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Women, Law, and Property in India

One mild autumn day in December 1991, my routine door-to-door visits in a middle-class neighborhood in South Delhi, collecting demographic data from households to construct a neighborhood census, were interrupted by a furtive moment of conspiracy. Seeing me on the path between buildings, the retired army colonel opened the door of his apartment slightly and gestured to me secretively to come in; he and his wife wanted to consult me about something that had been worrying them since their youngest son's death several months ago. How, they wanted to know, could they make sure that their widowed daughter-in-law (and her children) got access to a substantial portion of their cash and land assets? Of course they could make wills to that effect, and also make their intentions verbally clear, but how could they ensure that their eldest son would not coerce her into relinquishing her portion by convincing her that the "family" would prefer her to rely on her wage income?

Nearly a year later, Vidhu, a community worker in a squatter colony in New Delhi, posed a different version of the dilemma to me, bringing up her own brothers' attitudes. She had been divorced for a few years, and was now living with her parents and her two brothers and their families; her sisters had married into households that were financially comfortable. Vidhu was the only daughter who insisted that she would claim her inheritance share of her parents' house, believing that this was particularly important to her because she had no marital or affinal property to rely on. Even though she tried to balance this claim by undertaking the responsibilities allegedly accompanying property ownership, such as contributing regularly to family expenses including weddings (despite

her relatively low income), her brothers were furious with her because of her direct and open intentions of claiming property. Aware of her intention to adopt a child, they had lately been suggesting that she adopt one of their children, and immediately draw up a legal document transferring her inheritance to the adopted child. What security, she worried, could this arrangement possibly ensure her? What strategies would be effective for claiming the legal share she needed without forfeiting all support from her brothers?

These moments of anxiety consistently interrupted my planned schedule for conducting interviews about property with women in certain Delhi neighborhoods. Knowing me to be someone who had an interest in women and property, people sought me out with their numerous worries related to property distribution, and particularly women's troubled status as putative property owners. They expressed concern over a range of issues: a middle-class woman who had just retired from her job wanted to know how she could keep her perpetually unemployed and gambling-prone husband from getting his hands on her savings; a wealthy man worried about legal recourse against his nephew who had formally ousted him and his wife from the family home in order to build a high-rise apartment in its place; a new mother in the squatter colony who had been widowed while pregnant sought advice about reckoning with her in-laws, who were pressuring her to forfeit the government job that she would get in lieu of her husband's job in favor of her husband's brother. These situations revealed property issues as a prime site of cultural discord, a space where the conflict between "modern" legal guidelines and customary notions of family and entitlement was laid bare. This highly unstable space of property relations in contemporary India is the subject of this book.

This book explores women's feelings about and actions with respect to family property through the voices of particular Indian women: they are women I talked with in New Delhi between October 1991 and February 1993, a sample consisting of equal numbers of middle-class and poor women of various ages and ethnicities, residents of New Delhi both rural and urban in upbringing. They appear in the context of talking about the most mundane and yet fundamental concerns of their lives: the business of weddings, family relationships, the distribution of property and access to wealth, daily problems and dreamed-of solutions. The focus of these

interview-conversations is the issue of property, the distribution of family assets and related gender-specific roles and class-differentiated interests. Both the legal and sociocultural operations of property are examined, with analysis of recent legal cases supplementing information gleaned from the interviews.

In post-Independence India, property issues—and particularly the gendered division of property—have centrally marked the conflict between the perpetuation of older systems of privilege and the establishment of a “modern” new nation founded on principles of individual rights and liberties. At the heart of this conflict is the Hindu Code Bill, visualized by Law Minister Ambedkar and Prime Minister Nehru as the flagship of modernization and a radical revision of Hindu law. Although this optimistic code met with strong opposition from legislators and was finally incorporated in a much-tempered form as a set of four acts, it is widely regarded as dramatic benchmark legislation giving Hindu women equitable if not superior entitlements as legal subjects.

Equity by gender in Hindu property law lies within a very narrow compass. Under the Hindu Succession Act (1956), Hindu women theoretically acquired equal rights to the “self-acquired” property of their parents in cases of intestate succession only; that is, they could be disinherited through wills, and got at best minimal portions and usually nothing of ancestral family land under Mitakshara succession. In addition, the act gave Hindu widows absolute (as opposed to usufructuary) rights over affinal property they had received in lieu of maintenance—that is, the power to sell or gift property—whereas family property remained largely inalienable for male heirs. These narrow provisions continue to be hailed by judges and legislators as triumphs of postcolonial jurisprudence, and tokens of the superiority of “reformed” Hindu law over the personal laws of other religious communities. They were perceived as radical experiments at the time they were drafted, and brought widespread predictions of doom from legislators: Pandit Thakur Das contended that “the purity of family life, the great ideal of chastity and the great ideal of Indian womanhood” were at stake in this example of “equality run mad” (Kapur and Cossman 1996, 56), and M. A. Ayyangar responded to the provision of women having rights to family property with the fervent prayer, “May God save us from . . . having an army of unmarried women” (Agarwal 1994, 198). A Resolution of the All-India Anti-Hindu Code Convention

