

# Can women benefit from war? Women's agency in conflict and post-conflict societies

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## Abstract

Women's agency in Peace and Conflict Studies has received increased policy attention since the formulation of UN Security Council Resolution in 2000. Academic attention regarding this question has, as a result, also increased dramatically in the intervening period. Women today, as a consequence, are not just seen as victims of conflict, but also as agents of change. Despite their vulnerabilities in the situations created by conflict, women may be exposed to new knowledge and opportunities, which may have positive impacts on their lives. Therefore, it is important to recognize the lived realities and the multiple stories of postwar societies to address the new needs of people and build a sustainable peace. This article examines the everyday lives of women in post-conflict Nepal to demonstrate the significant transformations that have taken place since the war. It specifically investigates conflict-induced social and structural changes through the lived experiences of women tempo drivers, war widows, women ex-combatants and women politicians. This article is based on the analysis of 200 interviews and six focus group discussions (FGDs) carried out over a period of 12 years in seven districts of Nepal.

## Keywords

civil war, Nepal, peace and security, post-conflict transformation, women's empowerment, women's agency

## Introduction

Can women benefit from war? The current debate on women's agency and empowerment in war and post-conflict contexts has produced a burgeoning body of literature on women's post-conflict empowerment (e.g. Andrabi, 2019; Berry, 2017, 2018; O'Reilly, 2018; Kolås, 2017; Asaf, 2017; Sjoberg, 2018; Anderson, 2016; Tripp, 2015; Wagma, 2014; Wood, 2008; Pettigrew & Shneiderman, 2004). Women's agency in conflict and post-conflict societies has also received increased attention in policy and practice since the adoption of United Nations Security Council Resolution (UNSCR) 1325 in 2000 (UNWomen, 2015; Haeri & Puechguirbal, 2010). Women today, as a consequence, are not just seen as victims of conflict, but also as agents of change. The 'post-conflict moment' is increasingly seen as an empowering moment for women (Brück & Schindler, 2009; Manchanda, 2005). Therefore, an emphasis has been placed on the need to capture that 'moment' to bring about or secure change. This suggests some

progress since post-WWII literature on women's experiences, which highlighted the backlash that forced working women back into the domestic sphere (Trey, 1972). However, the notion of backlash still has prominence in feminist literature on post-conflict societies, which seems to overshadow the recognition of the gains that women achieve during war and emphasizes the reassertion of patriarchal control. For example, Lori Handrahan (2004: 436) argues:

War tends to break down patriarchal structures, and women gain, as an unintended consequence, freedom, responsibility and worth. This gender liberation appears short-lived, as the national patriarchy begins to reassert itself after the war and expects women to return to 'the way they were before the war', that is, to their subordinate positions.

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Despite conscious efforts to recognize the changing nature of wars, understandings of post-conflict societies cling to an obsolete sense of war that assumes that there is a 'coming back' of some sort, either of men from the war, who will take over everything from women, pushing them back into the kitchen, or of an authoritarian/conservative government, which will take away any gains that women achieved through their struggles. Hence, social transformation is seen either in the hands of a few political leaders or in the hands of so-called experts – a top-down process and not a bottom-up, self-evolving, organic process. In other words, women's everyday agency (see Parker & Dales, 2014), their everyday negotiations with patriarchy in a disrupted social space and their transformative potential, is largely missing from the current literature.

In this article, I examine the everyday lives of women in post-conflict Nepal to demonstrate the significant transformations that have taken place since the war. I specifically investigate conflict-induced social and structural changes through the lived experiences of women tempo drivers, war widows, women ex-combatants and women politicians. Building on my previous work, in which I argued that women are not just victims but also beneficiaries of war due to 'the rupture in restrictive gender norms' (Yadav, 2016a: 171), and guided by Cynthia Enloe's (2004) model of feminist curiosity, I ask additional questions about these ruptures, considering, for example, their transformative quality, the durability or sustainability of the ruptures, and the impetus towards a return to pre-conflict gender norms. This article contributes to the current debate on women's agency in conflict and post-conflict contexts (e.g. Berry, 2018; Tripp, 2015; Wood, 2008).

This article is divided into six main sections. The first section examines the current literature on women, war and social change and identifies gaps in that literature. The second section lays out the theoretical framework for this article. The third section gives a brief background of the civil war and the status of women in Nepal. The fourth section presents examples of the transformative effects of the civil war in Nepal. The fifth section offers a systematic analysis and sheds light on the durability of such gains; the sixth section presents conclusions.

## Women, war and social change

Gender oppression has been a feature of war throughout history. Efforts have been made, both in policies and practice, to address the gendered consequences of war, through mechanisms such as the UNSC Resolutions on

Women, Peace and Security: 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2010), 1960 (2011), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019).<sup>1</sup> As of December 2019, 83 UN member states have adopted National Action Plans (NAPs)<sup>2</sup> to address gender-specific needs in conflict and post-conflict societies. Some countries have already developed their third and fourth NAPs (for example, Norway adopted its fourth NAP in 2019);<sup>3</sup> others, for example the European Union and African Union, have adopted Regional Action Plans to collectively address gender-specific needs.<sup>4</sup> Other efforts have also been made to increase and strengthen the effectiveness of these resolutions, such as those of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which adopted its General Recommendation 30<sup>5</sup> with all the provisions of UNSCR 1325 to make it legally binding. All of these policy documents have recognized women as agents of change.

