

## **‘Feminism and the Law: An Argument out of India’**

On **Monday, July 4<sup>th</sup> 2022, 6 p.m.**, the SCIAS in cooperation with the Chair of Indology of University of Würzburg and ICAS:MP (TM5) cordially invites you to a workshop at the **Welzhouse**, Klinikstraße 6.

### **Introduction**

Prof. Michael Erler (Chairman of the board of Directors, SCIAS)  
Prof. Doris Fischer (Vice-President for Internationalisation)  
Dr. Laila Abu-Er-Rub (Scientific Manager, ICAS:MP)  
Prof. Jörg Gengnagel (Chair of Indology, Würzburg, Project Coordinator, TM5, ICAS:MP)

### **Religious Conversions, Rights in Marriage and Personal Laws: Colonial Continuities**

Prof. Samita Sen  
Vere Harmsworth Professor of Imperial and Naval History, Faculty of History  
University of Cambridge

The link between conversion and marriage has had a long and troubled history in India. Even as religions and law have tightened their boundaries, increasing controversy has visited, for at least a century and a half, the movement of individuals across religious communities by conversion or by inter-faith marriages. The political investment in community-specific personal laws has reinforced the definition of religious communities as endogamous. Indeed, in the modern configuration of these communities, the question of marriage has emerged as central. The gender lineaments of disputes over marriage conversions have changed since the codification of Hindu personal laws in 1955-56 but some of the issues remain the same. In this paper I discuss a few cases of disputes over conversion and marriage in the colonial and post-colonial periods in India to show the enduring nature of some of these debates.

### **Faith, Law and Women in Between: The Colonial Inheritance**

Prof. Janaki Nair  
Professor of Modern History, Centre for Historical Studies, JNU Delhi (rtd.)  
Senior visiting fellow, Germany Fellowship of ICAS:MP

Recent judgements and legislation have once more brought to the foreground the tensions posed by pitting law against faith. The Supreme Court judgement on the right of women to worship at Sabarimala (2018), despite the dissenting voice of the sole woman judge, was hailed as a landmark upholding constitutional morality but has now been stayed for review. More recent legislation that has criminalised Triple Talaq (2019) and the Karnataka High Court judgement forbidding the use of hijab in schools (2022) have, conversely, made arguments *against* faith based practices. To what extent are these developments an inheritance of the colonial period, when personal laws were left 'uncodified' and religious communities made the principal arbiters of questions relating to inheritance, marriage, adoption, maintenance? How have post-independence women's movements deployed constitutional guarantees against the reliance on 'faith', and yet have also creatively rethought legal 'uniformity'? What are the prospects of feminist constitutionalism pushing back the resurgence of neo-nationalist demands that militate against gender justice?