

PASSAGE HOME TO INDIA

This is the story of Mary Roy. My study of the property rights of women in India this past summer made it inevitable that I should meet Mary. Mary has done much to improve the status of women in my home state of Kerala. Like me, she studied outside of her home community, and then came back to change her old world. I had hoped that seeing her would inspire me to do the same, but instead I was left with doubts about the depth of my commitment.

Mary comes from one of the most prominent families in Kerala. In Mary's Syrian Christian community, daughters receive a fourth of the inheritance rights accorded to sons. Mary challenged this law and won her case in the Indian Supreme Court. Despite this victory, Mary encountered a society, both men and women, largely hostile to her efforts. Her family and community in Kerala do not understand why she wants to force change on them. One Syrian Christian elder said to me, "All she had to do was ask for her property. If she had knocked on the door, we would have opened it and given her what she wanted. Instead she tried to break it down. There was no need for that."

The elder's view was representative of Kerala. It's not that Kerala is so backward—in fact, it is viewed as India's most progressive province—it's that people in Kerala want change at their own pace. Mary went too fast, and her reward was resentment rather than respect. Even the women whose rights had been improved showed little admiration for Mary. She had upset their fathers and brothers, upon whom those women depended.

Many years ago, Mary's father, chief entomologist for the British in their last days ruling India, used to hit her mother on the head with a curtain rod. Mary has vivid childhood memories of these events: "My mother still bears the marks on her head from the beatings." Mary's father then threw his wife out. Her relatives had to go to court to get him to pay support. Mary told me that this case was of great importance because it changed the maximum amount a woman could claim in such cases from Rs. (rupees) 100 to Rs. 500. As a result, the father gave his wife a life estate in all his properties. Ironically, years later Mary's mother fought Mary in court to stop her from advocating for changes to protect women.

Mary attended school and college in Delhi and Calcutta. She married a Bengali man, but soon separated from him because he was abusive. Mary took her two small children and went back to Kottayam, a city within Kerala, to the security of her family. However, her Syrian Christian community was not receptive. Not only had she married outside her community, but she had also left her husband.

Even her own mother turned her away when Mary left her alcoholic husband. Mary's mother had only gone to court when Mary's father threw her out. Mary, on the other hand, left her husband voluntarily. She had broken two unwritten rules: a women marries within the community, and she tries to work things out with her husband. Mary told me, "They made me feel so ashamed of myself that I would cover my face when I went outside."

Faced with the community's hostility, Mary moved to Ooty, an exclusive mountain resort, where her father owned a small cottage. Unable to take care of herself and her two small children on the Rs. 300 (less than \$10) monthly teacher's salary, Mary needed the rent-free cottage. Mary soon learned that her brother wanted to take possession of the cottage; he needed money for some personal problems.

He sent a letter to Mary, informing her of his intention to sell the cottage. She wrote back explaining that she needed the apartment to survive. For Mary, this was the end of the matter. However, before long, her mother, her brother, and two very large men showed up in a car. Mary's children were delighted that their grandmother and uncle had come all the way from Kottayam just to see them. They did not realize that the grandmother had come armed with a court order for eviction and that the two men were there to ensure the order was enforced.

"The shock was too much for me to take, and I ran out of my house crying. I had no idea where I was going, but fortunately I noticed a sign saying 'ADVOCATE' on a nearby house," Mary told me. "I began crying to the gentleman there. He did not think there was much he could do to help me given the court order. What he did know were the rules about eviction—that I could not be thrown out without some sort of process."

With the threat of immediate eviction removed, Mary and her lawyer sat down to discuss what they could do. The house belonged to Mary's father, and since he was dead, she thought she must have some right to it. The problem was the Travancore Christian Succession Act, stipulating that a daughter inherited only a quarter of a son's share, or Rs. 5,000 (less than \$200), whichever was lower. A Christian daughter in Kerala could not inherit more than \$200 (unless her parents wrote a will). Mary had gotten her Rs. 5000 already, so she had no right to the house in Ooty.

However, this law applied only to Christians in Kerala; Ooty was in a neighboring state. Christian daughters outside Kerala possessed the same property rights as their brothers. The Kerala judge had issued an improper eviction order. Mary went to court in Ooty to

argue against the eviction. A sympathetic judge held that her one-sixth share of the property meant one-sixth of each room. In effect Mary had full use of the entire cottage.