Feminist scholars have argued that women are not always the victims of war, that they are also actors of change, and that conflict can be a vehicle for women's empowerment due to men's absence in the family and women's greater exposure to the public sphere (see Andrabi, 2019; Berry, 2018; Asaf, 2017; Tripp, 2015; Moghadam, 2013; Hughes, 2009; Pettigrew & Schneiderman, 2004; Gardam & Charlesworth, 2000). Darini Rajasingham-Senanayake (2004) published a paper over a decade ago in the context of Sri Lanka's war, arguing that retreating to previous structures of analysis was not possible because of the changes that conflict had brought to Sri Lankan society. Manchanda (2004), meanwhile, asserts that the Maoist conflict in Nepal failed to fulfil its promise in terms of achieving gender equality. However, she also argued that, despite disappointments, women in Nepal have benefited from the Maoist conflict (Manchanda, 2004). Shazana Andrabi (2019) examines women's experience in Jammu and Kashmir to demonstrate how, despite the negative consequences of war, women have transformed their own situations from victimhood to being agents of change. Nevertheless, despite

<sup>1</sup> WPS resolutions can be found at <http://www.peacewomen.org/why-WPS/solutions/resolutions>.

<sup>2</sup> See <https://www.peacewomen.org/member-states>.

<sup>3</sup> See Fourth Norwegian NAP: [https://www.peacewomen.org/sites/default/files/actionplan\\_wps2019.pdf](https://www.peacewomen.org/sites/default/files/actionplan_wps2019.pdf).

<sup>4</sup> There are 11 RAPs: <https://www.peacewomen.org/member-states>.

<sup>5</sup> See CEDAW General Recommendation 30: <https://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>.

increasing attention and scholarship recognizing these gains, the question of the sustainability of these gains remains (Berry, 2018). Codou Bop (2001: 33) argues that women's gains 'seem to be more fragile in post-conflict than their loss which often goes unexplained because of the lack of political perspective on transforming gender relations in a post-conflict context'. Manchanda (2001: 100) argues that more structured and hierarchical peacetime politics have slighted gains that women achieved during conflict times, which has prevented the adequate addressing of these issues in post-conflict reforms. In both of these analyses, the responsibility for recognizing the gains is placed on the state, not on society, non-state actors or individuals.

A prominent anthropologist, Stephan Lubkemann (2008: 1), sees 'war as a transformative social condition and not simply as a political struggle conducted through organized violence'. However, he argues, because of the focus on violence in war studies, the 'agency of ordinary people' is neglected (Lubkemann 2007, 2008, cited in Wood, 2008: 540). Extending Lubkemann's line of inquiry, Elisabeth Wood (2008: 540) examines social processes looking at 'the transformation of social actors, structural norms, and practices at the local level' in four war-torn countries: Peru, El Salvador, Sri Lanka and Sierra Leone. She argues that '[w]ar may radically change the pace of existing processes, redirect them, or alter their consequences, with perhaps irreversible effect' (Wood, 2008: 540).

Within the past decade, burgeoning scholarship on women's agency in post-conflict contexts suggests how war breaks the gender boundaries, paving the way for women to exercise their agency. However, few studies have looked at the transformative effects of war (e.g. Berry, 2018; Yadav, 2016a; Tripp, 2015). The transformative potential of small, localized changes, which often are the initial catalyst for broader social change, has not been recognized or considered for analysis.

Aili Tripp's (2015) prominent work in the field of women's agency and empowerment in post-conflict countries, in which she analyses the experiences of women in Africa, shows a positive correlation between war and women's increased political participation. She argues that the 'most dramatic changes in women's political engagement have occurred in countries that came out of major conflict' (Tripp, 2015: 3). In her recent book, Marie E Berry (2018) analyses the experiences of women in Rwanda and Bosnia-Herzegovina in the aftermath of war. She argues that 'while war is destructive, it is also a period of rapid social change that reconfigures gendered power relations by precipitating interrelated

demographic, economic, and cultural shifts' (Berry, 2018: 2). She analyses how war in both countries led to 'increases in women's political agency' (Berry, 2018: 2). She argues that women's participation in combat roles does not only challenge gender roles but also increases the possibility of women taking part in politics at various levels (Berry, 2018: 3). In this article, I aim to extend this line of inquiry to examine the transformation of social norms, cultural practices and gendered structures in post-conflict Nepal. I do this by analysing the lived experiences of women from different fields, such as women tempo drivers, war widows, women ex-combatants and women politicians.

In order to conceptualize the process of social change, I draw upon Pierre Bourdieu's (1977) theory of social life, in particular his notion of field, habitus and practice, which allows us to examine the interaction between structure and agency – the multiplicity and the fluidity of social relations. I will also use Judith Butler's (1988) notion of performativity to illustrate how the collective performance of disobedience could lead to the changing habitus of people, which then leads to a wider transformation of social norms and gendered structures.

### **Social space and the process of social change**

According to Bourdieu, 'any social formation is structured by way of a hierarchically organized series of fields' (Bourdieu & Johnson, 1993: 6). A field, for Bourdieu, is 'a structured system of social positions – occupied either by individuals or institutions – the nature of which defines the situation for their occupants' (Jenkins, 1992: 85). These fields are 'relatively autonomous but structurally homologous with others' (Bourdieu & Johnson, 1993: 6). Each of these structured spaces has its own rules and logic of functioning, which members of that field are expected to follow, and the knowledge of these rules determines individuals' membership in that community (Bourdieu & Johnson, 1993: 6). These rules are often taken for granted. Hence, they remain unquestioned until there is a need for it, and these social rules are practised as part of everyday life. Through the teaching and practice of these rules, they become social law, which then becomes embodied law (Bourdieu & Nice, 2001: 39). Bourdieu calls these embodied laws 'habitus': '[h]abitus is both a system of schemes of production of practices and a system of perception and appreciation of practices' (Bourdieu, 1989: 19). In other words, people act according to their habitus, and their acts are recognized or perceived as normal or natural because the perception is also a product of habitus. Habitus is a way of

life, which provides a sense of belonging, or a 'sense of one's place', but it is also a 'sense of the place of others' (Bourdieu, 1989: 19). For example, it provides a sense of *our* community versus *their* community.

