. When the requirement of these stringent grounds was challenged in various High Courts – Kerala, Bombay, Andhra Pradesh, Karnataka, the discriminatory provisions were stuck down. Alongside, there was also a sustained campaign to amend the law and finally in 2001, the campaign yielded results and the archaic law was amended and adultery, desertion and cruelty were made independent grounds of divorce. The amendment also introduced the much needed provision of divorce by mutual consent, which is a civilised way of dissolving a marriage without acrimony and contestation.

Bringing about these reforms has not been easy. Though the Roman Catholic Church had nothing to do with the statute, the government would not bring in the amendments, unless the Roman Catholic Church (politically the most influential among all Christian denominations) gave its consent to the reforms. Hence it required herculean efforts to bring the Roman Catholic Church and the Law Minister on the same platform so that the reforms could be brought about without much opposition. Though there were some Christian women's groups who wanted a totally new law of marriage and divorce for Christians, some of us who were very active in this campaign devised the strategy of bringing about certain key strategic reforms within the existing law which would be not only more feasible but would have far reaching impact in improving the situation of Christian women. This strategy of piecemeal reforms worked well and brought the much needed respite to Christian women.

The Dual Process within the Roman Catholic Church

However, while most other Christian denominations do not have any parallel procedures regarding the dissolution of a

marriage, matters are complicated for Roman Catholics as they are governed by a parallel procedure of church annulment. The church dissolves only the sacramental aspect of a Catholic marriage and not its civil consequences such as the entitlements of a wife to maintenance, child custody, right to matrimonial residence, and so on.

In 1996, through an authoritative ruling, *Molly Joseph vs George Sebastian*, the Supreme Court laid down that the decree of annulment issued by the church did not dissolve the marriage and both parties must obtain a civil divorce, which alone would entitle them to remarry.

The facts of this case are tragic indeed. The woman, Molly, after obtaining an annulment for her first marriage from the church, remarried in good faith. She had not been informed of the requirement of obtaining a civil divorce. When problems cropped up in this marriage, she approached the civil court for her rights. At this stage, an astute lawyer, representing her second husband, argued that since Molly had not obtained a civil divorce from her first marriage, her subsequent marriage was invalid and hence she could not claim any rights from his client. The Supreme Court upheld the husband's plea and Molly lost her crucial rights.

If only the church authorities were more in tune with the civil law, Molly would not have been denied her rights as she would have been alerted that she also needs to obtain a civil divorce prior to the second marriage. After this ruling, some church authorities adopted the practice of issuing a warning on the annulment decree that both parties are required to obtain a civil divorce before they remarry.

Despite this, Clarence Pais, an octogenarian Roman Catholic, approached the Supreme Court on the ground that when innocent men, blissfully unaware of the legal requirement of obtaining a civil divorce, remarry after annulment by the church, they

become susceptible to charges of bigamy from their vindictive wives. The petitioner urged the court to recognise annulment pronounced by the Roman Catholic church as legally valid as is the case with divorce pronounced by the qazi (or the husband) under Muslim personal law.

Pais made the highest church authority, the Conference of Catholic Bishops in India, a party to the proceedings on the ground that the church authority had not heeded his request. The Council for Women of the body intervened and opposed the prayers of the petitioner on the ground that such a move would cause extreme hardship to gullible women who stood to lose their civil rights if the prayers of the petitioner were granted. The civil law concerning divorce permits the wife to claim various reliefs such as maintenance and child custody even at the interim stage, but if the marriage is dissolved by the Church authority that may not be aware of the wife's entitlements, it will cause great harm to women and children.

Church authorities, as well as Christian women's groups, have welcomed the Supreme Court ruling dismissing the petition and are happy that the mischievous petition was rejected. It ought to have been dismissed at the preliminary stage itself rather than keeping it pending for four years, wasting valuable court time. Perhaps the fact that a former Attorney General Soli Sorabjee represented the petitioner may have swayed the judges who were hearing the petition, to give the petitioner a long rope.