With time Mary's resentment over her treatment in Ooty grew. Instead of being consumed with anger, Mary focused her energies on confronting the inequalities that surrounded her. Led by the belief that children must be taught principles of equality in order for society to change, Mary established a school in Kottayam called Corpus Christi. An overriding objective of the school is to rid students of the sexual stereotypes they hold. Mary proudly recounted the troubles of graduates who have gone out into the world and refused to accept a second-class status as women.

Ironically, the same people who think Mary is crazy and evil eagerly send their children to her school. In fact, acceptance into the school is intensely competitive. People equate Mary's approach to learning with a western education and want this for their children in the belief that such a credential will help the children rise in society. "The only reason I haven't been run out of town is that people need me for my school," she laughingly told me. Even Mary's brother, who had previously tried to evict her, wanted his daughter to attend Corpus Christi.

Mary's success with the school gave her the confidence to confront new areas of discrimination. She began with the Travancore Succession Act, and persuaded India's most prominent public interest lawyer, Indira Jaisingh, to take the case. They filed their case directly in the Supreme Court, arguing that the Act violated article 14 of the Indian Constitution which guarantees women equal rights to property.

The Supreme Court could have used this opportunity to affirm that the Constitution guaranteed an equal right to property. However, it did not. Mary explained the Court's thinking: "The Court was afraid that if it made a constitutional ruling, other women, especially Muslims (who get half a man's share), would come banging on their doors." However, the Court still wanted to correct the blatant injustice of the Travancore Succession Act.

The Court sidestepped the problem of equality and instead held the Travancore Succession Act invalid on a technicality. Mary's case was remanded to the district court. "Even though supposedly I had won, I found myself back at the beginning, once again fighting my mother and brother," she told me. Seven years later, Mary is still litigating the case in the district court.

The Supreme Court's decision allowed Christian daughters in Kerala to sue their brothers for a share of inherited property. With so much at stake, brothers pressured the government to pass a law that corrects

the Succession Act's technical flaw. The Kerala government, with little public opposition, has sided decisively with the brothers' position.

Church leaders publicly support equality. However, people connected with the Church expressed anger at the meddling in their affairs by both Mary and the Court. They saw no injustice in the existing system. The dowry a woman received from her parents when she got married was her share of the inheritance. However, this view overlooks the fact that an unmarried daughter or one who marries against her parents' wishes, like Mary, receives no inheritance. Since parental choice almost always means marriage within the community, the existing system furthers two goals favored by the Church: (1) that women marry men chosen by their parents, and (2) that they marry within the community.

For those women who decide not to marry, or are found unattractive by prospective bridegrooms, the reality of life under such a system is miserable. Without a dowry, these women are left at the mercy of their brothers, who get the inheritance no matter whom they marry. A male friend explained, "It is simple. We are men and have to carry on the family name. It is our duty to care for the family property."

Mary's struggle continues. She remains one of the few voices in opposition to the government's attempts to overturn the Supreme Court's decision. For me, Mary's odyssey carries personal significance. Each time I tell Mary's story, I feel as if I am looking into a mirror that tells what might be my own future. Like her, I want to go home and work for change. The problem is that I'm scared of incurring the hatred of my community. Mary was strong enough to persevere in spite of the hatred. Lacking serious commitment, I could end up like her brother, who has used the credential of his liberal western education to work against change rather than to promote it.

There is also the problem of "western ideas." Mary has tried to change local customs—this is why she has aroused such anger. She has brought western ideas of what a society should be like and appealed to those same values embedded in India's own western-based constitution. Yet as she told me, fewer than two or three other women would protest outside the legislature with her. Even my own women friends did not want to protest because this would anger the male members of their families.

I admire Mary and support her position, but I wonder whether imposing values on a society that does not want them is right. If both the men and women at home are happy with the way things are, who am I to say they should change? In the end I think I need to reach for a conception of "rights" other than "eastern" or "western"—one that resonates for me whether I am in India or the United States.

Mary has a far-reaching vision for women in India. Everything she does—her school, cases she fights, and articles she writes—reflects that. The embarrassment and humiliation she suffers among her own people does not stop her. She persists, knowing that she is not likely to be fully appreciated in her lifetime. But as much as I admire, even revere, Mary's struggle, I am left questioning my own personal commitment.

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