

## **Kinship as a Problem for Governance** (Abstract)

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Kinship as a problem of governance is as old as the business of government itself. Kinship as the dense expression of affinitive ties was never left fully to the kinsfolk only, or to the scientists of kinship who are the social anthropologists of our time. Those who govern our societies also have to ensure that affinitive ties are conducted in accordance to the norms and priorities of rule and governance. Look at the *Mahabharata*, where kin ties had to be re-negotiated and re-interpreted according to the necessities of rule and administration of kingdom. In modern societies powered by capital, according to Marx, “The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his “natural superiors”, and has left remaining no other nexus between man and man than naked self-interest, than callous “cash payment”. It has drowned the most heavenly ecstasies of religious fervour, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom — Free Trade. In one word, for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation. The bourgeoisie has stripped of its halo every occupation hitherto honoured and looked up to with reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science, into its paid wage labourers. The bourgeoisie has torn away from the family its sentimental veil, and has reduced the family relation to a mere money relation.”

In India, we know, colonial rule had intervened with several legislations in the sovereign operations of kinship ties, which brought out the crucial position of women – the woman – in the affinitive arithmetic sometimes known as the grammar of caste ties, tribal ties, village ties, family/marital ties, clan ties, etc. As a result, kinship was perhaps for the first time brought face to face with the reality of modern administration, whose social aim was to bring the modern nuclear family at the centre of re-organised modern society. This nuclear family was to give its pride of place later to the nuclear individual. But since management of property relations remained the critical factor, as business histories of South Asia show, kinship ties readjusted themselves to survive in the changing times. Kinship became not the obstacle to what Marx and Engels had called “money relation”, but a tool to further it. Blood ties and imagined blood ties became crucial in politics from village to capital level. Politics, in these conditions, always meant politics of “life”, reinventing kinship on a perpetual basis. The enactments on personal law, alimony, property management, and measures on common property resource, conversion, inter-faith relations, and several other associated issues show how

kinship became the object of reinvention for a money-led society. In all these less noticed remained the role of religions, faith based institutions, new brotherhoods symbolising new ties based in these institutions, and the way private property was managed through these reorganised ties. In post-independent India for the first three four decades civil legislations starting with the Hindu Marriage Act (1955) were active in bringing old kinship ties in tune with modern governmental rule. Thus, for instance, while explaining how the role of blood was restricted in defining relations, the Act said in Article 3 (c), “‘full blood’ and ‘half blood’ - two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives”; and then in Article 3 (d), “‘Uterine blood’ - two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.” This strategy continues up to the Shah Bano case in course of which the duty of the community to serve modern social needs was emphasized. However, by and large, we can say that the post-colonial state allowed blood to influence politics (at times directly as in the case of political parties, at times indirectly when clan leaders became the crucial pillars of political power, vote mobilization, etc. as in the Jat lands of Western Uttar Pradesh or the heartland of the Panjab).

This situation changed with injection of money power in the villages, where we now see a resurgence of kinship ties; also we see all kinds of arguments based on fictional blood ties being aired with defiance and marking even what can be called the other of bio-politics – the “politics of civility”. Endogamy is being sought to be strictly enforced. In other cases endogamy is being interpreted in new ways, where a girl cannot be married within the supposed clan, at times the village being interpreted as the clan, and hence within the same village. We can refer to recent panchayat rulings in Haryana, strictures on various marital ties crossing fictional divides including religious and caste divides, leading to killings, torture, and expulsion of women particularly belonging to dalit groups. Now we shall have caste enumerations also on a wider scale reinforcing new boundaries. In their trail we shall witness new combinations of caste and geography. Typically thus new social boundaries of exclusion are being drawn. Consider this situation: A cluster of villages peopled by Jats is claimed to be united by caste and geography. The main rule is that all boys and girls within this cluster are considered siblings. The panchayat governs the cluster (khap) formed by same gotra (clan) families from several neighbouring villages. Those living in this cluster are not allowed to marry in the same clan or even in any clan from the same village. Many young boys and girls were killed in the past defying khap rules. The panchayat imposes its writ through social boycotts and fines and in cases of defiance sometimes end up by either killing or forcing the victims to commit suicide. All this is done on the grounds of honour and brotherhood. The few men constituting the panchayat settle disputes and

control the lives of the young. Young girls are routinely threatened, abused and killed under the verdicts of these so-called clan councils.

West Bengal of course presents a different picture - but only to some extent – mainly due to the infamous Bengal Famine, partition, continuing migration of all kinds, and unusual mobility of persons belonging to particular caste groups to towns and outside West Bengal. Yet here too at the village level power operates along kinship lines, particularly among the muscle-flexing men of substance in the countryside. Jotedars are acutely conscious of kinship factor, and when they give or switch loyalty, they do so massively, as kin groups...Even in the dry and forest area of the land, where a new *bahujan samaj* is emerging we find the conditional relevance of kin-ties in politics and governance. Oriya Brahmins are isolated from this *bahujan*, while santhal, munda, sabar, oraon, mahato, mandal, kaibarta, kurmi, dom, kahal, teli, kamar, bauri, hari, mal, sardar, bhumij, and several other groups are part of this emerging *bahujan samaj* poised to confront what passes on as developmental governance. We have one more illustration of this in North Bengal where the Kamtapuri movement again reminds us of the past – when in Naxalbari rajbanshis, santhals, oraons, bagdis, Nepali speaking indigenous groups, and others had formed another *bahujan samaj*. This is one more aspect of resilience in face of post-colonial neo-liberal governmentality. These are all different versions of bio-politics, if you like; but we have to remember that the *bio* always acts the other of the *civil*, in as much as it is also the other way round. Both are the ever unreachable ideals of politics. Through all these kinship acts as a problem for governance.