According to Bourdieu, social actions are neither wholly determined nor completely arbitrary; instead, habitus generates and shapes our actions according to the rules and internal logic of the field (Adkins, 2003: 23). We are not just the carriers of these rules. Our actions shape the habitus of the field. For instance, practising Hindus know what their religion expects of them. However, the practice of Hinduism varies in different parts of the world. Therefore, within the same field, we see different practices of social rules (Adkins, 2003). Yet, we do not always act consciously (Brubaker, 1993: 225). We are mostly comfortable with what we have. Bourdieu refers to this as a 'doxa' or a 'doxic experience' (Jenkins, 1992: 70). Doxa implies practical knowledge: '[t]he social world doesn't work in terms of consciousness; it works in terms of practices, mechanisms and so forth. By using doxa we accept many things without knowing them, and that is what is called ideology' (Bourdieu & Eagleton, 1992: 113).

To lead a normal life, we take certain things for granted, making our lives easier. However, this does not mean that we are completely bound by these rules. Each social actor is a producer and reproducer of the rules and norms. Actors follow these rules and also modify them when necessary (Jenkins, 1992: 77). Bourdieu argued that even 'the most intolerable conditions of existence can so often be perceived as acceptable and even natural' (Bourdieu & Nice, 2001: 1). He argued that women 'often unwittingly, sometimes unwillingly contribute to their own domination by tacitly accepting the limits imposed, [which] often take the form of *bodily emotions* – shame, humiliation, timidity, anxiety, guilt – or *passions and sentiments* – love, admiration, respect' (Bourdieu & Nice, 2001: 38, emphasis in original). However, he continued, '[i]t doesn't mean that the dominated individuals tolerate everything; but they assent to much more than we believe and much more than they know' (Bourdieu & Eagleton, 1992: 114). Thus, the reason why discriminatory socio-cultural norms have been effective for so long is because the social institution not only silently observes them but also maintains them (Puigvert, 2001: 30).

Although people do not question these taken-for-granted or 'this is how it is' rules until they have to, they do question these rules and change them when they are put into situations requiring transformation, such as conflict or crisis. Describing his notion of habitus as a generative structure, Bourdieu argued that crisis leads to

questioning of doxic practices (Bourdieu, 1977: 168) and provides a space for critical reflexivity, which contributes to change. Reflexivity is not just individual; it can happen at the community level, which can be seen in shared practices (Lash, 1993). These shared practices are also challenged when there is a mismatch between the field and the habitus. For example, when Maoist women in Nepal proved on the battlefield that they were no less than men, the people's perception of what women were capable of doing changed (Yami, 2007). Hence, the unevenness of the relationship between field and habitus offers scope to study social change and continuity within feminist analysis (McLeod, 2005: 12). In this article, I examine how the mismatch between field and habitus due to crisis created by the armed conflict in Nepal led to a wider social transformation.

This article is part of my ongoing research in Nepal. It is based on the analysis of 160 individual interviews carried out over a period of 12 years, between 2006 and 2018, with women politicians, war widows, women ex-Maoist combatants, wives of missing persons, internally displaced people (IDPs), tempo drivers and other women. I also interviewed 40 key informants, including policymakers from government institutions, political leaders, national and international NGO representatives, officials from bilateral organizations and village leaders. The research includes six focus group discussions (FGDs) with conflict-affected women. My fieldwork was carried out in seven districts of Nepal, covering different geographical locations, such as the capital city (Kathmandu, Lalitpur and Bhaktapur), Rolpa, Newalparasi, Siraha and Dhanusha. My own ethnographic account, as a Nepali woman who has had first-hand experience of the People's War, also informs my analysis.

The researcher's positionality is a highly debated topic in social science research, with some questioning the reliability and validity of research (Chavez, 2008) and others arguing that the research outcomes are linked to the researcher's political and cultural identities (Geleta, 2013). I position myself within the interpretivist stance (Denzin, 1997), which sees the researcher as part of the research process. My knowledge and understanding of the local contexts, including the knowledge of local languages and cultures, have contributed to extend my analysis, allowing me to see small localized changes, which would otherwise have not been possible.

## Women in Nepal

Despite some significant changes in recent years, patriarchy still plays a significant role in the social

organization of Nepal. The first National Code (the *Muluki Ain 1910*) was written in 1853 by men from the higher caste.<sup>6</sup> It was derived mainly from Hindu religious texts, such as *Manusmriti* (the Law of Manu),<sup>7</sup> which formed the basis for the National Code 1963 (the *Muluki Ain 2020*).<sup>8</sup> The *Manusmriti* is a highly gendered text that puts women at the bottom of a family unit, with no independent status. Marriage is seen as a religious ritual; therefore, it is universally normative. The following verses illustrate how *Manusmriti* views women:

[67] The ritual of marriage is traditionally known as the Vedic transformative ritual for women; serving her husband is (the equivalent of) living with a guru, and household chores are the rites of the fire. (*Manusmriti*, Chapter 2, in Doniger & Smith, 1991: 24)

[2] Men must make their women dependent day and night and keep under their own control those who are attached to sensory objects. [3] Her father guards her in childhood, her husband guards her in youth, and her sons guard her in old age. A woman is not fit for independence. (*Manusmriti*, Chapter 9, in Doniger & Smith, 1991: 197)

Despite changing gender relations in modern Nepal, the resonance of these self-explanatory verses from the *Manusmriti* can still be found in everyday practice. For instance, although Nepal has been well ahead compared to other South Asian countries, giving women the right to vote in 1951, women's social status is still secondary to that of men. The National Code 1963 had many gender-based, discriminatory provisions and assumed marriage as universal. Therefore, women did not have the right to inheritance, and they could not pass their citizenship to their children. Daughters are seen as someone else's property, which influences their upbringing, causing low literacy rate among girls, son preference and the practice of dowry.