stated that the change would “seriously and inevitably undermine the foundations of the Hindu religion, Hindu culture and Hindu social structure,” and lead to “fractionization and the disruption of the Hindu family system which has throughout the ages acted as a cooperative institution for the preservation of family ties” (R. Kumar 1993, 98).

And yet, not only have these catastrophes not come to pass, but even the narrow provisions for women’s inheritance are seldom utilized, and Hindu inheritance practices remain remarkably unaffected by legislative change. Most Hindu women are not given shares of natal family property, or appear to refuse their own inheritances.¹ This nonevent of the passing of the Hindu Succession Act is the central absent presence in this book, which explores the basic question: why have laws of equal inheritance not worked for Indian women in over four postindependence decades?

Answers to this question cover a range of political, cultural, and economic issues, indicating how property transmission reproduces hegemonic space. The role of law needs to be considered from diverse angles: the functions of the cultural imaginary created through state legislation, the cultural mechanisms that inhibit legal reform, and the ambivalence of turning to the law for women’s empowerment. The reinvention of systems of kinship, processes of class formation in the postcolonial nation-state, and the articulation of gender hierarchies with class and kinship are also crucial components. A particularly strong emphasis is laid in this book on examining notions of agency and choice: if Indian laws of inheritance have not been availed of by women who “chose” to refuse their natal property shares, what factors governed their decisions? Were they random or misguided assertions of agency? Were these women indeed acting contrary to their material interests? Were they resisting or reformulating cultural prescriptions? How did these decisions depend on and affect other aspects of their lives, and were they optimal choices in retrospect?

The focus of the book is on ideological mechanisms through which systems of property transmission are perpetuated. One of the modes of reinscribing socioeconomic hegemonies in changing political contexts that is crucial here is the invention of a pastiche of traditions, the transformation of the past to serve contemporary ends, what Jameson calls “the simulacra of what, in the postmodern present, are imagined to be those older folkways” (1995, 96). Such

reinvention of “ancient traditions” in late capitalist, postcolonial contexts often serves a contemporary political economy, naturalizing preexistent privileges in the new nation.² Property transmission is an optimal topic for studying how such myths of tradition are put to use, because of the ways in which bequeathal of property marks certain family members with particular rights and privileges, and confers economic entitlement and social status. Furthermore, issues of class formation that complicate gender hierarchies are also crystallized in property transmission.

As the title of this book indicates, one of the central tropes that codes Indian women’s disentanglement to property on the grounds of customs and ancient loyalties is the specter of the uncaring and greedy sister who claims family property. She is an overreaching woman grabbing at undeserved resources, so intent on pursuing the privileges enshrined in the letter of the law that she ignores emotional ties and destroys family harmony. This trope is not only reiterated in various forms by women explaining their voluntary forfeiture of family property in this and other studies, but also appears in other contexts such as in legal judgments or in marital negotiations.

The power and danger underlying such images of the property-owning Indian woman were vividly brought home to me early in the interviewing process, in the highly charged reaction from one of the respondents, Kamla, a fifty-nine-year-old retired schoolteacher originally from ex-West Pakistan.³ Even before I had unpacked my gear, while we were still conversing casually about who I was and what I was doing there, Kamla said vehemently as soon as she heard of my interest in property issues:

Women should not have any property in their name, or own their home, or maintain very close connections with their natal family. Otherwise, women are too eager to go back to their own parents; as soon as there is any trouble they want to put on their slippers and leave, and that is very hard on the children. So, if there is anything to own, it should be in the man’s name first and after him in the children’s [meaning sons’?] names. The woman should just take care of her own home. The only thing is that the husband should not be bad (*burā*). As a result of making laws [about women getting property], all that happens is that quarrels and disputes increase.

Kamla herself had no property; her husband owned the “middle-income group” flat they lived in, and her brothers shared her natal family house in Delhi, from which she had received no share. Her delineation of women’s property rights iterated a particular self-abnegating discourse of femininity, often used to deny women’s property entitlements. But it also typified fears about profound social transformation resulting from women’s equal access to material resources, which could fundamentally alter the perpetuation of a patriarchal system.

