



*postScriptum: An Interdisciplinary Journal of Literary Studies* ISSN: 2456-7507  
<postscriptum.co.in> Online – Open Access – Peer Reviewed – UGC Approved  
Volume III Number ii (July 2018)

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## Reading Literary Justice through Intertextuality in Ismat Chughtai's *Lihaf* Trial

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### **Abstract**

This paper explores the relationship of law and literature through an intertextual reading of Urdu writer Ismat Chughtai's biographical essay *Un Byahtaonke naam (In the Name of Those Brides)*. The essay is based on the obscenity trial for her short story *Lihaf*, where she was tried alongside fellow writer Saadat Hasan Manto for his story *Bu*. The trial branded her as a writer of obscenity in literary memory. The author in this paper explores how law becomes a tool of oppression through a feminist reading of women's experiences that resists their violent interpellation by law as insubordinate subjects. The essay presents an ethnographic account of her experience of law's violence by mapping the feminine self in court and turning an irreverent gaze on law through literature's meaning-making practices. Using three texts, the paper traces how Chughtai problematizes the gendered parameters of obscenity within literature and creates a dialogical universe in her writing that challenges the monological consciousness of Manto's *Bu*. In tracing this journey of feminist subjectivity, the paper argues that Chughtai makes an internal critique of not just law but also of her friend Manto. Using these instances, the paper demonstrates how the essay produces new textualities that supersedes law's regulatory nature and becomes a way of reading its limits, presenting a commentary on censorship itself. The paper argues that her critical reflexivity provides insights into law's exclusions and maps an intellectual space in which to challenge its phallogocentric vision. The essay becomes the blueprint for a feminist vision of literary justice, illuminating literary truths that fill what law does not accommodate.

### **Keywords**

Urdu writers, Ismat Chughtai, literary trials, law, censorship, intertextuality, literary justice, gender

Urdu writer Ismat Chughtai shot into notoriety after a 1944 Lahore High Court summons to appear before the court on obscenity charges for her story *Lihaf*, published in Urdu journal *Adab-e-Latif* in 1942. She was jointly summoned to court with her friend and fellow writer Saadat Hasan Manto for his controversial story *Bu*. Both writers would become known as mavericks in Indian literary history. Acknowledged as a master of the short story form, Manto already had an adversarial relationship with the law. He would face obscenity charges for six stories in his lifetime: *Dhuan*, *Bu*, *Upar Neeche Darmiyaan*, *Thanda Gosht*, *Kali Shalwar* and *Khol Do*. Like Manto, Chughtai was a prolific writer, and penned many short stories, novels, essays, plays and film scripts in her literary career. Her ability to link individual and social experience through chronicling the injustices faced by women, their negotiations of patriarchy, the hypocrisy of the middle classes and of religious orthodoxy marks her as one of the doyennes of Urdu literature.

I explore the complicity and contestation of law and literature through a narrative retelling of Chughtai's *Lihaf* trial in her biographical essay *Un Byaahaton ke naam (In the Name of Those Brides)*, following which she was branded as a writer of obscenity. The obscenity charges against both writers were dropped but Chughtai's interweaving of her experience with the legal drama of the courtroom presents important reflections on literary justice in the Indian context. The autobiographical essay introduces the personal viewpoint into the domain of legal narrative, uniting Chughtai's concerns of women both in public life and the domestic sphere. As feminist writings on law and literature indicate, the discipline has excluded the demands of women, even fictional women, from law. Carolyn Heilbrun demands a move from understanding literature only in relation to law towards how literature illuminates "the conditions of women and evokes understanding of the ways in which patriarchy assaults women's rights and choices" (Resnik & Heilbrun, 1927). Chughtai's essay challenges the regulation of morality as the exclusive domain of men by using literary techniques of subversion to talk back to patriarchy and the law. It reads like a parable for exploring the gendering of subjectivity within a socio-cultural framework.

