

# Gendered subjects, gendered citizens

Ranjita Mohanty

## Research on citizenship, development and democracy at ACCEDE

The process of democratic transition, while it results in political liberties, has not necessarily created an inclusive citizenship for many previously disenfranchised and economically marginalised communities. While government has ensured, through the enactment of statutes and policies, the participation of local communities in decision-making affecting their day-to-day lives, participation through these state structures remains marginal. Previous research revealed the disconnect between the institutional arrangements of the state, on one hand, and the ability of the poor and marginalised to get their voices heard, on the other hand. It is therefore apparent that an enabling legislative and policy framework in and of itself is insufficient in ensuring inclusive participation.

In this context the challenge, for many, is how to find voice in meaningful and effective ways, so as to be able to access resources and opportunities which will enhance their livelihoods and thereby enable them to escape chronic poverty. At the level of policy analysis, there is a need to move beyond formalistic understandings of citizenship to examine the ways in which rights are interpreted and used. Of particular concern in this respect is the challenge to move beyond the notion of representative democracy (which typically invokes the widest national and international scrutiny and which is assessed according to the freeness and fairness of elections), to forms of participatory democracy, which have substantive meaning for the majority of citizens. How citizens' rights are understood, by both public officials and ordinary people themselves, profoundly affects understandings of their legitimate entitlements to social services, as well as their obligations as citizens.

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# Gendered subjects, gendered citizens

## Women, citizenship rights and the state in the South

Ranjita Mohanty



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## INTRODUCTION

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This paper<sup>1</sup> explores the relationship between women and the state in the countries of the South. It does so by looking at gender through the lens of rights and citizenship. The paper argues that rights are at the core of how poor women relate to the state, and the nature of that relationship in turn holds the key to possibilities of rights. The paper is based on case studies<sup>2</sup> that deal with five key areas of women's rights: political empowerment, property rights, the right to housing, rights in the formal and informal economies of the market, and access to everyday services such as education, health and the prevention of violence.

The cases are drawn from five Southern countries – India, Bangladesh, Pakistan, South Africa and Brazil.

The paper demonstrates the complexities of women-state relations. The cases presented here take place in particular contexts within the boundaries of a specific country. However, given the overarching social and economic settings which poor women inhabit, evidence of unequal treatment from the state and the history of women's struggle in the South, these cases have the potential to illustrate the basic nature of women-state relations in the South. Rights and citizenship as ingredients of modernity are associated with democracy. The countries of the South from which the cases for this paper have been taken all have democracy in varying degrees. India and Brazil have consolidated democratic state institutions over a period of time and South Africa is relatively a new democracy, while Pakistan and Bangladesh are yet to become fully democratic. The differences in the history of democracy notwithstanding, the rights that the cases in this paper represent are conferred by the state, leading to the understanding that there is a formal pronouncement by the state to guarantee and protect the rights.

Citizen-state relations have emerged as a key area in the research and practice related to actualisation of state-conferred rights. How people make claims on the state and how the state in turn responds to these claims are critical in making the rights real for the poor and resourceless (Mohanty, Thompson and Coelho 2011). In exploring citizen-state dynamics in the context of women's citizenship rights, the paper departs from two dominant trends

– one from the side of liberal democracy that views the state as the guarantor of rights and promoter of universal citizenship, and the other from the side of civil society that views self-organisation in the realm of civil society as enabling actualisation of rights. The champions of the state find solace in the institutions, policies and legalities of the state (Evans, Rueschemeyer and Skocpol 1985), whereas the champions of civil society argue in favour of social networks and the solidarity that people build (Putnam 1993).

This paper argues that women's rights are actualised somewhere between the locale of state patronage and civil society solidarity. Neither the state as the guarantor of universal rights nor the communitarian impulse of civil society can be put above suspicion, and therefore women cannot trust either completely. Both the state and civil society are to be mobilised for support, and both are to be transcended when required. The moment rights begin to be put into action by 'stirrings' that women themselves cause on their own or through other supportive forces in civil society and at times even by the state, the relationship between women and the state is transformed. However, given the socio-economic settings in which poor women live and the nature of the post-colonial states, women's rights claims are not only complex and full of struggle, they often remain only partially realised. Since the state at times treats women as citizens and other times as subjects, their relationship with the state is never straightforward, and can best be described as ambiguous, dialectical and tenuous. Drawing from the case studies mentioned above, this paper discusses a few key rights that characterise the women-state relationship in the South. Based on how women and the state relate to each other the paper draws certain implications for the possibilities of women's rights in the South.

## WOMEN AND THE STATE IN THE SOUTH

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The state has invoked mixed responses from feminists. As the institution of governance and the repository of rights, it is seen as an actor responsible for transforming rights into reality and creating gendered citizenship. Yet the inadequacy, failure and oppression that are associated with the functioning of the state invoke doubts about whether it can make rights meaningful for women. Hames, for example, writing in the context of South Africa, critiques the state for stripping women's movements of their radical potential by mainstreaming gender and making them receptive to 'state feminism'. At the same time, she urges the state to re-structure 'the architecture of the existing "women sensitive" laws so that these interventions ensure substantive equity can take place, bringing meaningful change to ordinary women's lives' (Hames 2008:153). The presence of the state is ubiquitous in women's lives. The state cannot be overestimated, but it cannot be underestimated, either.

Three aspects of the state's attempt to create gendered citizenship in the Southern context merit attention: constitutional declarations of equal civil and political rights that put women on a par with men; affirmative action for women to bridge the gap between univer-

sal equality and particular differences and to create equal opportunities for women; and a developmental policy regime with women-related programmes. No matter how limited these may be in the absence of state action on their implementation, they are not mere rhetoric or things that are simply handed down to women, but are rights which have evolved through historical struggles, in no little measure by women themselves. Although, as Cornwall and Molyneux, warn us, ‘...a relatively powerful and pervasive state institutionalises its own interpretations of women’s rights and may itself be implicated in their violation’ (Cornwall and Molyneux 2008:7).