We have to then ponder: What happens to kinship then as a mode of power? We know that Levi Strauss (in *Elementary Structures of Kinship*, 1947) had remarked of the taboo on incest as belonging to the border of nature and culture. The restriction or prohibition of incest is, he said, universal, and therefore the condition of all culture, while the same prohibition indicates the arrival of culture as moderating nature. Therefore he said it was the link. In other words we can say kinship constitutes the link between the pre-modern state and the modern state. It is also tempting to view the continued existence of kinship under modern conditions of governance as existence at the limit of what Hegel had called the “ethical order”. We can now see two ways in which kinship is re-emerging as a critical factor in politics, and thus a problem for governance – first, the operation of money and power, which enables command of other resources, make kinship relevant, while, and this is the second way, a different kind of resistance re-configures the kin ties and creates the *bahujan samaj*, which is an alliance on the basis of the principle of “fold”, singularities with a singularity, called the *samaj*. This *samaj* accommodates kin ties on the basis of a reality that no group has monopoly of access to property and resources. This dual reconfiguration of the principle of kinship is a post-colonial reality, of which I suppose Levi-Strauss had no clear idea. Hegel in *The Phenomenology of*

*Spirit* said that the clash between the ethical order and the order of the state is inevitable and tragic. He said that it represents the relationship of self-awareness to other, which constitutes the new relation between them. The ethical law (the law of kinship in this respect) is in his words, when true is “unwritten, inerrant, unalterable divine law. It is not anything that an individual can hope either to criticize or justify, and certainly not in terms of mere self-consistency”. (Para 437) Further, “ethical spirit is the immediate unity of the substance with self-consciousness” (Para. 459). Then he says, ethical consciousness is more complete and its guilt in opposing law is more inexcusable, and the act of opposing law shows that the ethical must be actualized, the “ethical must be actual” for the “realization of the purpose is the purpose of the action”. “Doing directly expresses the union of actuality and substance” (Para 470).

I hope we can see how far we have travelled from the Foucauldian idea of bio-politics once we delve deep into a so-called biologised phenomenon in politics. Is kinship then an enabling linguistic structure, or as Hegel thought, precisely a relation of blood, not of norms, but which by virtue of belonging to nature, now faces the social? In fact the social is inaugurated through the superseding or the suppression of kinship. Whatever be the answer, in post-colonial societies, kinship for governance remains “aberrant transgression”, while the money society in the way it has evolved in our part of the world has accommodated this transgression as normal and therefore not transgression. Hence we can see the government unwilling to come down heavily on the khap panchayats and the murders committed by them, and the softness with which it deals the issue of honour killings (including the revival of sati).

This brings me to my last point: the issue of patriarchy and kinship. These blood ties, invariably located in the figure of the mother, result both in forcing the woman to be constantly on the margin of kinship ties, to be secured, guaranteed, exchanged, gifted, and murdered, and in these ways made the tool of maintaining the honour of the clan and purity of blood, and in killings or the least excommunication of the deviant males. If as we all see through all these sacrifices bio-power is maintained and bio-politics is forged, we have to ask: Has there been any other governmental process (including legal measures) than the one pursued by the post-colonial state in India since the time of Nehru which would envision a new form of community in harmony with the idea of a rights and justice based society? Clearly individual rights only cannot be the answer, as the failure of reforms in Pakistan in particular testifies. What is the new ethics we can imagine that will better negotiate the tension between government of society and the government of the self? What are the new ethical ideals that law will actualise? Are there possibilities of legal pluralism here moving away from the model of legal centralism? Perhaps we have some clue to all these urgent queries in the ethical orders implicit in the history of the repeated attempts by lower sects in this sub-continent to create a *bahujan*

*samaj*. But clearly that is not going to be enough. The crucial test will be: Where does the woman stand in these reconfigured ties of affinity?

Kinship as a problem for governance brings in the issue of class. Therefore on one hand there is the society and politics of civility, then there is the society and the politics of the *bio*, and left out of both are the dalits, women, indigenous communities, and bands of migrant labour, for whom often the world of kin ties has no meaning apart from that of the imperatives of the labouring world. The first two worlds are competing for resources. They want to corner, grab, monopolise, and utilise all benefits, welfare services, governmental munificence, and use all kinds of ties including kin-ties to attain their aims. That is the reason why governmental rationality will be happy with ensuring public equality only – for example declaring public discrimination as illegal – while allowing caste and clan-based power and discriminating practices in the “non-public” sphere, which does not necessarily mean private sphere. It is here where we find the particularities of post-colonial governmentality.

Returning therefore for one last time to the idea of the *bahujan samaj*: If the idea of *bahujan samaj* can be actualised only in the third of the three worlds mentioned in my preceding paragraph, we have to remember that kinship is the language of claims with which others will have no occasion to reconcile unless there is justice – a funding norm beyond kinship – or at least some idea of equitable exchange. To this extent the woman as the marginal figure of the clan ties cannot identify with the said claims. If “kinship is the pre-condition of the human”, *bahujan samaj* is the possible new field of the human. Wherever there has been attempt to create such *samaj*, it has been treated as a crime – crime for violating caste, clan, property, and existing communication structure. But the fatality and the aberration – both are promising, and they require new ideas of governing the self and the society.