The essay is first and foremost an experiencing of the law. It reflects the viscosity of law and its shaping of public discourse around obscenity. The narrative is juxtaposed against three spaces: the home, the city and the court. Chughtai conceptualizes these spaces as sites of the embedded masculinity of the state in determining the social boundaries of women's articulation. As the narrative progresses, there is a dissolution of the distinction between the public and private domains through a series of reflections and assertions. Even without a distinct space for women's narratives in the Indian literary canon at the time, Chughtai shows

how women's subjectivity is shaped by language, whose boundaries in turn are shaped by the law and the demands made by civil society.

Her essay moves between these different spaces with ease: her reflections on her relationship with her husband, which becomes increasingly strained through the course of the trial, and her navigation of the city and the courtroom becomes an ethnographic account of women's writing and the experience of law's violence. Chughtai's narrative brings to the fore Robert Cover's germinal essay on the violence of legal interpretation. While both Manto and Chughtai produce their dissent in the Lahore High Court against the obscenity charges, this dissent itself is located within separate conceptions of performativity and complex negotiations of sexuality and power. In tracing the journey of feminist subjectivity through her encounter with the law, Chughtai makes an internal critique of not just law but also Manto. Using three texts, I map how Chughtai problematizes the gendered parameters of obscenity within literature and creates a dialogical universe that challenges the monological consciousness of Manto's story *Bu*.

The narrative contains a plurality of narratives that shape her vision of justice. The deceptive simplicity of her narration hides potent metaphors that mock both patriarchy and religion, showing language itself as the site of contested practices. Chughtai's creation of a dialogical universe increases the subversive potential of her work by rejecting fixity. While law is rule-bound and embodies singularity, the usage of analogy, metaphor, and dialogism in literature enable new readings that uncover new injustices. Shoshana Felman contrasts literary justice with legal justice by defining literature as "...a language of infinitude that, in contrast to the language of the law, encapsulates not closure but precisely what in a given legal case refuses to be closed and cannot be closed" (Felman 8). Borrowing from Felman, I suggest there are traumas left unaddressed by the trials which find closure in her narrative. Chughtai's essay functions as a gateway to uncovering and addressing these traumas. Intertextuality as a representational strategy is instrumental in constructing her idea of literary justice and becomes an irreverent commentary on censorship itself.

In her essay *Un Byaahaton ke naam*, Chughtai turns her gaze on her own life after being served a court summons facing obscenity charges for her story *Lihaf*. This gaze is clinical, almost diagnostic, pointing out the social hypocrisies she encounters in Lahore with Manto, their trial experiences at Lahore High Court and a recollection of the afterlife of her story, served alongside an indictment of law through humour and subversion. The essay is concerned with the act of saying, contesting the boundaries of what is sayable by women both in law and in society. It deals with women as speaking subjects, exposing their subordination

and lack of agency. In Chughtai's prose, literature becomes an alternative to the law, articulating a demand for the recognition of women's voices by displacing male hegemony over the propriety of articulation.

The essay is taken from her autobiography *Kaghazi Hai Pairahan (The Paper Attire)* whose title alludes to the opening verse of the *diwan, naqsh fariyadi hai*<sup>1</sup> by legendary Urdu-Persian poet Mirza Ghalib (1797-1869). The interpretations of this famous verse are diverse, with his contemporaries --both poets and commentators -- calling it meaningless to a multi-layered reflection of the ephemerality of life.<sup>2</sup> A crude interpretation of the phrase would be that the image presented by the petitioner before their Creator is a complaint of the playful cruelty of their image in being bounded to the transience of existence. Against what playful injustice of the Creator does the petitioner complain when the nature of life is so fleeting, like their attire made of paper on which the complaint is recorded? This invokes the image of the *fariyadi*, the court petitioner, alluding to an ancient Persian practice (invoked by Ghalib himself) where petitioners or complainants appeared before the king and the court dressed in paper on which their grievances were recorded. The historical verifiability of the practice is rendered subservient to the weight of the verse's metaphorical meaning.