An abundance of property-owning women would affect not just formal ownership patterns, but would also be likely to change existing notions of family relations, domestic work, marital success, and most of all, “feminine” acquiescence based on economic subservience. In Kamla’s family, for instance, her two sons, who were much older than her daughter, had ostensibly decided to remain bachelors until their sister was married, so that their wives would not lay jealous claim to wedding gifts for their sister purchased by their parents; after she was out of their lives, they said, the wives could “have” everything through their husbands. In place of this alleged gesture of fondness and generosity that naturalized male entitlement to property and women’s dependence, a radical reconceptualization of property relations would mean not just changing wills and adjusting dowry, but finding new scripts for love and duty, indeed for the simplest of social gestures.

Women and Property

It is hardly possible to venture on an exploration of contemporary women’s relationship to property without contending with one of the most famous of feminist⁴ ghosts: Virginia Woolf, particularly her musings on “a room of one’s own” (1929). Her luminous metaphor for female self-determination, a prototypical feminist symbol, simultaneously reveals the enormous power and limitation of the very concept of property. On the one hand, the trope is a symbol of economic and cultural empowerment based on Enlightenment paradigms of individual liberty and equality, holding out for women the desirable vision of having one’s own space, one’s own property, and enough economic resources to be able to be immersed in creative self-development. And yet, if it is read against global statistics such

as that from the 1970 UN Report on Women—that women constitute half the world's population, perform two-thirds of the world's work hours, earn one-tenths of the world's income and own one-hundredths of the world's property⁵—it is impossible to miss the ease underlying Woolf's vision, or to ignore her assumption that the fruits of capitalism and colonialism would bring freedom from patriarchal pressures and heterosexual mandates. Woolf's seemingly radical proposition is written over the silences of voices too subaltern⁶ to speak within this discourse: such as slave women, who could not even "own" themselves or their wombs or choose to create homes; refugee and immigrant women who have been forced to relearn home, kinship, and images of self; or indigenous/"tribal" women who have lost communal rights to land and livelihood as a result of "development" policies.

These shadows present within Woolf's trope can also be seen in continuing conflicts within feminism—for instance the debate between approaches based on integrating women into existing structures based on their equality, and those which deconstruct the terms of equality-based rhetoric and emphasize differences between women. They centrally mark feminist explorations of property like this book as well, where the idea of women's property is always immensely empowering and yet fundamentally complicated. While access to property may be an impossible notion for some women, the lasting power of Engels's contention in *The Origin of the Family, Private Property and the State* ([1940] 1985) (that women's subordination is connected to men's accumulation of private property at the cost of women's labor, and that the solution lies in women accumulating resources with exchange value) cannot be disputed. In the contemporary world where few people live outside capitalist relations, women have a lot to gain if they control their own labor and own or have access to financial resources on par with other family members (Agarwal 1994). Thus the trope of room of one's own, reflecting notions of both private/personal space and the economic resources/opportunities to acquire that space (a duality redolent in Woolf's metaphor), weaves through this book both as an embarrassingly nearsighted and as a profoundly visionary trope.

Scholarship on property, and particularly gender and property, attests to the nebulous and complex meanings of property. Numerous scholars contend that the significance of wealth and resources

can only be revealed through an understanding of concepts of persons, things, and valuables within specific cultural systems, what Moors calls “the situated nature of property” (1995, 5). Moors’s study of contemporary property relations among Palestinian women, *Women, Property and Islam*, echoes in this aspect the arguments made in the 1984 volume *Women and Property, Women As Property* edited by Renee Hirschon (notably Strathern and Whitehead’s essays), that analyses of property should not be circumscribed by narrow definitions of capitalism and commodity, but should consider specific ideas of kinship and ideologies of personhood. As others have argued, the relative value of different assets may make apparently bilateral divisions of property inequitable,⁷ or security of tenure over state-owned land may have more economic importance for women than formal ownership.⁸ Control over the products of labor (wages) or reproduction (children),⁹ “whiteness” in a society privileging that “color” (Harris 1993), marriage (Ocko 1991), or “honor” for women¹⁰ can also be designated as property in a broad framework.

Women’s access to property is thus best appreciated by considering various kinds of resources cumulatively. Moors’s work examines inheritance, dower, wages, and other income; Morris and Nott’s study, *All My Worldly Goods: A Feminist Perspective on the Legal Regulation of Wealth* (1995), explores family wealth, income, effects of divorce, taxes and benefits, and resources available through the state, as well as the history of property law. The present volume, similarly, deals with dimensions of property that were significant for the women interviewed: natal inheritance, affinal wealth, dowry, potential for education, and employment. While the primary focus is on inheritance, other sources of obtaining resources such as dowry or eldercare are also evaluated.