According to the United Nations International Children's Emergency Fund (UNICEF), over one-third (36.6%) of girls in Nepal are married before they are 18, even though the legal age for marriage is 20.<sup>9</sup> In some parts, especially in the *Madhesh* (also known as the *Terai*), girls are sent to school only until they get married because there is a demand for educated girls. Once

married, they are married for life, no matter what the relationship is like, and women are expected to be virtuous even in present-day Nepal.

Despite several amendments in the National Code 1963, gender-based discriminatory provisions persist. However, since the civil war, there have been significant changes in gender relations with a domino effect, the dynamics of which are addressed below.

## Civil war in Nepal

With the success of the democratic movement in 1990, which abolished the 240-year-old monarchy, people had hopes for a better future. However, the struggle over power between the political parties and political instability – two general elections, and the formation of several coalition governments within five years – led to widespread frustration. Amid this frustration, the Nepal Communist Party (Maoist) announced an armed movement in 1996, which they called the People's War. Their advocacy for equality and non-discrimination, including promises to transform Nepal, attracted many people who wanted to see change. The movement grew quickly, and a significant number of people from discriminated groups joined. Women comprised 33% of the Maoist militia. The war lasted for ten years (until 2006), during which thousands of people were killed (over 13,000), hundreds of people disappeared (over 2,800), and hundreds of thousands of people were displaced (approximately 200,000) (IDMC, 2010; Thapa & Sharma, 2009; Thapa & Sijapati, 2003). Young women were widowed, and there was a significant increase in woman-headed households because of the absence of male members in the family (WHR, 2010). People lost their property, livelihoods and social networks. Schools and health posts were bombed. Basic infrastructures were destroyed, and communication was cut off between villages (Yadav, 2016a).

The situation became worse after the announcement of the state of emergency in 2002, with military checkpoints every few kilometres. Travelling from one place to another became risky because the country was heavily militarized, and citizen rights were suspended. As the conflict escalated, social life came to a standstill in most parts of Nepal. Curfews became regular phenomena, occurring in some locations daily, such as Rolpa, a Maoist stronghold. People were targeted by both conflicting parties because of their political orientations and affiliations. Police and army cadres were targeted by the Maoists because they were seen as the gatekeepers of the state and therefore were the 'enemy'. Hence, their families

<sup>6</sup> See <http://www.cll.org.np/images/muluki-ain-1910-BS.pdf>.

<sup>7</sup> *Manusmriti* was written around 500 BCE.

<sup>8</sup> See the *Muluki Ain 2020*: [http://nepalconflictreport.ohchr.org/files/docs/1963-04-12\\_legal\\_govt-of-nepal\\_eng.pdf](http://nepalconflictreport.ohchr.org/files/docs/1963-04-12_legal_govt-of-nepal_eng.pdf).

<sup>9</sup> See UNICEF report on Ending Child Marriage in Nepal: <https://www.unicef.org/rosa/reports/ending-child-marriage-nepal>.

were also at risk. Likewise, Maoists and their families were targeted by the security forces. Others felt trapped between the two fighting forces and left their villages. As a result, the country saw huge migrations, both internal and external. Migration that started as a necessity during conflict became a trend, which left most of the villages with only women, children and elderly people, which has had a significant impact on society, including changes in gender norms and cultural practices.

It has been 13 years since the peace agreement was signed in 2006. Despite myriad conflict-related grievances yet to be dealt with, the government 'do not want to hear a word about peacebuilding'.<sup>10</sup> For example, two commissions, the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, have received over 64,000 complaints<sup>11</sup> and are making very slow progress in addressing them and the thousands of undocumented IDPs still displaced. Political instability and frequent changes to the government (over 25 coalition governments in 28 years of democracy) have added further complexity to the sociopolitical scenario of Nepal. Moreover, a devastating earthquake in 2015 claimed over 9,000 lives and left 3.5 million homeless; it shifted the priority of the government and international donors from conflict-affected people to disaster recovery and reconstruction.<sup>12</sup>

However, despite all these negative consequences, conflict has also created a positive space for women and marginalized groups to exercise agency. Arguably, the changes that people experienced in Nepal within a few years would have taken several decades if there was no conflict. GDP growth was recorded at 0% in 2016. However, in the same period, the Women, Peace and Security (WPS) Index ranked Nepal as first in South Asia for the primary indicators of inclusion, justice and security.<sup>13</sup> In terms of gender rights and the rights of women, Nepal stands 42 places higher than its per capita ranking, which suggests that political stability and economic growth are not the main indicators of women's

empowerment. In the following section, I will discuss some of the long-lasting changes in post-conflict Nepal.

### **Transformative effects of the civil war**

In this section, I will discuss four examples of how war has led to the opening up of various social, economic and political spaces for women, and how their new roles and performances have led to the transformation of social norms and structures. The first example is of women tempo drivers.