Even as *Un Byaahaton Ke Naam* knits together Chughtai's experience of the law with her personal reflections, the book title alerts us to the legal nature of Chughtai's grievances against the injustice faced by women. This is one of the first recorded expositions of women writers' encounter with the law in India. Beginning with this example, I show how the strength of this essay is packed in the narrative allusion and intertextual references that challenge the very act of censorship. Like Manto, Chughtai's negotiation of the law exhibits her deep investment in her understanding of the law in relation to her literary endeavours. She does not deny the violence of the law but incorporates it in her writing and questions its assumptions using literary techniques. Ghalib's verse illustrating the injustice inscribed on the body of the petitioner becomes an illuminating way of reading how law inscribes itself on the gendered body. The metanarrative of the complainant arriving at the door of the law to seek justice but finding no reprieve is reinforced through the essay through humour and satire. Chughtai is exonerated of obscenity charges by the law but the trauma of the trial stays with her through her life, evidencing law's epistemic violence. The attention received by the story after the trial memorializes her in the literary memory of the country, undoing the very premise of censorship.

The essay begins when the police arrive at her home with the court summons, interrupting her preparations of a milk bottle for her daughter. Law enters the narrative,

shattering the idyll of domesticity. From the outset, she treats the summons lightly, joking about it as an opportunity to fulfil her lifelong dream of seeing the inside of a jail. She recalls watching court operations as a child next the men's quarters of their home, presided over by her judge father. The division of living quarters recalls the oppressive *zenana* system of segregated living spaces within Muslim households. Her strategic recollection of a beautiful woman bandit brought to trial attempts to breach the masculinist performativity of the agents of law in her home. Similarly, the milk bottle in her hand becomes a signifier of disruptive femininity. As she approaches to sign the court order, seeing it the police inspector "retreated with shock as though I had held a gun at him" (Asaduddin 23). The vocabulary of feminine work takes on subversive dimensions as humour and irreverence become mechanisms to challenge law's authority. We also encounter her husband's anger at the shame and dishonour that the summons would bring to their family. The trial heightens the matrimonial space as fraught negotiation with patriarchal notions of shame and honour. The idea of family morality embedded in women's actions introduces the trope of shaming that will haunt Chughtai throughout the trial.

The summons takes Manto and her to Lahore. It becomes an occasion for revelry as they attend literary parties and roam the city's lanes, taking in its sights, sounds and smells. The liberating potential of the city becomes a foil for Chughtai to mock the religious pretensions of "good" Muslims through the figure of her husband, who accompanies them. As the trio pause in their wanderings to eat hot dogs, they inadvertently eat pork. On realising this much later, she records how he is nauseated for two days before a maulvi issues a fatwa absolving him of his mistake. Her real irreverence comes, however, in her gratitude for the court summons that brought them to Lahore. The fear and intimidation surrounding court verdicts temporarily becomes a fiction as Manto and Chughtai counter the pressure of the trial through merriment. Their awareness of law's vagaries enables them to launch critiques of the law through subversion. In this context Chughtai makes a provocative statement: "I began to look forward eagerly to the second hearing. I did not even care if the verdict was that I be hanged. If it occurred in Lahore, I would certainly achieve the status of a martyr. The people of Lahore would give me a befitting funeral" (Asaduddin 28).

This statement subverts a heroic narrative of martyrdom from the 1920s. It alludes to the hanging of a carpenter's apprentice, Ilmuddin, for the murder of Rajpal, publisher of the book *Rangila Rasul* that satirized the life of Prophet Mohammed. The legal controversy surrounding the book would give rise to S295A<sup>3</sup> in the Indian Penal Code. After a high-profile trial with Muhammad Ali Jinnah as his defence lawyer appealing against his death

sentence before the Lahore High Court, Ilmuddin was sentenced to death, subsequently gaining the honorific of *ghazi* (martyr). Chughtai's light-hearted mockery of the power of courts to subdue the spirit stands in stark contrast to this extreme demonstration of religious piety. Her irreverence challenges the law even as it mocks the violence that goes into the creation of martyrs. This irreverential stance draws us closer to censorship's unintended effects and the prescient writer operating from within the law. The speaking subject becomes an impious subject that anticipates and subverts censorship through literary form.