In addition, the ideological significance of property is central, and much of the emphasis in this book is on ways in which property functions metonymically to satisfy yearnings about kinship, intimacy, or empowerment. Refusing legal shares of property is therefore as important in revealing the meanings of self and community as attempts to acquire property would be. As Moors, whose sample also includes numerous women who did not initiate property claims, contends, “[w]hile inheriting property is not always an indication of gendered power, neither is refraining from taking one’s share necessarily an expression of total subordination” (1995, 76). The portrait of property relations presented in the following chap-

ters is thus not so much a dirge as an investigation of multiple negotiations.

The outline of property relations developed here adds to the growing body of work on Indian women and property. An early example that continues to be influential is Ursula Sharma's *Women, Work and Property in North-West India* (1980), an ethnographic study of two villages that examines women's access to property in the context of agricultural and domestic labor, marriage and dowry, and social relations with other men and women. More recently, other scholars have confirmed Indian women's marginality in land ownership by way of research on widows and poverty (Gulati and Gulati 1993; Chen and Dreze 1992), and accounts of women's struggles to get land in tribal and Christian communities (Vishwanathan 1989; Kishwar 1987). Perhaps the greatest visibility has been brought to the issue with the publication of Bina Agarwal's *A Field of One's Own: Gender and Land Rights in South Asia* (1994), a near-encyclopedic volume using economic, legal, and anthropological analyses. These works have all consistently underlined the need for women to get land or property, and the ways in which notions of "family" and "tradition" are used to deprive them of it.

Even though the focus of this book is on the legal provisions for Indian Hindu women to obtain family property (and the reasons they do not avail themselves of these), it is important to place these limited provisions in the context of inheritance provisions for Indian women as a whole. Within "family law," including marriage, adoption, guardianship, custody and inheritance, Indian women have different legal rights and access to different remedies depending on their religion. Existent property rights reveal the political influence of groups such as large landowners and religious leaders on laws that define women in terms of dependent and circumscribed roles within the family. Agarwal's telling example of a comment from an official source responsible for reform vividly shows the intransigent domination maintained through unequal property laws, and the fear of altering fundamental power relations through change; as she narrates, the Indian Minister of Agriculture said to her at an Indian Planning Commission seminar on law reform, "Are you suggesting that women be given rights in land? What do women want? To break up the family?" (1994, 53).

Hindu women's rights to property have been worked over most extensively, largely because Hindu family law has been "reformed"

most extensively by legislators. While all property is alienable and wills or gifts can easily be made to deprive female heirs, and while daughters can receive only minuscule shares of “ancestral” property compared to sons under the Mitakshara system, in case of intestate succession women are equal heirs of self-acquired property.¹¹ Some states such as Andhra Pradesh and Maharashtra have passed or are planning laws giving women equal shares of all property. These are the pockets of equity that have seldom been utilized by Hindu women.

However, there are some crucial corollaries that limit these rights. Tenancy rights to agricultural land are exempt from the Hindu Succession Act (1956) and legislated by individual states. In most North Indian states this means that daughters are either excluded as heirs or are very low on the list of heirs (Agarwal 1994, 216–18).¹² Moreover, in most states, when land ceilings are determined to limit individual ownership, extra portions may be retained for adult sons but not for adult daughters. Worst of all, ceiling laws are included in a special category of legislation that is exempt from challenges on constitutional grounds such as sex discrimination (Agarwal 1994, 218–23). Thus, even the best-case scenario for Hindu women is marred by many legal barriers, especially for rural women, and it is quite easy to disinherit daughters entirely.

Under Muslim personal law, not all land can be alienated, and heirs including daughters must be given shares. But inequality is entrenched in the general rule that daughters receive half-shares compared to sons, and many shares that are allegedly given as inheritance continue to stay within the undivided natal family land (Agarwal 1994, 227–36). Inheritance for Parsis (Zoroastrians), Christians, Jews (and others married under the nonreligious Special Marriage Act [1955]) is generally governed by the Indian Succession Act (1925), which makes no distinction between sons’ and daughters’ shares (Agarwal 1994, 223–26). Parsis now have complete gender parity in inheritance following a 1991 Amendment. Some Christian communities (the Syrian Christians of Kerala being the most notorious example), are governed by inequitable regional laws of inheritance, although these have been the subject of recent legal challenges. Tenancy and ceiling exemptions do apply for all communities, to the detriment of women. There are also numerous other ethnic groups, the so-called scheduled tribes, plus

matrilineal Hindu and Muslim communities, who continue to be governed by exception clauses and customary law.