The Safa tempo was introduced in Kathmandu in 1993 as a measure against increasing air pollution (Baral, Parajuli & Aryal, 2000). It grew into one of the most popular forms of public transport in Kathmandu. A Safa tempo is not a taxi but a small, three-wheeled electric vehicle that carries up to 12 people and operates on fixed routes. There are around 600 of them in Kathmandu Valley alone. Thousands of people use tempos each day to reach their destinations. There were no stated restrictions on women driving, but driving public transport was regarded as men's work. When Sumitra Dangal first entered this profession in 1996, she became headline news. Crossing the gender boundary, she was ardently criticized by people, some showing concern over her safety and security, others pointing fingers at her morality as a woman who had entered a man's space; yet, she persisted. As conflict escalated, the capital city Kathmandu saw a high influx of IDPs (see IDMC, 2010). These displaced people needed income to survive in the new city. Since Sumitra Dangal had already paved the way, more women started becoming tempo drivers. Safa tempo driving became a viable occupation, especially among women, because of the attractive income and independence, even though women met substantial challenges. For example, tempo owners would not lend women tempos, and women also faced harassment by fellow drivers, passengers and traffic police. Maya, who started driving a tempo after being displaced in Kathmandu, said that initially male drivers and traffic police made fun of women drivers. However, with an increasing presence of women in the driving profession, the perceptions changed, and women were seen as safe and even professional drivers.<sup>14</sup>

This example reveals a significant transformation in the role of Nepali women. However, the journey for them has not ended here. Most of these women tempo drivers want to drive four-wheeled vehicles. They want

<sup>10</sup> Interview with an international NGO in Nepal in December 2016.

<sup>11</sup> See TRC: <http://trc.gov.np/wp-content/uploads/2018/03/TRC-Bulletin.pdf>. Also see CIEDP: <http://www.ciedp.gov.np/ne/content.php?id=24>.

<sup>12</sup> See 2015 Nepal earthquake facts and figures: <https://www.worldvision.org/disaster-relief-news-stories/2015-nepal-earthquake-facts>.

<sup>13</sup> WPS Index: <https://giwps.georgetown.edu/wp-content/uploads/2019/11/WPS-Index-Report-2017-18.pdf>.

<sup>14</sup> Interview, December 2014.

to join government and non-government organizations for better status and better pay. The post-conflict social inclusion discourse has opened up possibilities for them. Some of the women tempo drivers have already realized their dreams by joining UN agencies and international organizations in Nepal. The unusual situation created by conflict, in which women were forced to work outside the home for survival, challenged the doxa (in this case tempo driving being men's work), which opened up space for new knowledge (Bourdieu & Eagleton, 1992). Women in the driving profession has become a new norm, which is neither questioned nor criticized by anyone, as evidenced by the headline 'Women on the road: Driving with dignity' (Raut, 2011).

The second example is of a cultural transformation – the transformation of widowhood in Nepal. Prior to the civil war, there were strict rules around widowhood. Widows were required to wear white saris (a symbol of purity), especially in high-caste Hindu families, irrespective of age. It was a common practice, and no one questioned it. Widows were not supposed to remarry but were expected to be loyal to their husbands even after their deaths, as described in the *Manusmriti*:

[151] when her father, or her brother with her father's permission, gives her to someone, she should obey that man while he is alive and not violate her vow to him when he is dead. (Manusmriti, Chapter 4, in Doniger & Smith, 1991: 115)

During the People's War, thousands of young men died. Hence, a large number of women became widows, with over half of them under the age of 40 (WHR, 2010). To help these war widows, some non-governmental organizations (NGOs) started working with them. An NGO called Women for Human Rights (WHR)<sup>15</sup> started a movement called 'the Red Colour movement', which was against the discriminatory practices enforced in widowhood. As part of the movement, widows were given red saris, implying that a white sari was a discriminatory cultural practice and that it had no religious significance. Although this movement was not entirely successful because of the backlash from the community, it planted a seed for social transformation (Yadav, 2016b).

The practice of wearing a white sari had a significant impact on women's lives. In my interviews with them, young widows said they felt insecure and vulnerable in a white sari because they were seen as women without

husbands. Hence, they felt increased risk of rape and sexual violence.<sup>16</sup> Due to the white sari, which symbolized their widowhood, people held different perceptions about them, leading to discriminatory behaviours. Widows expressed that they felt traumatized because the white sari never let them forget their loss; they were simultaneously excluded from public space (Yadav, 2016b).

When widows started gathering and sharing their experiences with the help of WHR, they learned that the discrimination was not personal but cultural, which was a starting point for questioning the doxa, the taken-for-granted discriminatory gender norms. Valentine Moghadam (2013:1) claims that 'structural changes are linked to "consciousness"'. When widows came to know that the white sari had no religious significance, that led to their changing performance (Butler, 1988). Slowly, they started avoiding white saris and wearing other colours. Like women tempo drivers, those few widows who started defying the culture of the white sari were criticized and labelled as bad women. However, with the increasing practice and repeated performance of widows wearing other colours, it slowly became normal, changing people's habitus of widowhood.

Now, the white sari is no longer mandatory for widows, and their presence in public space has also significantly increased. Indeed, around the year 2000, the current president of Nepal was seen on TV in a white sari after she became a widow. However, by 2015, she was seen on TV wearing saris of different colors. Even though widow remarriage is not yet a common practice, there have been cases of widows remarrying and being accepted.<sup>17</sup> The changing performance of widowhood has not just meant liberation from the white sari; widows have experienced changes in many aspects of their lives, such as there are no longer restrictions on what they can eat and what they can do, and they have gained more access to public spaces (see Yadav, 2016b). It is important to note, however, that the practice of widowhood differs in different ethnic groups within Nepal, and the experience of widowhood also varies depending on the subject position of each individual in society, which is influenced by many factors, such as education, economic status, age, family values and so on.