The city also becomes a battlefield for the imposition of patriarchal codes on women, encountered through their host in Lahore, writer M. Aslam, who denounces her "obscene style of writing." To this censure she retorts: "And you've used such vulgar words in your *Gunah ki Ratein!* You've even described the details of the sex act merely for the sake of titillation" (Asaduddin 29). There is a gendering of obscenity law where the same rules do not apply to men and women. Her interaction with male writers shows how gender shapes perception and its role in determining what is sayable. The different codes of articulation for the sexes reveal the patriarchal hand of the law as an arm of the state's regulatory power. There is pressure from fellow male writers for Chughtai to render an apology to the court for the case to be withdrawn. She is also shamed for her essay *Dozakhi (Condemned to Hell)*, a dirge on the death of her favourite brother, writer Azim Beg Chughtai. M. Aslam charges her with denouncing the memory of her brother by sentencing him to hell, and she questions his authority to dictate terms to him. Controlling the means of expression becomes the patriarchal preserve of the state, and the moral burden of accountability becomes a function of the charges against Chughtai.

The twin jurisdictions of apology and shaming play a strong role in cases of obscenity or hurting moral sentiment.<sup>4</sup> As Rajeev Dhavan says, a public act of contrition reinstates power structures and becomes implicated in governance both as a social mechanism and by the state. The act carries within it strategies of sovereignty, acting as both social function and political tactic, harking back to an older epistemology of power that showed itself through its concentration in spectacle. A public apology acts as an instrument of social control, legitimizing itself by re-establishing disrupted power relations through the covert use of force and implication. Chughtai rejects such acts of appeasing the masculine public conscience. Instead, I show how she inverts the gaze of the law by "putting on trial the authoritative male voice" (Rizvi 62) through the use of intertextuality in her essay. Her use of subversion through literary form as an act of defiance becomes literature's challenge to law. In her narration of the *Lihaf* trial, Chughtai challenges the idea of morality as a matter of

adjudication controlled by men, in language and in law. In her court hearing, witnesses are then called to testify to the obscene content in her story:

The witnesses who had turned up to prove ‘Lih(a)af’ obscene were thrown into confusion by my lawyer. They were not able to put their finger on any word in the story that would prove their point. After a good deal of reflection, one of them said: ‘This phrase “. . . collecting lovers” is obscene.’

‘Which word is obscene -- “collect” or “lover”?’ the lawyer asked.

‘Lover,’ replied the witness a little hesitantly.

‘My Lord, the word “lover” has been used by great poets most liberally. It is also used in *na’ats*, poems written in praise of the Prophet. God-fearing people have accorded it a very high status.’

‘But it is objectionable for girls to collect lovers,’ said the witness.

‘Why?’

‘Because . . . because it is objectionable for good girls to do so.’

‘And if the girls are not good, then it is not objectionable?’

‘Mmm . . . no.’

‘My client must have referred to the girls who were not good. Yes, madam, do you mean here that bad girls collect lovers?’

‘Yes.’

‘Well, this may not be obscene. But it is reprehensible for an educated lady from a decent family to write about it,’ the witness thundered.

‘Censure it as much as you want. But it does not come within the purview of law.’

The issue lost much of its steam. (Asaduddin 36)

This excerpt evidences the lack of substantial grounds for condemnation of the story. Gautam Bhatia observes that Chughtai was not held guilty for obscenity because the definition of obscenity under S292 of the Indian Penal Code was laid down by the Hicklin Test<sup>5</sup> in 1945, and there was no evidence of any form of corruption of young minds. But this case is indicative of how obscenity becomes a mechanism for the gendering of governance by the state. The trials show how definitions of obscenity and permissible limits of moral behaviour are gendered. Obscenity itself becomes a question of performativity. The legal apprehension that women “collecting lovers” becomes a call for them to act upon their sexual desires demonstrates how legal conduct is tied with state control and regulation of sexuality. The articulation of female sexuality threatens to disrupt patriarchal assumptions upon which the

stability of the social order is imposed by the state. This extends to the regulation of love through the social and legal forms of violence perpetrated on the female body evidenced in Chughtai's prose, both in *Lihaf* and her court experience. It is the implicit and allusive nature of her writing that challenges the state's regulatory authority, as I demonstrate below.