The Power of Law on Women and in the "New" Nations

By looking at the workings of property law, this book asks the questions: How do cultural factors affect the outcome of laws intended to bring about social reform? Can social change be precipitated by legal reform? The answers lie in the very meaning and authority of law, in the overdetermination of law as an ideological apparatus. As Rosen suggests, a legal system rests upon the "paradox" that it seems "central to the imposition of decisive pronouncements aimed at the very structure of social relationships" while being "dependent on forces beyond its direct control for the acceptance and implementation of these strictures" (1978, 3).

Overreliance on law for bringing about change is thus fundamentally problematic. If, as numerous scholars suggest,¹³ new laws are most effective when they legitimize changes that are socially amenable, and legal transformation is a better reflector than initiator of political or economic change, then laws established in the interest of greater redistributive justice are unlikely to be successful. Moreover, law itself may be resistant to radical change, and may incorporate superficial changes only to reinforce hegemonic principles, as feminist legal theorists have frequently pointed out.¹⁴ Carol Smart argues that law can "be understood as a mode of reproduction of the existing patriarchal order, minimizing social change but avoiding the problems of overt conflict" (1984, 21–22). Others contend that law is one of the primary cultural sites where gender identity is constituted, a crucial space where notions of gender are created and reinforced through judgments relating to subjects such as family or sexual violence.¹⁵

In the life of postcolonial states like India, in the development of "imagined communities" as Anderson (1983) terms them, "progressive" social legislation may be largely symbolic, especially when it comes to altering roles and entitlement patterns within the family. Rosen's important essay on this subject, "Law and Social Change in the New Nations" (1978), contends that newly established nation-states used agrarian reform and industrial policies to try to achieve a change in class relations, and structures like a constitution or an

independent judiciary were created to check a state's absolute control, but that the transformation of "social relations" through legal reform was far less successful. He points to effective change in inheritance practices as one of the areas most resistant to reform, because women may have to trade off new legal rights in order "to retain the broader social support of their male kinsmen" (1978, 23).

However, law is not only a space where the nation is imagined, but a site that has multiple significations depending on the locations of persons who use the law. The legal apparatus works at multiple levels to serve various purposes;¹⁶ it is not, Smart contends, "a unitary category which serves the interest of men" (1995, 124). As much recent anthropological research shows,¹⁷ the micro-politics of various environments and people's complex motivations in reading and using the law determine how particular laws are played out. For example, women's use of courts are tied to notions of obtaining financial redress as well as to kinship-based constructs of justice in some cases, and women have been able to launch successful campaigns for legal reform by invoking appropriate tropes within a particular social-political discourse (Toungara 1994; Lazarus-Black 1991, 1992).

In this book, law is regarded as heterogenous, and as an ambivalent source of social change. The legal cases are examined for signatures of authority and constructions of gendered issues. They show that judgments do not simply echo the laws but are mediated by the cultural perceptions of judges and lawyers, by acts of legal translation that revise and recreate gender and can profoundly affect the originary intent of legislation. The interviews, on the other hand, reveal the decoding of laws in different social contexts. Marking the circumstances in which people turn to or threaten to use the law, they point to cultural transgressions meriting legal redress, and common paths of circumventing formal law and resolving conflict. Together, these perspectives help to evaluate the impact of Indian laws of inheritance, and indicate reasons for their widespread receptivity or rejection.

Nominating Agents. Marking Resistance

In the following chapters, property relations are studied as a site of intense cultural contestation, and law is read in terms of its

heterogenous manifestations in the modern state. The focus is on ways in which individuals negotiate between dominant discourses of family, nation, and tradition, and make optimal personal choices given socioeconomic and ideological constraints. One of the central issues is thus the question of agency, of who acts and to what purpose, who refrains from acting and why, and whether actions replicate or modify dominant cultural ideologies. This exploration of subject positions allows for a critical evaluation of the notion of resistance being ubiquitously celebrated among cultural studies scholars.