It is distressing that a person possessing a wealth of legal knowledge such as Sorabjee argued that since Muslims have the right to pronounce talaq without having to approach a formal court, and since even divorces granted by caste panchayats are recognised under Hindu law, the same should be permitted for Christians. But this would amount to judicial law making, which would amount to overstepping judicial powers, a concept with

which Sorabjee would be familiar. If there is no such provision in the statute, which has been in existence for the last 150 years, how can the courts introduce it? (See Flavia Agnes, “Supreme Court ruling on limits of Indian church divorces simply reaffirms existing practice” (Scroll.in January 23, 2017 <https://scroll.in/article/827382/the-supreme-courts-ruling-on-church-divorce-simply-reaffirms-existing-practice>)

Rather than the media hype what is required is greater clarity

A mere dismissal of a frivolous writ petition would not have received the publicity it did, but for the fact that minority law reform has been very much in the news since a Muslim woman, Shayara Bano filed a writ petition in the Supreme Court asking for a ban on arbitrary triple talaq and polygamy among Muslims. The question which was lurking in everyone’s mind as they read the news about the Supreme Court verdict on Christian Personal Law was, will this case be a forerunner to the petition filed by Shayara Bano, to declare that all Muslim divorces shall be secured only through judicial process? With my limited knowledge of law, I would think not. In the present case, the court was examining the provisions of a statute and settled law. In the petition filed by Shayara Bano, the prayer is to declare arbitrary triple talaq invalid and for a declaration to lay down the correct procedure for pronouncing talaq as per the principles of Quranic law. It would be like comparing apples and oranges.

An interim order of the Madras High Court passed a few days ago also warrants a comment. The petitioner, Bader Sayeed, a practising lawyer and a former MLA, approached the Madras High Court in 2013, praying that the right to issue certificates of divorce (or fatwas) should be taken away from the chief qazi, and rest with the courts instead.

However, through a ruling pronounced in July 2014 (*Vishwa Lochan Madan vs. Union of India*) the Supreme Court ruled that darul qazas (Sharia Courts) and their practice of issuing fatwas were not “themselves illegal”, and added that the fatwas are not judicial verdicts but merely opinions of experts and hence are not binding.

The same principle would apply to the case before the Madras High Court. However, the All India Muslim Personal Law Board has requested the court for time to submit a draft of a certificate that will clearly express that a fatwa is mere opinion and not a judicial verdict.

In a similar manner, all church authorities also need to issue a clear statement on every decree of annulment that the parties must obtain a divorce in a civil court before they can remarry. The issuance of such messages on the decrees or fatwas will go a long way in alerting members of each community of the correct legal position as per their own personal laws.

Note: This paper is based on the lectures delivered at the conference organised by Streevani on Pandita Ramabhai on 27th August, 2016, and at the lecture delivered around the theme of Uniform Civil Code and Christian Law Reform at the conference, *Impact of Religion and Culture on Women's Empowerment - An Indian Perspective*. It has been updated recently to include the latest ruling on Christian Personal Law by the Supreme Court.

Flavia Agnes is a women's rights lawyer and Director of Majlis – a rights based centre for women, based in Mumbai. She also spearheaded the campaign to bring statutory reforms within the Indian Divorce Act.

“Impact of Religion and Culture on Women’s Empowerment - An Indian Perspective”

***Statement of the 4th National Consultation
September 2016***

Pack nothing. We bring only our determination to serve and our willingness to be free. Do not hesitate to leave your old ways behind – fear, silence and submission.

Only surrender is to the need of the time: to do justice and walk humbly with God.

Though we set out in the dark. We are confident that God will be present with us in fire and in the cloud to encourage us.

Alla Renee Bozarth¹

Down the ages men have been perceived to be the sole recipients and transmitters of divine messages. Women on the other hand, have been socialized by patriarchal religious structures and practices to passively accept religious teachings as interpreted by men. These androcentric and patriarchal interpretations have defined and shaped the social and cultural contexts of Indian women resulting in their disempowerment and second class status. Recognizing the influence of religion and culture on Indian women’s lives, Streevani took the initiative to organize a National Consultation on the theme “Impact of Religion and Culture on Women’s Empowerment – An Indian Perspective” from 23rd to 26th September, 2016 at Hyderabad. The Montfort Social Institute hosted the meeting and were also co-organizers together with the Indian Christian Women’s Movement, The Indian Women Theologians Forum, and Satyashodak. 50 people, religious women and men, lay women and one diocesan priest were present.