To understand why the state matters to women, it is important to understand the nature of the post-colonial state and the depth of women’s relationship with it. It is important to capture how the state features in their imagination, whether it be disillusionment or despair, seeing it as a patron, a benefit or a source of empowerment. This is reflected in their relationship with the state. As Chandhoke puts it:

political preferences for the state over other actors are the outcome of historical processes...that preference formation takes place in a historical context, that of specific institutions or systems of rules. These shape interest, fix responsibility and guide the formation of expectations. (Chandhoke 2005:1037)

Studies have shown that poor and resourceless people continue to look up to the state to intervene and fulfil their basic needs, physical security and conditions of dignified living (Commonwealth Foundation 1999; Chandhoke 2005). For historical reasons, the state still looms large in the perception of millions of people. Since the post-colonial states came into power after prolonged periods of radical nationalist struggle, that makes them benevolent in the eyes of their populace. However, as the post-colonial states continue to consolidate power in relation to their citizens, their actual behaviour begins to differ from how they are idealised by the poor.

Women-state relations are often complex and ambiguous. There are several reasons. First, the state of their imaginings and the actual state women encounter in their daily lives are different entities. The difference between the state as an entity of post-colonial imagination and its actual manifestation transfers itself into the sphere of rights, and that influences women’s relations with the state. Second, women, no matter what their imaginings of the state, seldom access the state directly. The structural conditions of poverty and patriarchy mean they often access the state through the male members of family and community (Mukhopadhyay 2005). In other words, in pursuing their rights women are often ‘represented’ to the state by men. Third, poor women inhabit so many different spheres of state patronage and oppression that they can have no single, all-purpose image of the state. Take, for example, a context such as India, where women who protest against the state-sponsored economic growth projects, such as special economic zones, are also beneficiaries of the state-sponsored anti-poverty programme, the National Rural Employment Guarantee Scheme

(NREG). So they protest one set of state actions, but they are also dependent on another set for patronage and welfare. Thus, how the state appears to women and how they experience it depends on which aspect of the state they interface with. In other words, women's experience of the state is contextual.

## CITIZENSHIP, RIGHTS AND THE STATE: CLEARING CONCEPTUAL GROUNDS

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### Linking citizenship rights with the state

Citizenship and its core associate rights are intricately connected with the state. Even when the inadequacies of rights are challenged or new rights are claimed, they take place vis-à-vis the state. By virtue of their genesis, citizenship rights are formally anchored to the state, not so much because the state is the central authority governing people's lives, but because the state performs what Chandhoke (2003) calls 'bridging movements'. The state comes into picture, she argues, because:

it is precisely the state that recognises these rights as moral constraints; it is the state which translates these rights into legal norms, and it is the state which upholds these rights through the constitution and the judiciary. In sum, the state, through a series of bridging movements, connects the possession of rights and the actualisation of rights. (Chandhoke 2003:2958)

The state is also the central reference point for citizen as it shows the willingness to be guided not only by the legal juridical dimensions of citizenship, but also by what Gupta calls 'moral imperatives of citizenship' (Gupta 1998). That is, the state takes action to dismantle the unequal social relationships through a series of legal enactments and positive discriminatory practices so that a basic minimum social equality can prevail for people to actualise their rights and to participate as equals. While women, as the history of political struggles suggests, mobilise themselves to redress injustices and seek equality, such practices are established as legal/juridical norms only when they are recognised by the state. Other scholars have pointed out the geographical/territorial aspect of the state to defend the argument that the state is the reference point for citizenship. As Oommen puts it:

....the state alone is a territorial entity with a legal base. As the territorial base of a state changes, so too does the composition of its citizenship. This is obvious when one considers the processes of unification and division of states. Only a European Union 'citizen' can participate and contest for the European Parliament elections. When the Soviet Union broke up the Soviet citizens disappeared and became citizens of one or other of the successor states. This was also the case of the citizens of Yugoslavia and Czechoslovakia. But in spite of the change in their citizenship status, individuals did not and could not change national or ethnic identities.



States cannot easily erase national and ethnic identities, but they can instantly confer citizenship identity. This is to say that the state can both deny and confer citizenship. Therefore, to dissociate citizenship from its very source—the state—is to render the notion irrelevant and meaningless. (Oomen 2006:33–34)

Anchoring citizenship rights to the state does not mean that the state-given rights are sacrosanct and cannot be contested. It also does not limit the possibility of articulation of new rights coming from the sphere of civil society. As Dagnino puts it:

The very determination of the meaning of rights, and the assertion of something as a right, are themselves objects of political struggle...Moreover, this redefinition comes to include not only the rights to equality, but also the right to difference, which deepens and broadens the right to equality. (Dagnino 2005:155)

## Contentious definitions of citizenship

The definition of citizenship has remained a contentious issue among scholars. Since citizenship is subject to different understandings, it is indeed important to clear certain conceptual grounds. In a rather well-known Marshallian interpretation, citizenship first appeared as a status bestowed by the state on its people through the granting of rights (Marshall 1950). However, recognising that people are unequally placed in terms of possession of resources, the state tries to bring them on a par with others in various ways. In capitalist societies, where economic resources remain scarce, the state, through various welfare and social security measures, tries to promote equality. Since then this has become the dominant conceptualisation of citizenship in the Western context.

Critiques point out that the conception of a single and universal notion of citizenship does not take into consideration the social constructions of citizenship, the historical and cultural contexts, which not only place people in diverse, different and unequal relationships with each other, but their relationship with the state also gets overtones of this diversity, differences and inequality (Kabeer 2005). The specific cultural embeddedness of citizenship in multicultural societies often counters the universal notion of citizenship (Kymlicka 1995). The particularistic version of citizenship suggests that the tension between democracy and capitalism, which Marshall was trying to reconcile through welfare measure, only partially answers the questions of unequal positions people occupy in various social hierarchies of power and dominance, which obstruct their chances of exercising rights and claiming equality.