Gramscian concepts of the struggle for hegemony (1971), Foucauldian notions of microprocesses of workings of power (1980), and James Scott's model of "hidden transcripts" which concretely demonstrates oppositional actions and thoughts beneath the surface of compliance (1990) have become popular tools for reading the motivations of groups and individuals. These approaches, which indicate that ideological power is not absolute but is constantly reconstituted, have perhaps been particularly important for validating the contention that lack of rebellion and overt protest do not necessarily signify mute acceptance or submission. Rather, the social fabric is seen to be seething with small acts of nay-saying. As Gordon in his explication of Foucault puts it, "[t]he existence of those who seem not to rebel is a warren of minute, individual, autonomous tactics and strategies which counter and inflect the visible facts of overall domination (Foucault 1980, 257). Thus, "[p]ower is depicted . . . as constantly being fractured by the struggles of the subordinate. Social structure, rather than being a monolithic, autonomous entity . . . appears more commonly as a constellation of contradictory and contestatory processes" (Haynes and Prakash 1991, 2). Numerous explications of such processes have come from feminist scholars showing the ways in which women appropriate, resist, reformulate (and also perpetuate) dominant discourses according to their positions within a socioeconomic matrix, rather than passively replicating social expectations.¹⁸

However, the temptation is to valorize resistance too enthusiastically, and to underemphasize the limitations of the structures of power within which resistance is framed. "The romance of resistance," Abu-Lughod contends, often leads to "read[ing] all forms of resistance as signs of the ineffectiveness of systems of power and the resilience and creativity of the human spirit, thereby foreclosing

questions about the workings of power" (1993, 102). She advocates using the concept of resistance "as a diagnostic of power," echoing others such as Haynes and Prakash (1991) and Sangari (1993) who emphasize the need to focus on the totality of the interaction between domination and resistance. While resistance provides a way to understand the complexity of human actions, it should not be overused to underestimate power.

As Adas points out, South Asia is an appropriate arena for applying covert notions of resistance given its recent history of nonviolent struggle and its characterization as an area of passive and apolitical people by Marx (1991, 291). Among numerous works analyzing resistance to colonial domination and textual resistance, several analyses of South Asian women's worlds and their redefinition of seemingly oppressive socioeconomic circumstances have demonstrated the richly textured use of the concept of resistance.¹⁹ The study of property issues in this volume, concentrating on women's refusals of resources and decisions that seem contrary to material self-interest, fits particularly well within this mode of looking beyond compliance and examining subversion. However, the focus on cultural sensemaking is always inflected by a consciousness of the ultimate effects of property decisions on the consolidation of resources, the transformation of kinship ideologies and the "reconstitution of patriarchies" (Sangari 1993),²⁰ in the particular context of contemporary India and a capitalist world system.

Camouflaging the Self: Methodological Choices and Other Fieldwork Angst

I had long been interested in working on a project involving Indian women and law, hoping to examine the reimagination of laws in everyday discourse and to analyze the efficacy of legal solutions for feminist reform. Family law, having been the site of intense national debate in the wake of the Shah Bano case,²¹ seemed to be a rich site for inquiry, where there was an abundance of political rhetoric but the need for much more information about cultural negotiations of legal rhetoric. Within family law, I finally decided to concentrate on property because it illumined both socioeconomic and ideological processes in the workings of the modern state.

Given the overdetermining quality of social class in shaping lives and determining priorities in the postcolonial Indian context of vast economic disparities and effectively nonexistent class mobility (Patnaik 1992, Omvedt 1992), and keeping in mind the diverse signifiers of gender connected with diverse cultural locations and practices (Alcoff 1988, 431–35), seeking a cross-class sample was an important focus of this project.²² In Marxist feminist analyses,²³ property issues are often assumed to be most relevant for wealthy women,²⁴ but property relations are also salient for the middle and lower classes, especially for women (Agarwal 1994, 27–44). To get a feel for how property transmission affected women in various classes, I planned to divide the interviews equally between women from middle-income and low-income neighborhoods.²⁵

Women's lives take very different forms depending on their household's access to material resources, but the question remains whether or not women as individuals occupy the same class positions as men in their households/families, who may own far more property or make far more money in wages.²⁶ In this study, women are assigned "class criteria" according to the neighborhoods they live in; that is, their class interests and needs are presumed to be related to their household income, family property, and residential circumstances. However, just as households in general assumed a class character by being in a neighborhood, so too individual women's circumstances were sometimes atypical of the general area. For instance, one widow in the middle-class area barely made a living by running a tiny makeshift store, while some married women in the poorer area benefited from having husbands running informal sector businesses with substantial cash incomes. In general, women materially benefitted from the wealth or resources of their families and could justifiably be said to share in the household's class status. Women's jobs/wages were also distinctly different according to "class," and helped to reproduce class relations. For example, middle-class women were able to acquire educational and employment resources that gave them individual advantages over poorer men. However, within each stratum women did have markedly different access to formal property compared to their husbands or brothers, and thus were inevitably a subclass dependent on the resources of males in that class (Robertson 1984).