The third example of transformation relates to women politicians and the changing political space in Nepal.

<sup>16</sup> Interview, May 2012.

<sup>17</sup> The famous Nepalese comedian Hari Bansa Acharya, a widower, was remarried to Ramila Pathak, who was a widow. See <https://www.texasnepal.com/comedian-hari-bansha-acharya-weds-for-the-second-time/>.

<sup>15</sup> See <http://whr.org.np>.

Women's representation in politics was minimal until 2008. It did not exceed 6%, even after the establishment of democracy in 1990 (Upreti & Shrestha, 2017; Nepali & Shrestha, 2007). Those who were in politics were from an elite class, often with male relatives in politics (IDEA, 2008). Such roles were out of reach for the majority of women in Nepal, and leadership positions were always in the hands of male politicians; scant acceptance of women's leadership in politics existed. One senior Nepali congresswoman, for example, said it was very difficult for her when she started. Despite her being highly educated, with a master's degree in political science, she said, 'it was tough to be a female leader'.<sup>18</sup> Similar experiences were shared by other women politicians.

With the increasing influence of the Maoist movement during the period of ten years (1996–2006), which advocated for greater gender equality and social inclusion, as well as due to the strong women's movement within Nepal and the influence of international discourse, gender mainstreaming became one of the main agenda items by the time the peace agreement was signed. The social inclusion discourse also received political momentum after the peace agreement. As a result, the Interim Constitution 2007 reserved a mandatory 33% quota for women,<sup>19</sup> and women's inclusion became one of the top election campaign agenda items. Because of the strong social inclusion discourse at the time, political parties were competing with each other to showcase how inclusive they were in order to get sympathetic votes. As a result, women who would never have imagined being in such high-level political positions became Constitution Assembly (CA) members in the first CA election.<sup>20</sup> One of them was Devi.<sup>21</sup>

Devi came from a lower caste and had never been to school. Her husband was also illiterate and an alcoholic, and he did not take any responsibility in the family; thus, Devi had to work to provide for her children. When the Madhesh movement of 2007 started, Devi was asked to cook for the protesters, a role that would allow her to feed her children.<sup>22</sup> She quickly learned what the movement stood for and that it advocated for the rights of

people like her, the Madhesi people, and she started taking a closer interest. After cooking, she started taking part in the protests. In 2008, Nepal held its first CA election. The Madhesh Janadhikar Forum, which was leading the Madhesh movement of 2007, also took part in the election. Devi was a highly desirable candidate – a woman from a lower caste with a poor economic background. She was nominated as one of the 601 CA members, which had 197 (33%) women.

When I spoke to Devi in 2011, she said she had never thought she would join politics because it was out of reach. Politicians came to their home only in times of electoral campaigns. People were given food and some money in exchange for votes, and, after the election, the politicians never showed up again. Yet Devi gained access to a political role because of the reserved quota. After she assumed that role, her relationship with her family as well as her community improved. Those who had criticized her as having a bad character because she was working side by side with men and taking part in rallies subsequently encouraged her daughters and daughters-in-law to follow her example. She became a role model for her community. The changes that Devi experienced in her life could be explained through Bourdieu's concept of subject position. According to Bourdieu, the position of each individual within a given social space is attached to a set of power (Bourdieu, 1985). Devi's new role as a CA member came with a set of power. Although her ability to exercise that power (Foucault, 1978) differed when she was in parliament and when she was at home, her new subject position was much higher than anyone in her community, which changed the way people perceived her. She now had become the leader of that community.

Like Devi, several of the first CA members came from similar backgrounds. It was a rare opportunity. In the absence of conflict, it is unlikely that this political opening would have happened to the extent that it did. Because a critical mass of women (33%) were involved in the first CA, they were able to make several legislative changes. For instance, they successfully passed the Domestic Violence (Offence and Punishment) Act 2066 (2009), which had been long debated; the process reserved a 40% quota for women representatives in local government bodies.<sup>23</sup>

Since the peace agreement, women have also taken up various key positions, both in politics and public institutions. The current President of Nepal (since October 2015) is a widow. Likewise, the previous Speaker of the Parliament (October 2015–January 2018) and the Chief

<sup>18</sup> Interview, May 2011.

<sup>19</sup> The Interim Constitution of Nepal 2017: <http://www.wipo.int/edocs/lexdocs/laws/en/np/np006en.pdf>.

<sup>20</sup> See Yadav (2016a) chapter 4 for the details about the constitutional provision and election measures taken to include 33% women in the CA.

<sup>21</sup> See Yadav (2016a) chapter 5 for more details about her journey to the Constituent Assembly.

<sup>22</sup> See Singh (2011) for a detailed history of the Madhesh movement.

<sup>23</sup> See <http://www.lawcommission.gov.np/en/archives/13736>.

of Justice (July 2016) were women. During my interview with her, the first female Speaker of the Parliament, Hon. Onsari Gharti Magar, shared her experience from when she was still in power in 2017:

There was a question mark in my capacity in the beginning. Some thought I will fail and others who supported me also had doubts about my capacity. If you look at the media coverage of the time when I took the oath, they have covered only my mistakes, even though they were minor. Once while I was reading my speech, I read wrong number which was a typo that I corrected immediately. But it was made a big issue by the media. If the same mistake had been made by a male politician, it would not even be noticed. However, slowly through my work, I have earned their trust and I am now accepted as any other Speaker.<sup>24</sup>

She also asserted, '[b]efore people thought only lawyers could be the Speaker of the House, but now they know anyone could'. She remarked that, by occupying her position, the political space significantly changed: 'people use to be scared to go to the Speaker's chamber. Women MPs would never go but since I have become the Speaker, everyone is welcome. My women MP friends come whenever they like'. She also added how easy it became to have a female president of the country. She said that women MPs were invited to the president's residence to celebrate *Teej*, a Hindu festival which is only for women. She said they had a good time at the president's residence that day. It had never happened before and would not have been possible if there had been a male president in power.