How to rescue citizenship from the legal, juridical overtones still remains a challenge in conceptualising citizenship. Turner's idea of 'practice' provides a way out of the conceptual impasse. These practices could be juridical, social, political, economic and cultural. As

Turner says, ‘The word practice should help us to understand the dynamic social construction of citizenship which changes historically as a consequence of political struggle’ (Turner 1993:1). This definition not only brings the social dimensions to citizenship, it also ‘places the concept squarely in the debate about inequality, power differences, and social class, because citizenship is invariably and necessarily bound up with the unequal distribution of resources in society’ (Turner 1993:3). It is important to recognise that without a minimum standard of social equality and social justice, the larger goals of equality, and therefore of rights and participation, cannot be achieved. Social differences, as Yuval-Davis (1997) argues, calls for social rights before individual rights can be actualised. It also tells us that people would have their own conceptions of citizenship depending on their social relationships. This makes it imperative to explore the experiential dimensions of citizenship so persuasively argued by Kabeer (2005).

When looked from the vantage point of the excluded, we find that citizenship is experienced differently given the context in which people are located.<sup>3</sup> These experiences are not only reflective of the state-citizen and wider social relationship; they also contain within themselves the desirable relationship people would like to have with the state and with fellow human beings. A slum dweller’s idea of citizenship, understandably, is not the same as those living in expensive localities. In India, where, in the absence a permanent address one cannot have access to municipal and banking services or even a voter card, for people living in shantytowns and on pavements citizenship is at best partial and at worst non-existent. In a setting where the state makes them citizens with equal rights, yet considers them as illegal encroachers on government land who steal electricity and make the city dirty, it not only fails them as the agent of social transformation, it also presents itself as an ally of the rich and dominant in society. When treated both by the state and by fellow citizens as lesser human beings, slum dwellers’ universal citizenship remains a non-realizable legal rhetoric.

Marginalised groups cite dignity as a crucial element in determining their relationship with other groups and with the state. Dalits in India value dignity as the defining element of social justice (Mohanty 2010), while people in the slums/*favelas* in Brazil mention the indignity associated with accessing entitlements from the state (Wheeler 2003). Hence, much of the citizenship experience of dalits and slum dwellers would depend on whether or not they are able to live with dignity – in both their social relationships and their relationships with the state.

## Identities, inclusion and exclusion

When exclusion takes place on the basis of historically deprived and socially ascribed identities, inclusion becomes complex, ambiguous and challenging. In many instances inclusion simply comes to mean seeking legitimacy, both from the state and from society. That is, the state recognises certain identities as a legitimate basis for inclusion and action. When the state recognises the deprived’s socially ascribed identities and makes special provision for their inclusion, it takes the first step towards legitimising the mobilisation of identi-

ties directed to get what the state promises and to interrogate it when it fails to deliver. Simultaneously there is an expectation from wider society that it becomes tolerant of these acts of seeking equality and inclusion.

However, seeking legitimacy is only a preliminary effort to levelling the playing field for the larger struggle for inclusion. The critical issue is how to compete as equals or to carve out a course of action in a game that is essentially between the powerful and the powerless. And in a given context people may face difficult choices. Is it mobilisation of political resources that is important, or gaining economic power? Are issues pertinent to poor and rural women the same as those that concern urban and wealthy women? Relocating the centre of power is crucial in the struggle for inclusion. There are inter-group identities to compete and counter, but there are also intra-group inequities to be addressed.

Then there are people bearing more than one deprived identity – for instance dalit women or black women. Which identity is to be mobilised for inclusion – will a woman first seek inclusion as a dalit, as a black or as a woman? Multiple identities, as the cases presented later in this paper reveal, embedded in the context in which women live, are real. Often women have to deal with the tensions inherent in multiple identities, on one hand, and between the socio-economic identities and universal citizenship identities, on the other. Much of citizenship action and actualisation of rights is therefore negotiation between multiple identities.

## Dichotomies of citizenship

### Universal vs. particular

It is an old debate between liberals and communitarians whether individual or group identities form the basis of citizenship rights. Liberals argue that privileging the individual gives a universal connotation to citizenship and promotes a universal conception of equality; communitarians argue that the particular groups to which people belong influences the extent to which they can access the equality of opportunity. To put it another way, individual citizenship is built on the notion of equality among individuals, whereas the particular notion of citizenship is built on inequalities among groups to which the individuals belong. Social and cultural differences among groups can be a source of inequality leading to economic inequities and unequal treatment as citizen. Besides, social difference also encompasses migrants, who are not citizens in the legal sense of the term.

A sub set of dichotomies within the universal vs. particular notion of citizenship centre around individual vs. group rights. Advocates of the particular version of citizenship make the claim that representative democracy must take cognisance of groups to which a person belongs (Young 1989). Kymlicka (1995), for instance, favours state intervention only against an external group, but not against the group to which the person belongs. Those favouring individual rights, while recognising group differences, privilege the individual. Phillips

(1993), for instance, argues that politics in the public arena has to move from transformation to transcendence – that is, from forsaking the sphere a person belongs to, to forsaking all kinds of group differences and interests.