A major flaw in the perception of religion is the assumption that it is a given. Religion is in fact a negotiated reality with each individual or community defining its own understanding, one that evolves with time and circumstance. This fluidity needs to be placed at the centre of any discourse on religion along with the recognition that many religions have their origin in protests against established exclusionary and oppressive religious structures. The institutionalization of religious movements with their unchangeable dogmas however develops a fissure between the original episteme or way of understanding these movements, and the way they are practiced. The challenge is to preserve the voices of prophetic dissent and foster the freedom necessary for change. Women have the most at stake in this process since they are the ones crushed by the life-negating dogmas and conservatism of traditional religions.

Religion is frequently manipulated to monopolize power through homogenization and ritualization. Any agenda for change must therefore pluralize religious practices to capture the original thrust of the episteme. Thus spaces must be created in our social imagination to accommodate not just a recovery of the past but also an innovation of new liberating symbols, language and imagery that challenge authorized canons. Using these spaces, women need to stake their claim visibly and powerfully for their rights, and for their perspectives and interpretations to be accepted as part of the core religious canons which also underpin culture. Unless this happens the guardians of existing religious and social structures will not be forced to move to a critical consciousness of their oppressive nature.

The key of women's involvement with religion is hidden in women's bodies. Women in fundamental ways are locked in their bodies, and their exercise of power is at the pleasure of men, whether in the family or in the religious sphere. Thus, religion is not just about spirituality, beliefs and practices alone, but it is also political. These political practices however,

belong to structures of the mind that are not inviolable. They can be broken by recovering the spiritual and humane. It is on this recovery that women's survival and unfolding as humans hangs.

The gendering of body and sexuality does great violence to women and LGBTQI persons. The male is considered as the norm, and scriptures are used to define women as defective, sinful, needing to be controlled even by using violence. LGBTQI persons and their subjectivities are by and large excluded by authorized canons of religions.

In India violence to women, the marginalized sections of society and minorities is a disturbing issue. It is prevalent in the family, and expands to a woman's circle of known persons, even those she is taught to revere and confide in such as religious leaders, as well as public spaces. Violence is an expression of power that is hegemonic. It is used to control, dominate and enforce a system of power entrenched in cultural, religious, political and economic spheres. Laws prescribed to protect are often manipulated to inflict violence. The painful sharing by a Dalit woman who spoke of political and religious violence, and a victim of domestic violence, during our consultations, amply demonstrated the roots of such violence in culture and religion.

The politics that have emerged in the discussion of the Uniform Civil Code (UCC) in India indicate how the law is being manipulated to demonize one minority religion while ignoring the gender injustice in other personal laws. Women from religious minorities in favour of retaining their personal laws with the necessary amendments to ensure gender justice, view the creation of a UCC as a move to undermine their rights. As societies across nations evolve and become more plural, we realize that we need equality of rights and not equality of the law, so that equality as an outcome for women is a priority rather than equal laws for all regardless of religious and ethnic differences.

For Catholic women governed by the Code of Canon Law the major discrimination based on gender is their exclusion from ordination and all the offices contained therein. The maleness of Christ rather than his humanity is emphasized putting women on a plane lower than men. Even within the category of the non-ordained, women and men do not enjoy equal rights. Only men, including married men, can be ordained deacons and be installed as lectors. Many of the rights given to both men and women are assigned only in the absence of a priest and at the behest of the parish priest or bishop.

Church teaching while professing the equality of women also promotes the notion of complementarity that assigns fixed roles to women and men, with women usually in passive and subservient positions. With regard to sexuality procreation is viewed as the norm, ignoring love, equality, respect and mutuality that contribute towards strengthening the marriage relationship. This has led to the active/passive paradigm that legitimates violence such as marital rape, but also emotional, psychological and financial violence that covertly controls women's sexuality. Church leadership remains silent on the issues of domestic violence and dowry but stresses the morality that condemns abortion and contraceptives, and glorifies fidelity in marriage and motherhood no matter the circumstances. There is scant recognition that "separation becomes inevitable, at times even morally necessary when it is a matter of removing the more vulnerable spouse or young children from serious injury due to abuse and violence, from humiliation and exploitation, and from disregard and indifference" (*Amoris Laetitia* # 241).

When seen through a Christian lens, the Universal Declaration of Human Rights and the later additions such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), have a trinitarian dimension of equal but different. Further, woman and man created in the image and likeness of God (Gen 1:27), the Trinity, forms the basis of all human rights.

However, in the Catholic Church the ontologically different character attained by men at ordination becomes a source of power that is sacramental and hierarchal and creates unequal people. This becomes an impediment to the realization of human rights in the Church which are a reflection of Jesus' call to be a community that believes and lives the "Kin-dom" values of love, justice, equality, peace, reconciliation and communion.