Beyond formal politics, women's presence has significantly increased in all sorts of public spaces. The Nepal army started recruiting women to combat roles in 2004 to defend against the Maoists. The security sector, which had long been a men-only space, reserved a 20% quota in 2006 for women.<sup>25</sup> Hence, there is increasing women's participation in the Nepal army. This has brought about a transformation in women's lives and in society. Being in the army means casting off traditional outfits and, with that action, traditional gender roles. The involvement of women from very traditional families in the army became increasingly accepted as normal. Simultaneously, women's presence in the armed police force and peacekeeping missions has also increased.<sup>26</sup>

The post-conflict setting has also witnessed significant changes in legal and political structures. The new Civil Code 2017 (known as *the Muluki Debani (Samhita) Ain 2074*), which replaced the 55-year-old *Muluki Ain 2020*, is more progressive in relation to women's rights.<sup>27</sup> It criminalizes marital rape, ensures equal rights to inheritance, and has strict provisions for sexual harassment. Likewise, women have the right to choose their surnames, the legal age for marriage is now 20 for both men and women and gender equality has been ensured in divorce law. The new constitution from 2015 is more progressive in terms of women's rights than the 1990s constitution.<sup>28</sup>

These are only some selected examples of transformations that have characterized Nepal during the last two decades. Indeed, post-conflict, there is a greater awareness about women's rights, bolstered by a growing feminist movement. The changing political landscape has posed new challenges, but women are pushing those boundaries. However, are these changes temporary? Will women eventually be pushed back to their previous roles?

### **Backlash? The notion of backlash and the desire for sustainability**

'Change between gender regimes can be uneven' (Tripp, 2015: 4). Bourdieu's concept of 'doxa' is relevant in this case to articulate how women have been able to challenge gender boundaries by questioning the doxic state of mind (Bourdieu & Eagleton, 1992) and how these changes are irreversible. According to Bourdieu, social change is possible when there is 'a critical reflexive stance towards formerly normalized – or at least taken-for-granted – social conditions' (Adkins, 2003: 21). The possibility of critical reflexivity becomes available only when there is a mismatch between the field and the habitus. For all of the examples discussed above, women taking up new roles or their changed performance did not match with their existing habitus, which created the possibility for critical reflexivity, leading to a questioning of taken-for-granted norms. For example, most of the tempo drivers I interviewed came from rural areas and

<sup>24</sup> Interview, January 2017.

<sup>25</sup> See <https://www.nepalarmy.mil.np/page/inclusiveness>.

<sup>26</sup> See [https://www.nepalarmy.mil.np/page/women\\_in\\_army](https://www.nepalarmy.mil.np/page/women_in_army).

<sup>27</sup> The new civil code 2017: <http://www.moljpa.gov.np/en/wp-content/uploads/2018/12/Civil-code.pdf>.

<sup>28</sup> See the new Constitution 2015: [http://himalaya.socanth.cam.ac.uk/collections/rarebooks/downloads/Nepal\\_1959\\_Constitution\\_English.pdf](http://himalaya.socanth.cam.ac.uk/collections/rarebooks/downloads/Nepal_1959_Constitution_English.pdf). Also see the 1990s constitution: [http://himalaya.socanth.cam.ac.uk/collections/rarebooks/downloads/Nepal\\_1990\\_Constitution\\_English.pdf](http://himalaya.socanth.cam.ac.uk/collections/rarebooks/downloads/Nepal_1990_Constitution_English.pdf).

were displaced due to the conflict. Almost all of them were housewives prior to their displacement. When they started working as tempo drivers, it did not match with their usual roles and the ways they thought about life. The mismatch between their new field and their existing habitus created the possibility for questioning their own status, which was a starting point for a quest for new knowledge about their own lives. Although their entry into a new field posed myriad challenges for them in the beginning, it also created the possibility for new knowledge. These women tempo drivers did not just have to master driving skills and establish themselves in a male-dominated field; they also had to deal with thousands of people in a day and learn a different way of life. For instance, they had to start early in the morning and finish late in the evening, which also meant making alternative arrangements for their caregiving duties at home. They had to eat out, just like their fellow male drivers, which was again breaking traditional gender boundaries. Hence, despite challenges, they were also on a steep learning curve that created the possibility for critical reflexivity. Most of my interviewees said their lives had been significantly transformed and that they were happy about it. They prefer their new way of life. It has given them more freedom (e.g. financial independence also means a better say in decisionmaking at home). At the societal level, despite initial skepticism, since women proved themselves as good drivers, and due to more women joining the force, it has become a new norm. As discussed earlier, women are not only limited to tempo driving but are bus drivers and have joined various organizations. Hence, the question of backlash or banning women from driving and pushing them back to their homes has no relevance in this case because these changes cannot be undone. Women do face different challenges in this new field, and their changed roles have brought a different set of challenges that requires more support. Hence, what is important is to identify those new challenges and provide women with the support they need.