Group rights assume further complexity because of intra-group differences. For instance, recognition of women as an undifferentiated category for political participation hides the differential status they may have – that is, women from all class backgrounds, and both educated and uneducated women, would compete for the same space. The danger is that women in a better social and economic standing may capture the political space. This danger is of course there; still, the answers to it are not easy. The measures of protective discrimination can only be based on the premise that certain socially ascribed groups face discrimination. Some members within these groups may have better resources that protect them to a certain extent, but the overarching social identity of the group makes a large number of its members vulnerable. Hence, recognising the overarching social identity has its own merits. A minimum social rights and social citizenship must be there as a precondition for political participation in the public space. Though there are intra-group differences, too much segregation may limit the scope for collective action. Lister calls this ‘differentiated universalism’, which does not see intra-group differences as barriers so much, but considers universality as a ‘moral commitment’ that ensures rights to equality and inclusion (Lister 2003). In response to Lister one could also argue for ‘differentiated particularism’, which recognises people on the basis of particular disadvantages they suffer from – for instance, poor black women or poor dalit women. These categories, by revealing the cumulative disadvantages to which people are subjected, make it imperative that such categories be recognised for any meaningful inclusion to take place.

This individual vs. group and universal vs. particular debate is a complex one – privileging one has consequences for the other. Privileging the individual and the universal goal of equality hides the unequal positions in which people find themselves due to their social positioning, and which therefore may preclude them from realising the rights that citizenship confers on them. Privileging the particular has the potential of glorifying or reinforcing social ties that are source of discrimination and prevent the individual or even the group from breaking the shackles that restrict their integration to the larger society. As the cases discussed in this paper indicate, women often straddle both the universal and the particular. Nyamu-Musembi argues for group rights in certain contexts – for instance, indigenous communities’ collective right over their natural resources, their knowledge in medicine, their art forms etc. – yet calls our attention to view the interconnectedness of individual and group rights. She puts it succinctly:

While we need to pay attention to the particular, as defined by gender, ethnicity, religion and so on, we should not lose sight of the relevance of ‘across-the-board’ notion of citizenship and how the mutual interaction between these notions of citizenship enables or constrains agency. (Nyamu-Musembi 2005:46)

## National vs. global

Traditionally citizenship has been associated with the national state. But as the global sphere gets populated by agencies of state, market and civil society, citizenship also acquires a global connotation. If the rise of the neo-liberal market economy and the structural adjustment pushed by the International Monetary Fund and the World Bank have reduced the powers of the national state and spheres of state action in meeting basic needs and entitlements, international migration and ethnic tension have fractured citizens from within and also their relationship with the state (Meer and Sever 2004). Transnational activism, particularly against globalisation, is also an indication that issues of citizenship have travelled beyond the national boundaries to make claims on global actors (Gaventa and Tandon 2010). Global citizenship also gets its momentum from international conventions adopted by agencies such as the UN and the ILO.

Instead of polarising citizenship in terms of national vs. global, it will be reassuring for women to see their citizenship as both national *and* global. While the global sphere is the sphere of international laws and conventions, multinational capital and transnational activism, that does not negate the importance of the national sphere. The national state has not completely lost its sovereignty to global actors even when neo-liberalism is pushed by the national governments. The state is still the mediator between global capital and society (Mohanty 2007), and many struggles against global capital are taking place within the sphere of national boundaries from where they are travelling to the global arena for solidarity across nations. International laws and conventions made by multilateral agencies are still implemented by the national state.

## Passive vs. active

The passive/active dichotomy relates to citizenship as a status and entitlement vs. citizenship as a practice or process. This dichotomy appears in the Western literature as one between citizenship as a right vs. citizenship as a duty or obligation, particularly in the neo-liberal setting.

In the Southern literature, citizenship practice refers to agency – that is, transcending the passive status of citizenship to actively claim rights and entitlements from the state. Agency transforms women from passive beneficiaries of state patronage to active citizens (Cornwall 2000). Citizenship agency of women in the Southern countries, as illustrated in the cases presented in the subsequent sections in this paper, depict their struggle to rise above their marginal and exclusionary social, economic and political position, on one hand, and state negligence, on the other, to actualise what is provided by the state through the Constitution, policies and laws.

## Private vs. public

The public-private dichotomy is an old one in feminist thinking, which feminist scholars have tried to resolve. Yuval-Davis (1997), for instance, argues for focussing on the differ-

ences between the state and civil society, and those of community, family and other primary relationships. Yet it is important to examine this dichotomy in the context of citizenship rights for women in the South. Traditionally, the private is considered as the domain of family and household, which are not open to state intervention. The public is the realm where the state is not only present, but also actively intervenes through laws and regulations. Subsequent feminist experience rejected the protection of the private as the exclusive domain of family and household and sought intervention of the state in dealing with unequal gender relations, for instance, concerning domestic violence. This shift in feminist thinking broke the division between private and public, leading to the expression, 'private is public'.

The cases presented here reveal that private-public connections impinge on women's citizenship rights in four significant ways:

The private realm determines the primary location of women and consequently their gender identities and roles. Women carry these identities when they appear in the public realm. There are dissonances and tensions as well as mutual reinforcement between the two sets of identities and roles.

In their attempt to inhabit the public realm as equal citizens women have to constantly negotiate with the private realm, which, when it is supportive, facilitates women's public role.

When the private realm is not supportive, women seek state intervention; and when the state is not supportive, they seek support from their co-habitants in the private realm. In their struggle for citizenship rights, women constantly straddle the private-public realms. At times they appear as individuals and at times in their gendered identities.

## WOMEN'S CITIZENSHIP RIGHTS AND THE STATE

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### Cases from India, South Africa, Brazil, Bangladesh and Pakistan

This section presents women-state relations in five key areas that impinge on women's lives – women's political empowerment, their property rights, major survival requirement such as housing, rights in formal and informal economies, and everyday services they expect from the state such as education, health, prevention of violence etc. The state understandably has a role to play in formulating and protecting women's rights in each sphere. The examples from India, Pakistan, South Africa, Bangladesh and Brazil show that the state has indeed formulated rights and policies on these issues, yet they are only half-steps considering that women have to carry the burden of actualising them. And even in the best circumstances these rights are only partially realised. Each right reveals a different facet of women-state interaction.