In both *Lihaf* and *Bu*, a central concern is woman as property, whether it is the tribal woman in *Bu* whose odour possesses Randhir, his new wife, or the voluptuous Begum Jaan in *Lihaf* who is forsaken by her husband and his preference for young boys. But the treatment of the central theme of gender by both writers is markedly different. This paper uses the essay to revisit the stories to bring to light a literary truth crucial to understanding concepts of justice through the lens of gender. The essay becomes the blueprint for a feminist vision of literary justice illuminating the literary truths that seek to fill what law does not accommodate. *Lihaf* (*The Quilt*) narrates the homoerotic experiences between two women seen through the eyes of the child narrator. The Begum, whom the child is visiting, was married off to a rich older Nawab who treated her like one of his possessions, ignoring her existence and her needs and keeping the company of young boys while Begum Jaan rotted away in silence and anguish. In the narrative, she finds sexual and emotional respite in the care of her maid Rabbu. The *lihaf*, initially a symbol of Begum Jaan's neglect and stifled sexuality, represents her liberation as she turns to Rabbu for comfort. Her blossoming under Rabbu's ministrations of oils and pastes and the intimate descriptions of her exquisitely formed body, to the down on her upper lip, the perfumes and *attars*, the cloying atmosphere, show Chughtai as revelling in the depiction of the female form.

Through the story, Chughtai lays claim on the right to write about the female body, its whims and demands. The narrative becomes a literary device to express an unrestrained feminine sensuality. Without launching into homosexuality as an explicitly political statement, she portrays a homoerotics of desire as it unfolds through the gaze of the child narrator. As the *lihaf* rises like an elephant with the exertions of the two women, Chughtai constructs a grammar of noises that hint at the intricacies of female sexuality. Chughtai's story is not a commentary on homosexuality but on the destabilizing of power relations within the institution of marriage. Begum Jaan's plight symbolizes that of Muslim women trapped by the conservatism and patriarchal imperatives of their culture which stripped them of personhood and bodily autonomy. Chughtai challenges these norms by exposing the underside of the false pieties maintained by upper-class Muslim men. She states that the purpose of writing isn't as a proponent of same sex love but as a mere recorder of events.

The lesbian relationship mirrors the neglect of women in middle-class Indian society and becomes a critique of patriarchy, highlighting its own potential as a political recourse and an organizing principle. Begum Jaan's agency in asserting the female body as a pleasure-seeking instrument opens a discourse of possibility, a reclaiming of desire and autonomy. The disruptive potential of the female body to upturn the traditional set-up of domesticity offers a challenge to patriarchy, making the Begum a speaking subject countering her own oppression, much like Chughtai herself battling the patriarchal forces that assault her with assertions of respectability, morality and propriety. But like the suggestiveness of her story, her essay challenges the law through allusion and intertextuality. Her disavowal of a political stance on homosexuality has criticized by scholars. I suggest that like her writing, her activism lies in reading between the lines of her work, which exposes the rot within the revered institutions of family, marriage, patriarchy and religion. This strategy contributes new insights into the relation between law, literature and censorship.

The latter part of Chughtai's essay illuminates her vision of literary justice. The linearity of time furrows into recollections --- her childhood, the hypocrisies of upper middle-class Muslim society, the influences of the great realists Dickens, Chekhov, Maupassant, Tolstoy, Gogol and Dostoyevsky on her writing, the mentorship of Dr Rashid Jahan and importantly, the trauma of the trial. The essay provides room for self-reflection that also becomes a reflection of law's violence. Chughtai's life changes its constitutive dimensions with the writing of *Lihaf*. The effect of the law is rendered as a "veritable explosion" and a "bomb blast" in the two English translations of the autobiography. The metaphor alerts us to how the interpretative power of law is "played out on the field of pain and death" (Cover 1601). Her lament testifies to the power of the law to brand its victims. The backlash against the story makes her marriage a "battlefield." Letters full of profanities arrive, aimed at her and her family. "They were filled with such inventive and convoluted obscenities that had they been uttered before a corpse, it would have got up and run for cover" (Asaduddin 25). Chughtai describes how she was branded as a "purveyor of sex" (*fahaashnigar*) because of *Lihaf*, erasing the impact of all her other writing. It took a younger generation of readers to discover her as a realist (*haqiqatnigar*).