Likewise, women politicians have also been facing different sets of challenges, and some may call it push-back. For example, although women won 33% of the seats in the first CA election in 2008, this reduced to 30% in the second CA election in 2013. A CA member said, '[t]hey [male leaders] brought all the women who had a good chance of winning the election in the nominated positions and gave weak constituencies to others, where they knew they will not win'. Hence, despite having 33% women candidates, as required by the constitution, they did not achieve 33% of winning positions.

Similar challenges were posed by male politicians who opposed an interparty caucus of women, which weakened the women's movement within the parliament. Yet, they have been pushing back and raising their voices from wherever they are and have employed different strategies such as creating pressure from outside the parliament through the help of women's rights organizations and women bureaucrats. Deniz Kandiyoti (1988: 274) calls this dynamic a 'patriarchal bargain', arguing that '[d]ifferent forms of patriarchy present women with distinct "rules of the game" and call for different strategies to maximize security and optimize life options with varying potential for active or passive resistance in the face of oppression'. Hence, she argues that 'the forms of consciousness and struggle that emerge in times of rapid social change require sympathetic and open-minded examination, rather than hasty categorization' (Kandiyoti, 1988: 284).

The 2017 local elections transformed the political landscape in Nepal, when 41% of women joined local governments. However, despite a guaranteed quota for women in leadership positions, women were given a chance to stand only in deputy positions. As a result, 98% of deputy mayors are women.<sup>29</sup> However, this does not mean that women are necessarily pushed back. Each of these deputy mayors is committed to bringing about change. Dr Namita Yadav, who left her profession as a gynaecologist to become a deputy mayor, said she faces a lot of challenges because she is a woman. However, she does not keep quiet. She is committed to bringing about change and raises her concerns, even if that means going to the top level of leadership.<sup>30</sup> She joined politics because she wanted to do something to improve the lives of women. She said she aimed to make a difference through her position, working with women's rights' NGOs. These deputy mayors of Nepal are now planning to establish an association of deputy mayors so that they can share their experiences and support each other. Even though they are deputies, each of these deputy mayors is an agent of change.

The current functions and duties of the deputy mayor in Nepal are not tokenistic as in the past (duties previously extended only to filling in for the absence of the mayor). Deputy mayors have important duties, such as the coordination of the judicial committee, budget committee leadership, and monitoring and supervision of

<sup>29</sup> See <https://asiafoundation.org/2017/12/13/nepal-elections-women-seat-table-will-voice/>.

<sup>30</sup> Interview, June 2018.

planned activities. It is important to note that the changes to this policy, which give the deputy mayors more power, were possible only because of the presence of women in key positions at various institutions, including politics, bureaucracy, civil society and nongovernmental organizations.

Going back to Devi, I wanted to find out what happened to her after the first CA was dissolved in 2012. Therefore, I visited her again in June 2018. Like many other women from the first CA, she was not elected in the second CA. She said that in the second election, the political parties wanted to win as many seats as they could so they gave tickets only to those who could give a big donation to the party for the election campaign. She did not have the money, so could not stand in the election. However, she is still serving as a member of the central committee for the same party. She is seen as a senior politician now and is respected. In my interview with her in 2011, she observed, '[p]olitics is a social work and I will continue my social work even if I am not elected next time'. Now, she is doing exactly what she planned. She runs an NGO, which supports people from the lower castes. Even though she has no formal education, the NGO she runs has an advisory board of highly educated people. Before she entered into politics, none of her children were studying. After she became a CA member, she sent all her children to good schools. One of her sons went to Australia in 2018 for his undergraduate degree. Since Devi is now well-connected with people in power, she has managed to find a job for her husband, too. She said she will continue serving as a social worker and will also continue in politics. Her life has completely transformed, as have her priorities. She has bought herself a better house and is saving to invest further in her children's education.

Even though she lives in a small community of only 75 households, Devi has become an inspiration to women of that community. Many women from that community have joined politics or are on some form of platform, which represents a profound transition to involvement in social and political action for this sector of Nepalese women. Indeed, in the local election in 2017, a woman from the same community was elected as a ward member, and she will represent her community in the local government.

## Conclusion

Conflict is not a positive event, but the situations created by conflict could become a vehicle for women's empowerment. In this article, I have demonstrated how conflict created the space for critical reflexivity, leading to

significant transformations of gender relations and cultural practices. The changes that we see in Nepal are not all intentional. Conflict played the role of a catalyst and became a vehicle for change for women, creating an enabling environment for them to exercise agency, even amid hardship and vulnerability. Shared practices were challenged due to a mismatch between field and habitus that occurred due to a crisis created by the armed conflict in Nepal, which led to a wider social transformation. However, social transformation is not a linear process. Therefore, societal changes cannot be experienced at the same rate. Change does not occur in a social vacuum but takes place within situated constraints and limitations that determine the nature and the pace of transformation. Additionally, habitus is 'a layer of embodied experience that is not immediately amenable to self-fashioning. On a pre-reflexive level, the actor is predisposed or oriented to behave in a certain way because of the "active presence" of the whole past embedded in the durable structures of the habitus' (McNay, 1999: 102). Gender emancipation on one level, even with legal gains, does not mean that practices such as citizenship affirmation (in which women are still required to prove the paternity of their children for equal rights) do not still threaten the lives and livelihoods of people in post-conflict societies. Men fare better in this scenario; however, women's struggles are ongoing and are moving them forward. Therefore, 'a systematic analysis of women's strategies and coping mechanisms can help to capture the nature of patriarchal systems in their cultural, class-specific, and temporal concreteness and can reveal how men and women resist, accommodate, adapt, and conflict with each other over resources, rights, and responsibilities' (Kandiyoti, 1988: 285). These opportunities are offered to us only when we are open to the multiple stories of postwar societies.

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