### Political participation in local governance – India

As part of democratic decentralisation in India, participatory local governance institutions called *panchayat* are formed by the state. They are mandated to ensure economic development

and social justice for the rural populace. A third of the seats in *panchayats* are reserved for women. Viewed as institutions for decentralised decision-making, *panchayats*' role includes engaging people, including women, in assessing local needs, and planning and executing the same. The state has thus attempted to bring women in rural areas into the sphere of governance through affirmative action, securing their membership through a quota system. Women in general, and from low castes and indigenous communities in particular, have the advantage of getting membership as elected representatives in these local institutions. The state has invested substantial resources in building the capacity of women members and NGOs have been brought in as partners to support the state in this agenda of women's political empowerment. As a result, not only is women's entry escalated numerically, in certain cases their substantive participation is also visible. As Morris et al write in the context of Rajasthan:

There are more women leaders today who have begun to address public gatherings, chair panchayat meetings, negotiate with officials, monitor rolls, manage accounts, facilitate community based monitoring of access to basic services and mobilise women and the community to participate in public forums to enhance accountability. (Morris et al 2008:118)

Hence we find cases where charismatic women have countered the twin forces of patriarchy and caste to assert their membership, and have done so effectively. As Manjula, the *dalit sarpanch* of Deoli village in Gujarat puts it:

The high-caste people have no choice but to vote a dalit into power when the rules are set for that. But then they want someone who they can dictate and keep subservient. Since I am not much educated and I was never visible in the public life of the village, they assumed that I would obey them in every respect. Being a dalit and being a woman I was socially vulnerable. But when I got into the position of a sarpanch I realised that I could do so much for my people. (Mohanty, 2010:165)

However, this is only part of the story. There is also contrary evidence that women are made formal members because reserved seats are available to them, but can seldom counter male dominance from family and caste to exercise their power. Not only is women's membership manipulated, they are also subjected to multiple doses of violence and abuse. Their voices are suppressed and they are forced to ratify decisions taken by male members. The local-level state bureaucracy either provides active support in this or remains a spectator. Morris et al describe women as both taking substantial decisions and being able to mobilise other women, but also as being helpless:

These dalit women are chosen not on the basis of their individual performance or potential to emerge as effective village leaders, but because men believe that dalit women will be easy to manoeuvre and can be used to wield power. However, in the

specific instances when these women have chosen to exercise their power, assert their authority, men have swiftly moved in with no-confidence motion to remove them.

If male members of family and community exercise control, pushing women into a proxy position, local bureaucracy either ignores their presence and on the grounds of efficiency lets men take decisions, or actively supports the patriarchal biases of the society from which the officials themselves are drawn. (Morris et al 2008:129)

## Land rights for women – Pakistan

While property rights, particularly land rights, are critical for women in the South (Agarwal 1994), this is more so in the context of Pakistani women who are governed by a complex code of civil, Islamic and customary laws. Hence, the actual processes through which the right to equality in property may or may not transform into a reality illustrate how women relate to the state.<sup>4</sup>

Pakistani civil laws bestow equal citizenship on women and proclaim that women should be treated in a non-discriminatory manner. However, in the absence of specific rights in the context of property ownership, particularly inheritance rights pertaining to land, the mere right to equality does not translate into anything meaningful for poor women in rural areas, where possession of land grants both security and status. Islamic laws of Shariat give women the right to inheritance, though not on a par with men, but customary laws that keep women completely subjugated in patriarchy and contravene even the Shariat actually regulate women's property rights. The complexity of multiple written and unwritten codes has the consequence that women come to think of approaching the state, the repository of formal equal citizenship, only in situations where all negotiations with customary and Shariat laws fail. So the state is present in the lives of women, but only as a last resort. Women's fear of state institutions such as the police and courts further intimidate them from accessing the state until it is the only hope possible.

Their distance from and fear of the state also emanate from how the state locates itself in relation to women. Not only is it absent from specific legal property rights for women but it has been absent from women's lives, particularly in rural areas. The state institutions and officials hardly ever make any attempt to reach out to women. Even in the case of such welfare programmes as land distribution, women are largely absent from state benefits as their names are often not listed in the revenue records. Understandably, in the circumstances of inheritance rights, which is entrenched in a patriarchal system that has never favoured claims from women, the state does not make itself available to women until they approach it as a last resort.

As the sphere of property rights is dominated by customary laws and controlled by family and community, accessing the state jeopardises women's personal and social relations, which most women view as their safety nets. Only in situations where the community perceives that the male members of the family (father, brother, husband, as the case may be) have not



looked after the well-being of the woman, she eventually gets community sanction to approach the state for her rights.

Living in a context where their rights are matter of social sanction, it is not surprising that the community is not only the mediator between the state and women: women also accesses the state through supportive male family or community members as their fear of the state is deeply ingrained. Hence, women are represented to the state through family and community, and seldom approach the state on their own as rights-bearing individuals. Therefore, how women are treated by the state is not so much determined by the state as the guarantor of equal citizenship, but by how the community perceives and negotiates women's rights. While the state is present formally and even normatively in the lives of women, in actual settings in which women's lives are rooted and rights are claimed, it seldom makes itself accessible to them until they approach it.

## Housing rights for the poor – South Africa

Following the restoration of democracy in 1994, South African national policies have declared housing as a key entitlement and there are progressive pro-poor housing policies that contain specific provisions for women-headed households to obtain government subsidies (Venter and Marais 2006). The same policies, however, have taken the responsibility off the state and divested these in the poor, who have to first demonstrate their financial eligibility for state benefits. As the neo-liberal development of self-help replaces welfare measures, the changes influence state-citizen relations. The South African Homeless People's Federation (SAHPF) – a collective of poor people, mostly women from informal settlements – illustrates women's relationship with the state in the context of housing rights. SAHPF has enabled women to pull together their financial resources through daily saving, prepare their own house construction plans and negotiate with local governments to acquire land tenure prior to getting the government subsidy.