In the light of the above we will endeavour to:

1. Do an analysis of the 1983 Code of Canon Law in the light of the International Bill of Human Rights and National laws.
2. Facilitate the gender sensitisation of men, particularly bishops, priests, and seminarians as proposed by the CBCI Gender Policy of the Catholic Church of India.
3. Continue to accompany and support victims of sexual abuse
4. Follow up on a Policy that will encompass measures to prevent and redress sexual abuse, as well as protocols and structures to ensure justice, healing and sensitive accompaniment of victims.
5. Engage in collaboration with the CRI in matters of common concern.
6. Strengthen the Indian Christian Women's Movement.

Endnotes

- 1 <http://www.poemhunter.com/poem/passover-remembered/>

Sensitization of Caste Discrimination and Building Inclusive Communities Based On the Constitution of India

*Statement of Forum of Religious for Justice and Peace
February 2017*

We, 68 members of the Forum of Religious for Justice and Peace (FORUM), belonging to 34 Religious Congregations from 14 states of India and a few of our associates, gathered at Dhyana Ashram, Chennai from 17 to 19 February 2017, to reflect together on the theme: ‘Sensitization of Caste Discrimination and Building Inclusive Communities Based on the Constitution of India’. Every sixth Indian is a Dalit. Caste hierarchy is destructive, discriminative and oppressive over the Dalits and all the more on Dalit women. We have understood that after 70 years of independence, the caste conflict-ridden situation of our country has worsened and the cruelty of untouchability and the dehumanizing atrocities against Dalits are on the rise. We sought to identify some aspects of the dynamic process of experiencing a sense of liberation of the Dalit-self and the Dalit-community amidst their struggles. We listened to eminent Dalit speakers on topics such as ‘Ways and means for Dalit Empowerment in the present socio-economic political scenario’, ‘Tackling Dalit Discrimination within the Indian Church’ and ‘Caste Discrimination from a Woman’s Perspective’. We listened to the personal experience of different resource persons and panelists, especially Dalit women, who struggled hard against the immorality of casteism. As Religious with a prophetic mission, we cannot be neutral, but we need to take sides as the God of the Bible and Jesus, who always took the side of the marginalized.

We realize that to be a Dalit is not to be broken. The call of a Dalit is neither life-defeating, nor life-negating but life-promoting and life-affirming. In the gruelling and compelling situation

of discriminations and atrocities, the response of a Dalit is to rebel for liberation, and to create an inclusive society. The vocation of every Religious is also to rebel as the prophets of the Bible and the modern day prophets did. Jesus' discourses especially the Sermon on the Mount were declarations of his rebellion against oppression and marginalization of the poor. His life consisted of acts of rebellion. He proved that to rebel is to make a self-giving and life-giving act which results in liberation.

Having discussed and deliberated on these issues, we commit ourselves to the following:

1. We shall stand in solidarity with Dalits in essentially claiming for their rights, in helping them to affirm, assert and proudly accept that they are Dalits.
2. We realize that primarily as members of the Church, we need to put our home in order, by becoming aware of the injustice we do to Dalits and find ways to eradicate those injustices.
3. We shall educate ourselves in Constitutional and legal rights and spread the egalitarian spirit of the Indian Constitution across all peoples of India.
4. We shall organize workshops and seminars on Introduction to the Indian Constitution which shall include primarily, modules on the Preamble and Fundamental Rights and Duties enshrined in the Constitution. We shall take concerted efforts to disseminate Constitutional values in schools.
5. We shall network with other organisations to build platforms to discuss and to promote constitutional values.
6. We shall promote and persuade authorities of educational institutions to give admission to Dalits in equitable proportion without any discrimination and accompany them.