New Delhi was my chosen fieldwork site for various practical reasons. As a multiethnic conglomerate drawing middle- and low-

income migrants from various other parts of the country (and from surrounding countries), it also allowed me to examine heterogeneous forms of property transmission and their potential transformation in the urban context. But finding neighborhoods appropriately stratified by "class" (in terms of an income-status complex) proved to be a challenging task. Government standards for income levels (middle income being Rs. 2500–3500/month) were clearly outdated, considering that mid-level government or teaching jobs often paid about Rs. 6000 in 1991, and some middle-class office jobs paid in the low five figures. Moreover, an enormously wealthy business class existed in Delhi, as well as an upper middle class with high levels of conspicuous consumption working in the private sector and for multinational corporations; thus, notions of middle-level income had been transformed greatly.

In search of a representative "average" middle-class area, I eliminated as being distinctly upper middle class many neighborhoods where two cars with chauffeurs were a frequent sight, and finally picked two areas that represented a range of middle-class living by talking to rental agencies and shopkeepers in the areas: one a middle middle class area of "middle-income group" (MIG) flats largely occupied by people in mid-level government and private jobs, and the other a lower middle class area where residents had small shops or businesses or were in somewhat lower ranked government jobs, which had originally been a resettlement colony for refugees from Pakistan. While there were some differences in living standards between the neighborhoods, people in those areas clearly identified themselves as being neither very wealthy nor poor. For the low-income area, my choice was one of Delhi's numerous squatter colonies; the neighborhood I finally chose was determined by ease of access to the community through liaisons with an appropriate social service organization.

The plan was to draw interview households by random sampling from demographic surveys I had conducted in residential areas of about one hundred units each. Every third household where the demographic questionnaire had been administered was marked as a potential interview household, and included subject to the consent of the household's women. Fewer women consented to interviews than I had anticipated, necessitating a second round of requests based on selecting every sixth household among the remaining ones. Finally, there were thirty interviewees each from the

middle-class and poor neighborhoods. One woman per household was asked to participate, with a preference being expressed for particular women in the households chosen, based on the goal of having the total sample contain variation in ages, marital statuses, and employment situations. If that was not agreeable, I opted to talk to any other woman in that residence, thus adhering to the households picked by random sampling.²⁷ I did interviews and surveys in the middle-income areas between November 1991 and April 1992, and in the low-income area between September 1992 and January 1993.

My gender, class, ethnicity, and religion obviously affected the interview process in complex ways.²⁸ Was I going to be “out” as a feminist? How much could I challenge dominant constructions of gender roles? In what ways would my predominantly Hindu cultural upbringing impinge upon the research process, despite my self-proclaimed status as a card-carrying atheist? How were caste privileges encoded into my decision to study class rather than caste as the primary variable in the study? How would being a Bengali influence the rapport with those from similar and different ethnic groups? Perhaps most difficult of all was the resilience of class boundaries; was it at all possible to find an uncorrupted space for conversation where my middle/upper middle-class status could be “invisible” for research purposes?

My daily travel, baggage, and costume regimen provides a telling portrait of negotiating worlds. While in Delhi, I lived quite literally in a “postmodern” house designed by an architect friend. Most mornings I left this markedly unique home armed with tape recorder, tapes, a flask of chilled boiled water (from fear of hepatitis, typhoid, etc., something I have been doing since high school), papers and files, a separate money purse (to be guarded more closely from pickpockets on buses); not a researcher who was traveling light or who would seamlessly become part of the “field”! I either walked about five blocks or took a three-wheeler for about six km. to reach the relevant neighborhoods in the first half of the project (working in middle-class areas), while in the second half I needed to travel about twenty-five km. by bus, by changing several buses, or by a combination of bus and three-wheeler depending on daily availability. Although the families I visited were aware of where I was living, the distances meant that some of the women (in this case the most prosperous ones) could easily check this out by taking

a slight detour from the market, whereas to the others my residential origins remained much more nebulous, an unequal access to information tied to relations of class/power.

In both the middle-income areas, I simply showed up on doorsteps talking about my project and seeking demographic information, and later returned to some houses asking for interviews. Thorne narrates that during her study of the Draft Resistance movement she was often the object of suspicion, the target of the ever-present fear that strangers in that group were Feds/informants (1983, 227–30); given the spate of burglaries in areas close to where I was working, I fervently hoped my visits with questions about income and people's professions (and hence schedules) would not be followed by burglaries there, because I fully expected to be a logical choice for "suspicious nosy stranger in neighborhood"! Every morning when I dressed up more formally than I normally would, under the impression that this would create a trustworthy first impression, I could not help reflecting ironically on the class-based assumptions about crime and decency this action perpetuated. The hollow justification that I was doing this for the crucial reason of gaining access to respondents underlined for me the researcher's methodological passivity of being unable to challenge the structures under examination, especially under financial and time constraints.