While SAHPF itself is a response to a genuine grassroots need for poor women to come together and assert their rights, it cannot be ignored that the federation is a creation in consonance with the demands of the neo-liberal times (Podlashuc 2011). SAHPF represents the sentiments of the poor in its articulation that the state will not perform until poor women demand that it does, yet the particular manner in which the demand is constructed represents the state's own articulation of what it expects from women before it extends welfare and patronage.<sup>5</sup> In South Africa, where long years of apartheid kept state benefits away from the poor, and particularly from black people, the natural expectation of women in a new non-racial democracy is that the state will provide for them, unconditionally. But the formal presence of the state as manifested in pro-poor policy provisions has given rise to expectations, and simultaneous state retreat under the pretext of neo-liberalism has burdened women with the responsibility for their own welfare. This suggests that women continue to move between state patronage and their own initiatives towards self-empowerment.

In response to the state's demand that women prove their eligibility for housing subsidies, SAHPF women have demonstrated their skills in finance management, house design and construction, which they learnt from an Indian women's collective in Mumbai, called Mahila Milan, through exposure visits organised by Slum Dwellers International (SDI). Subsequently, they accessed SDI loans which are meant to facilitate housing for the poor with the condition that the loan has to be repaid when women receive the state subsidy. Federation women have constructed around 400 houses in the Victoria Mxenge settlement, close to the city of Cape Town. This is a case of a successful mobilisation, wherein women have forged ahead with a lot of courage and charisma with the slogan 'We build house, family and community' (Ismail 2006). It is also an example of women-state relations in neo-liberal times. Notwithstanding all their successes, these women's relations with the state have not been smooth. There were difficulties in land acquisition, delays in getting subsidies and on-going negotiations for regularising infrastructure such as water and electricity (ibid). Hence, despite the demonstration of self-help, accessing state-patronage itself remains a difficult equation for women.

## Labour rights in the garment industry – Bangladesh

If the nature of the neo-liberal model of development takes the responsibility of welfare off the state, the precarious nature of the neo-liberal economy has further ruptured relations between the state and its poor populace, who are essential to its economic production, yet who the state fails to treat as citizens.

One such case,<sup>6</sup> in which the state favours the export-oriented garment industry even if it contravenes national labour laws, highlights the inadequacy of formal rights. By attracting foreign investment into the liberalised economy in Bangladesh, added momentum has been given to country's existing garment industry. While both employment and production have increased, such changes have taken place against the backdrop of flexible and unregulated labour conditions. Existing labour laws have been proven inadequate in the changed economic context and new laws are given short shrift in coping with the demands of a national economy linked with the global market.

Most women employed in the garment factories come from rural areas from which, pushed by poverty, they come to inhabit the urban space of industrial production. For employers women are merely workers – poor, illiterate, peasant-like and ignorant – whose bargaining power with the mighty industries is minimal. Though garment industries are considered part of the formal economy, workers are treated as casual labour whose livelihoods are dependent not on any written agreement, but on the goodwill of employers. Hence, there are often no contracts, no written regulations, no workplace safety and no health insurance. Added to this are long hours of work and delays in wage payments. The employers, though they have agreed to a code of compliance under international pressure, often violate the code

inside the factory. In the absence of government intervention to protect labour rights until serious damage takes place, women workers become particularly vulnerable to exploitation.

In certain contexts, as a consequence of international campaigns, NGO mobilisation and newspaper reports women have found the individual and collective strength to assert their rights both within and outside the industry. However, given their poverty and the need for a livelihood, their rights claims often centre around regularisation of work hours and payment and not so much on workplace safety or formal contracts. A few progressive employers have provided for safety in the workplace and for health insurance, but these welfare measures are only indicative of paternalism and do not protect women's rights as citizens.

Since the state is the mediator between its citizenry and the industry, the onus of protecting labour rights lies on the state. But the very nature of neo-liberal economic production and the locus of the state make it only a spectator while women take the onus on themselves to counter the state-industry nexus.

## Multiple rights and entitlements – Brazil

Each of the cases described above deals with a particular right and a related aspect of state behaviour. But what happens when the state fails to provide a host of such basic services as education, health, housing, protection from violence etc. to its poor citizens? How do poor women react to state failure? The story of women living in Rio's *favelas* reveals that in such extreme situations, most women turn away from the formal sphere of the state and build their own social sphere of solidarity and support.<sup>7</sup>

The shift from a military to a democratic regime in Brazil has hardly affected the daily lives of women. In a situation where both democracy and neo-liberal growth have bypassed poor women, their perception about the locus of citizenship shifts from the state to their private spheres of family and community. While they still avail themselves of whatever minimum services the state provides and continue to expect these from the state, they don't engage with the state politically to claim rights.

Women's withdrawal from the state sphere results from their perception of the state not only as a non-provider, but also as the source of indignity. While the state pronounces formal citizenship through the Constitution and formulates policies that target the poor, its actual behaviour betrays its lack of capacity and willingness to create equal citizenship. Looked from the point of view of women, it is not only that the services and goods the state promises are largely non-available, but that access to whatever is available can only take place at the cost of their dignity. It is not surprising that poor women living in Rio's *favelas* have re-built their spaces of families and communities to provide support. This alternative arrangement is valued both for the resources and services that women need, as well as for being the space where they can aspire to live with dignity. Hence, instead of participating in the formal political life, women have found participation in informal private and social life more meaningful. Instead of claim-

ing formal rights, which they know would not result in anything concrete, they have created a sense of community to fall back upon and from which to derive strength.