7. We shall promote inter-caste and inter-rite marriages in our dioceses.
8. We shall empower Dalits to refuse to accept caste based occupations.
9. We shall renounce caste-surnames and shall encourage others to do the same so as to build an inclusive Indian nation.
10. We shall do an indepth study of 'The Policy of Dalit Empowerment in the Catholic Church in India - Ethical Imperative to build Inclusive Communities' published by CBCI. We recommend that similar study be done by various Church organisations at all levels and the policy be implemented in its true spirit.
11. With sufficient preparation of the entire Christian community during the season of Lent, we shall honour the Risen Lord by communitarian social actualization of the baptismal promise so that we become a genuine and authentic Christian community of equals without any kind of barriers or discriminatory practices.
12. We shall make concerted efforts to recruit vocations to Religious life and priesthood from Dalit Catholic communities.
13. We shall generate awareness among all sections of the Christian community and disseminate truthful information in view of educating both the leadership and the community on Dalit issues. For this we shall form a committee of theologians to work out a syllabus about caste in the Church and the urgency to eliminate its practice in any form in any sector. Every seminary and formation house in India should have this project.
14. We shall persuade concerned authorities to introduce and continue courses on Dalit Theology and Spirituality in seminaries and Religious formation houses.

15. We recommend our parish and pastoral councils to give adequate representation to Dalits in proportion to their number in order to give them decision-making power so that we have a Dalit empowered Church.
16. We shall request national, regional and local CRI units to organise seminars and workshops on building inclusive communities in view of preventing caste-discrimination.
17. We shall request the diocesan and Religious organisations to allot financial and human resources for educating Dalits for higher studies and preparing them for UPSC and PSC (IAS, IPS, IFS etc.) examinations and thus build inclusive communities for the empowerment of the marginalised groups.
18. Ownership of land is an important factor for the dignity and self esteem of the Dalits. For this we shall launch campaign and advocacy programmes in order to pressurize the government for distribution of land to the Dalit households.

Following Babasaheb Dr.Ambedkar, we stand in solidarity with the Dalits to educate, organize and agitate in collaboration with all organizations and movements committed to the empowerment of the marginalized groups.

For Forum of Religious for Justice and Peace

Jacob Peenikaparambil CMI
National Convener

Manju Kulapuram SCSC
National Executive Secretary

19.02.2017

Pursuit of Justice in India: A Prophetic Response

Report of Lawyers Forum Meet

February 2017

Responding to the invitation of Streevani and Montfort Social Institute, we 33 women and men religious as well as some diocesan priest lawyers came together at Jnana Deepa Vidyapeet, Pune, from 13th to 15th January, 2017 to reflect on our Prophetic Response to the Pursuit of Justice.

Narrating how she came to practice law, Advocate Flavia Agnes pointed out that “Law be used to bring about social transformation”. She said that the scripture passage “Whatsoever you do to the least of my brother/sister, you do it to me”, has motivated her to reach out to women who suffer violence. “Change the ethic of lawyering”, she suggested, so that lawyers can help clients to have faith in the legal system. She pointed out that “People live in cultural and religious spaces, especially women, so rights can be exercised within a complex rights based system only when we engage with all these spaces.” She advised us to create a culture of rights, as NGO lawyering is a space away from commercial lawyering.

Both Fr. M.T. Joseph and Fr. P.D. Mathew encouraged us to use the Constitution to enforce equality and rights. “The monolithic idea of India siding with the corporates, against the tribals, poor, etc. has generated a discourse that silences people in our so called democracy,” pointed out Fr. M.T. Joseph. “The narratives used are cleverly manipulated to substantiate the discourse on democracy and nationalism. The monopoly of one party supported by business creates an environment of silence and fear by using intimidating tactics to promote the idea of “Nation”, “nationalism”, and patriotism” he continued. **“Getting political freedom without social equality, political**

equality is useless. Political freedom remains a contradiction in India. It is important to bring back Ambedkar's idea of social equality – where the rights of every Indian are respected and upheld,” he advised. “Fear and silencing is managed by professionals. To counter this we need to build a strong support system to become pressure groups using symbolic power. Power can be broken by resistance. Power thrives when spaces of resistance is reduced. Enlarge spaces of resistance. Support persons who are attacked because of their resistance. Create spaces of resistance within ourselves and in society”, he concluded.

Audrey D’Mello pointed out that “The ambience of the Courts is male and patriarchal. While from 1993 to 2013 we got laws against violence to women, yet the contradictions of women’s rights remains. Rights have to translate into action and not just remain on paper.”

Br. Varghese Theckanath spoke mainly about international law and Indian jurisprudence and the use of international law in expanding the scope of fundamental rights. He impressed upon us the importance of using international human rights instruments ratified by India in the pursuit of justice. He urged us to strengthen the alternative reporting on the status of human rights and abuses in India and connect with Special Rapporteurs. To use advocacy for policy making and make the Sustainable Development Goals a part of our campaign. “Use the media”, he advised.