However, various social paradigms could become the basis of rapport: my age, my living in the United States for those who had children or siblings there, my Hindu cultural legacy, or my Bengali ethnicity all created intimacy in different milieus. Most people believed me to be single (though I would talk about my partner if this came up in the conversations), and I felt that this nonmarital appellation articulated with my age and my being a student often made me an easy object of affection and candor, someone to whom the facts of life could be explained elaborately. There was a very strong rapport with younger single participants because of the perceived commonality of our education and upbringing, while young married women living with their in-laws appeared most guarded. Some people did refuse to begin or continue conversations, but on the whole I was astounded by the way I appeared as a complete stranger and was taken into people's homes, fed, introduced to others, made privy to family dynamics, and even sought out repeatedly for information on legal rules or reproductive health facilities.

If appearing on doorsteps in middle-income areas had the potential to raise suspicion in those residents, this was nothing compared to the discomfort and fear that I could have caused by appearing with self-identified credentials and machines and forms in a squatter colony, where people are frequently subjected to questioning by the myriad development and demographic organizations studying "the Indian poor," and where residents live in daily fear of being persecuted by the police or other state agencies on the basis of information that they have unknowingly given out. Thus in this case, I decided to seek entree by working with one of the grassroots community development organizations that had established relations of trust in such communities. I contacted an organization that works for education and political and social mobilization of communities through centers in numerous squatter colonies, and is primarily staffed by grassroots workers drawn from those areas. They agreed to help me, and requested that for a few weeks I go along with the community workers, on daily visits to people seeking their help or for reenrolling class dropouts. When I started doing surveys and then interviews, a junior staff member would often come along, ostensibly to learn the research methods; because she also lived in that neighborhood, I was very fortunate in being able to piggyback on her community relations.

In this area, I was usually dressed in my working attire (usually quite low-key), but it was embarrassingly obvious that markers of class were not simply translatable into clothing. There was no way to "blend"; women would drag out special chairs or mats for me to sit on despite my fervent protests and feed me *lassi* or tea or *parathas*. Yet this was also the same kind of hospitality as was extended to the community workers whom I had originally accompanied, so the treatment was not necessarily all class related. Perhaps because both middle-class and working-class women worked together at this community organization, women in the area were already fairly used to talking about their problems with middle-class women, and thus I benefited immensely from my association with the group.

I appear from traces in the interviews with the latter group to have been positioned as a Bengali, an urbanite, an unmarried woman; these paradigms were used by people who were both insiders and outsiders to those categories. The women I talked with generally treated me with great warmth and intimacy, many being

far more open and affectionate than women I encountered in the previous neighborhoods, who were supposedly closer to me in terms of social class. I was alarmed to find myself nominated as expert advice-giver on everything from divorce and dowry recovery procedures to death and disability benefits to medicine labels and indeterminate pills and most of all, problems with contraception, being only academically aware of court procedures and completely out of my depth in doing medical guesswork. Yet this appearance of possessing information somewhat useful for the residents mediated the potentially insurmountable distance between our social locations, giving me a limited usefulness in being there and perhaps setting me apart from other information-mining strangers.

As Clifford's remark prefacing Sanchez-Eppler's essay on Freyre and Hurston's experiences of fieldwork in their home communities—"Perhaps there's no return for anyone to a native land—only field notes for its reinvention" (Sanchez-Eppler 1992, 464)—suggests, fieldwork is often marked by the profound ambivalence of trying to reconstruct one's familiar culture as a describable Other, while also confronting the impossibility of returning as an untouched "native" self (Narayan 1993). Even for those who may not have lived away from the field, there *is* no absolute self that can be an insider across social classes, ethnicities, religions, and many other microcategories. The narrative of fieldwork thus cannot but be a story of passing, of creating selves from residual fragments in multiple situations.

The Three Delhi Neighborhoods

With a 1991 population of 9.37 million (7.18 million being officially urban or part of the Delhi Municipal Corporation), the Union Territory of Delhi is home to 1.11 percent of the Indian population, and with a population density of 6,319 people/sq. km. ranks first among states and Union Territories in order of density (Census of India [Delhi] 1991, 13; Bose 1991, 57–58, 433). The 1991 sex ratio of 830 females to 1000 males (the highest among all decades since 1901) is the second lowest in the country but probably reflects skewed migration patterns (Bose 1991, 433). Eighty-four percent of Delhi's population are Hindus, 7 percent Sikhs and 7 percent Muslims (Grolier 1993).²⁹