Dignity is cited by *favela* women as the most critical element of citizenship. In the context of poverty and everyday violence that they are subjected to by the drug mafia, women often compromise on their dignity. Their daily grind for accessing basic services from the state only multiplies their sense of indignity. In the narratives of women, dignity can be traced along three dimensions – the terms in which women access what the state provides, the extent of access, and the quality of access. Hence, their disappointment comes not only from the inadequate and often absent basic services, it is also results from compromising one's dignity in procuring the services promised by the state.

## WOMEN-STATE RELATIONS – IMPLICATIONS FOR WOMEN'S CITIZENSHIP RIGHTS

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Based on the case studies discussed above, this section takes a closer look at women-state relations and their implications for women's rights.

### Dialectics of women–state relations

The cases presented above reveal the dialectical nature of women-state relations in the South. The dialectics emerge from the way the state positions itself in relation to women, and that determines how women come to experience the state in pursuing their rights.<sup>8</sup>

#### Empowerment vs. powerlessness

The state is the source of empowerment that it creates through its policies and practices, but the same policies and practices are also responsible for generating helplessness among women. This dialectical relation is visible in the state-created institutions of participatory governance whose proclaimed mandate is the political empowerment of women. While empowerment takes place by bringing women into the public space and giving them decision-making power within institutions, which women in the South have been historically denied, helplessness arises when the state supports or simply ignores the patriarchal and locally dominant forces that capture these institutions to subjugate women, reproduce social stereotypes, or worse, manipulate women to legitimise decisions taken by men.

#### Proximity vs. distance

Women often find themselves placed in a situation of both proximity and distance in relation to the state. As the upholder of rights to equality the state seems closer, but when it comes to making rights real, particularly economic rights, the state appears distant. As the cases of claiming property rights in Pakistan and labour rights in Bangladesh reveal, the state

distances itself from women when it comes to actualisation of rights, even though women as equal citizens find a place in the state- formulated laws. Women in Pakistan have to struggle against the restrictions of communitarian norms to claim rights from the state; in Bangladesh, the struggle is against the powers involved in industrial production. Though in women's perception the state looms large as the ultimate authority that they can turn to claim their rights, the state itself seldom comes closer to women.

### Patronage vs. self-help

The dialectics of patronage vs. self-help in women-state relations has resulted from the neo-liberal model of social development. The state-market-civil society partnership popularised by the neo-liberal model has replaced the earlier welfare model that expected the state to take responsibility, at least in principle, not only for resource provision but also for the implementation of development. The retreat of the state designed by the neo-liberal reforms ushered in civil society, or more precisely NGOs, to take up some of the activities that were earlier the domain of the state. The conceptualisation of civil society as the third sector (the state being the first and the market, the second) created space for social actors to be part of governance (Mohanty 2002). In the new model of development partnership, the state and private sector are expected to pull in the finances, but the beneficiaries of state patronage have to demonstrate their share of contribution either through cash or labour to be considered eligible for state resources. This neo-liberal developmental dialectics of patronage vs. self-help is revealed quite sharply in pro-poor housing in South Africa.

The dialectical relationship that women come to share with the state indicates that women constantly straddle both sides of the state in pursuing their rights.

### Interfacing the state: Accessing rights

Each right has a site of its own from where it is accessed, and that site determines at least three crucial issues for women: first, it determines the location for both women and the state – the site where women and the state face each other; second, it gives women a distinct identity which is then drawn into a complex interplay with their gender identity; and third, it determines to what extent the state and therefore the rights can be accessed. Property rights are accessed from the social site of patriarchy marked by cultural codes that deny women rights. In claiming these rights women bear the gendered family identities of mother/daughter/wife/sister that prohibit them from asserting their individual identities as rights-bearing citizens. Hence accessing such rights means circumventing the community and family that obstruct women's property claims, but ironically often such rights are accessed precisely when they are backed by community and family support. The state, except for legal provisions, is seldom present in the sites where women are located for them to get familiar with it or approach it without being intimidated.

Political rights in the spaces of participatory governance are accessed somewhere between the social and state sphere – while women remain in their own social location, the state occasionally brings its policies, institutions, officials and rules to the social sphere. In this context women navigate between their family identity, their social identities as members of clans/groups, and their legal identities as political citizens. While women exercise their political rights from their own sites, the presence of the state changes the nature of that site. The state can be accessed as it is very much present in the form of institutions and officials, yet the social setting can manipulate the state to replicate social stereotypes. Furthermore, the state cannot remain a neutral actor when operating in the social setting from where its officials are drawn.

Housing rights are accessed from the site of ‘development’, where women become recipients or beneficiaries of state-driven development. While they are still located in their social sphere, their gender identities don’t come into direct conflict with their beneficiary identities as given by the state. Hence, even when the state remains faraway, women still interact with it without deeply contested negotiation in their social and private sphere, as having a house benefits the family. The state in this context is a paternalistic state that tries to come closer to women with its elaborate policies and promises of resources, yet it puts the conditionality of demonstration of capabilities through self-help before women can approach it.

Women access their labour rights from the industrial site of commodity production, where their legal rights as citizens are challenged by their precarious identities as informal workers and their gendered identities as women. The state, despite having a set of rules that are expected to govern the industrial site, is conspicuous by its absence from this very site. As a result, women come to experience statelessness in their everyday work in garment production. To access the state women have to exercise their agency by creating networks of solidarity within the realm of civil society. However, as the Bangladesh case reveals, such rights claims are seldom complete. Women caught in a web of poverty and unemployment, on one hand, and an exploitative state-industry nexus, on the other, compromise their rights for their daily bread.

How women are looked at and treated by the state, what alliances and negotiation women enter into, how they interact with the state and what outcomes follow from their efforts are thus contingent on specific sites of women-state interface.