Explaining the importance of using Public Interest Litigation, Fr. P. D. Mathew pointed out that PILs are rooted in the prophetic vision and Mission of Jesus; we need to conceive Jesus in our hearts and minds and deliver him to the masses. “We need to strengthen our work through building a network. Get the people to write letters addressed to the Chief Justice of India which can be converted to a PIL,” he advised. He cautioned about using

the right language in our quest for human rights. “Always say you are helping the government to implement rights of poor.”

The sharing of stories from the field, by the participants, was strikingly similar. Many shared how they were drawn into law because they were touched by the dire need of the poor, the marginalized, violence to women, the dispossessed and the prisoner. It reinforced among us the need for building solidarity among lawyers who are sisters/brothers or priests. We felt that we had much to learn and share with each other for solidarity and support. While reviewing and evaluating the meeting, we strongly felt the need to form an inclusive Forum of Lawyers with the sisters, brothers and priests. We brainstormed on a provisional structure for creating such a Forum by voting in a team who will take the initiative to organize the next meeting in 2018. We are grateful to Streevani for offering to accompany us in our journey in the quest for prophetic justice.

The mission of Jesus proclaimed in Luke 4:18-19, reverberated through our reflections, prayer and sharing during the entire meeting. It reinforced our call to prophetic ministry in our country where the majority of people are crushed by deprivation of equality and rights.

We commit ourselves to strengthen the new fledgling inclusive Forum of Lawyers, so that we stay encouraged and committed in this special vocation of lawyering that we feel called to.

Core Group Members:

- a) Sr. Julie George SSpS – Convener
- b) Fr. Johny Mathew CMF
- c) Fr. Emanuel
- d) Sr. Annmary FSLG
- e) Sr. Annie Joseph

TRIBUTE TO OUR FOUNDERS



Dr. Fr. Engelbert Zeitler SVD

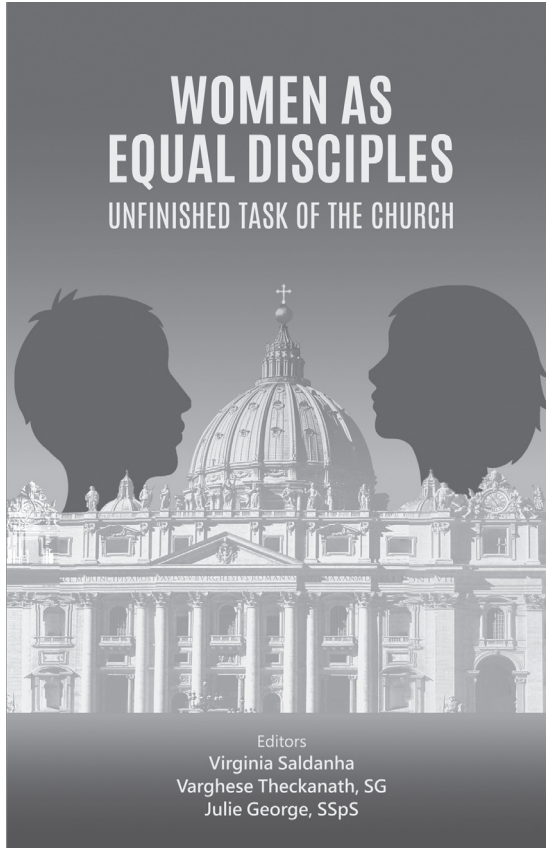


Dr. Frances Maria Yasas

“Last century the Church lost the workers. This century it is going to lose women, unless something is done soon. It was in this context I first started some sort of an Institute, from where I hoped a movement for women could originate. After a long period of trial, error and failure ultimately were able to establish what is today called Streevani in Pune”.

Late Rev. Fr. Engelbert Zeitler SVD
10th February 1984

PUBLICATION



This book is born out of a rising consciousness, awareness and an innate confidence in women of their own equality before God and all humanity. The papers presented in this book are the fruit of a National Conference in the light of the above belief.

The paradigm shifts made by Vatican Council II in theology and ecclesiology form a solid basis for equal discipleship and partnership of women and men in the life, governance and mission of the Church. However, a lot remains to be done to make the shift from subordination to partnership. Hence this book is a much needed resource for understanding and reclaiming equal discipleship for women in the Church.

Price: ₹ 295