## Negotiating multiple identities

Citizenship is a universal identity only in the formal legalistic sense. In interfacing with the state women come to bear multiple and often complex and vulnerable identities that emanate from their socio-economic positions and the nature of the right that is pursued. Interfacing with the state and actualising rights, therefore, are often acts of negotiating multiple identities and dealing with the tensions inherent in such negotiation. Though women on occasion

try to transcend the gendered identities that often constrain them in actualising their rights, they seldom succeed. The interconnectedness of the identities implies that right-claims as citizens are often made on the basis of gendered identities. As political rights and property rights illustrate, women's claims are based on their being women and therefore requiring special treatment from the state. Women thus come to straddle the group to which they belong and their individual citizenship identities, the private and the public, the social and the legal. Their rights claims thus get constituted by both – the groups to which they belong and their perception of the individual, their private domain that is governed by social norms and the public domain of the state that is governed by legal norms.

## Negotiating between community and the state

Women often claim rights standing somewhere between community/family and the state. In their effort to transcend the former, they look up to the state; in their effort to deal with a state that is distant and unapproachable, they fall back upon community and family. Hence, a progressive push from family and community can help accessing the state and rights; and a state that reaches out to women and makes it approachable can help women transcend patriarchal restrictions and actualise their rights. However, neither the liberal state as the upholder of individual rights nor the strength women are expected to derive from community can be trusted to ensure citizenship rights for poor women. Both can be equally progressive in supporting women to actualise their right-claims or equally regressive in keeping women out of the domain of their legal rights.

## Civil society and citizenship

Women-state relations are often mediated by civil society associations and networks. It is in the sphere of civil society that women find collective strength, learn the arts and skills of governance and gather confidence in their agency. Interpreting the complex texts of laws and policy often deter women from engaging with the state in claiming rights (Hames 2008), yet for the state to respond, women have to articulate their demands in a language with which the state is familiar. Civil society performs the dual task of simplifying the state's language for women as well as enabling them to express themselves in it. It is in the intermediate realm between the family and the state that women learn to assert their citizenship. As the case of garment workers illustrates, in treating women as mere workers instrumental in the industrial production the state ceases to treat them as citizens. Women, while experiencing the statelessness and consequent despair in their exploitative relationship with the employers in the industrial workplace, try to rise above the situation to find their own agency in civil society. This agency, even when it does not change the very nature of production relations, does infuse in women a sense of citizenship whose essence lies in demanding rights. Such

acts of citizenship are critical in not letting the state off the hook.<sup>9</sup> As the section below shows, when women cease to perceive the relevance of the state, they turn away from it and find alternatives in community and family.

### Turning away from the state: Social citizenship

It is not always that women direct their agency towards engaging the state. In extreme cases of state failure, as the case of women inhabiting the *favelas* in Rio illustrates, women turn to the community and family networks. In the absence of a state that women can relate to, they find alternatives in their social sphere. By refusing their association with the state, women take the discourses of citizenship and rights away from the state and locate these in their own social domain.<sup>10</sup> By citing indignity in accessing the state, women indicate the point of rupture of their relations with it and their consequent unwillingness to engage. Women cease to see themselves as citizen of a nation-state, and instead of investing their agency in claiming rights from the state they think it prudent to invest in building community and family support networks.

## CONCLUSIONS

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Women and the state do not interact as isolated entities. If women carry with them their socio-economic contexts, identities and roles, so too does the state carry its social embeddedness and biases. This influences women-state relations, women's pursuit of rights and the response they invoke from the state. Women often do not face the state on their own as rights-bearing individuals – their claims are either represented by the male members of family/community or are mediated by their alliances in civil society. While such situations create enabling conditions for women, we must not ignore those situations where communities and collectives constrain women, and women look up to the state to treat them as individuals. Such feminine citizenship quests often remain incomplete due to the partisan nature of the state and its distance from women. We must ask why the state fails to forge an egalitarian relation with women for, in the absence of such relations, women's citizenship choices will remain limited. Trapped in the web of poverty and patriarchy as they are, women will continue to experience the presence and absence of the state in varying degrees and will have to balance their multiple identities and do the difficult negotiations between the community and the state.



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## Notes

- 1 The paper synthesises some of the key findings from the research conducted as part of Development Research Center (DRC) on Citizenship, Participation and Accountability located at the Institute of Development Studies, Sussex, UK, and supported by DFID. The paper was presented at a seminar hosted by ACCEDE, University of the Western Cape, Belville, Cape Town. I am thankful to the participants in the seminar for their comments. I thank Lisa Thompson for the discussions and comments on this paper. Thanks also to Joanna Wheeler and Simeen Mahmud for commenting on an earlier version.
- 2 The case studies conducted under the DRC research are supplemented with additional cases studies to support the arguments presented in this paper.
- 3 DRC research has thrown significant light on how marginalised groups experience citizenship (Kabeer 2005).
- 4 This case draws from SDPI 2008.
- 5 The neo-liberal conception of self-help that the poor have to demonstrate, as Podlashuc (2011) argues, is built on Robert Putnam's social capital and Muhammad Yunus' micro finance. Social capital brings the poor together on the basis of shared trust, which then can be utilised for group saving following the practices of micro-saving, wherein small contributions are made by each member to build group capital.
- 6 This case draws from Mahmud and Kabeer, 2006.
- 7 This case draws from Wheeler, 2003.
- 8 A study of the state of democracy in South Asia indicates that while democracy has given people a normative vision and raised their aspirations, institutions of the state have proved inadequate in fulfilling the expectations from the state (SDSA, 2008).
- 9 A comparative study of social mobilisation and the state interaction in India, Brazil and South Africa shows that small and intermittent gains often accrue from engaging with the state. Yet the very acts of engagement are crucial for keeping alive the spirit of democratic culture and not letting the state completely off the hook (Mohanty, Thompson and Coelho, 2011).
- 10 There are contexts, for instance in India, where even in the situation of extreme state negligence, people living in slums continue to engage the state (Mohapatra, 2003).