The story brought me so much notoriety that I got sick of life. It became the proverbial stick to beat me with and whatever I wrote afterwards got crushed under its weight. When I wrote *Terhi Lakeer* and sent it to Shahid Ahmad Dehlavi, he gave it to Muhammad Hasan Askari for his opinion. After reading

it, Askari advised me to make my heroine a lesbian like the protagonist in *Lih(a)af*. I was furious (Asaduddin 40).

Just as the destructive potential of the law is demonstrated in Chughtai's essay, we also see the role of literature in reconstituting what was once doomed to failure – the story of Begum Jaan. In the conclusion of the essay, Chughtai runs into the real-life Begum Jaan on whom *Lihaf* was modelled. The fact that the begum was privy to this knowledge of the story mirroring her life fills Chughtai with trepidation, given the story's notoriety. But when they meet, the begum embraces her and narrates how she divorced her husband, married again and had begotten a handsome son. For Chughtai, this encounter stands testimony to the power of literature to produce new life. "I felt he was mine as well. A part of my mind, a living product of my brain. An offspring of my pen" (Asaduddin 41). Chughtai's recording of the Begum's subversive, agentive relationship in *Lihaf* becomes the catalyst that helps her break the shackles of her oppressive marriage and choose a fulfilling, productive one.

The essay ends on a poignant note as the voice of ghazal singer Naiyera Noor floats fuses with Chughtai's reminiscence. The song is Faiz<sup>6</sup>Ahmed Faiz's *nazm, Intesaab* (A Dedication)

In the name of those married women  
whose decked-up bodies  
atrophied on loveless, deceitful beds (Asaduddin 22)

Faiz's poem is a dedication to the unrecognized suffering and apathy that plagues common people, a sadness that falls like dusk over the lives of the lonely, the dispossessed, the exploited, the poor, the innocent. This invocation introduces the aspect of temporality and its attendant discontinuities in Chughtai's imagination of gender justice. The trauma of the unloved, wilting wife in the poem is embodied in the person of the newlywed Begum Jaan and given recognition by Chughtai's story. Through this allusion, she tells not just the story of Begum Jaan but women's trauma at the hands of patriarchy and the law. Through the domain of intertextuality, a private trauma becomes symbolic of a public trauma. Using Faiz, Chughtai links Begum Jaan to the corpus of trauma of other women who have suffered neglect, infidelity and abandonment at the hands of men.

This also brings us to Manto's story 1944 *Bu* about the sexual adventures of Randhir, a young man in Bombay who fetishizes Anglo-Indian women, though the transactional terms of these encounters are unclear. Their mass enrolment in the women auxiliary corps as part of the British Indian army war effort prevents him from having access to them, leaving him frustrated and lonely. The existence of all-white clubs which these women now frequented

angers him, also reflecting the racist segregation that existed even in late colonial India. His ire is directed at an Anglo-Indian girl who lives in the same building and rebuffs his overtures. As revenge, he orchestrates a sexual encounter with a tribal ghatan woman who is sheltering herself from the rain across from his balcony. The story was proscribed under the Defence of India Rules for its implication of Anglo-Indian and Christian women as prostitutes. Though this charge is dropped, Manto and his publishers were further charged with obscenity.<sup>7</sup>

Randhir becomes obsessed with the unwashed odour of the woman, like “dry earth sprinkled with water” (Manto 68). It is this *bu*, at once exotic and unpleasant, that Randhir cannot forget. Even as his new wife, the daughter of a magistrate, lies asleep on their marital bed, Randhir fantasizes about the memory of the other woman. His wife’s ornamented body, rouged face, expensive perfumes and milky skin fail to arouse Randhir. Her fairness repels him. Her body exudes “a sour smell, a sad, colourless smell” (Manto 69) which lies in stark contrast to the ghatan woman’s primeval smell. Sarah Waheed performs an interesting exegesis of the story where she focusses on the passive depiction of the “ghatan” woman’s sexual readiness, which she criticises as a cultural stereotype of tribal people.

What has been ignored in the literary reception of both *Bu* and *Lihaf* is the parallels between Randhir’s wife and Begum Jaan, both women trapped in loveless marriages. In *Bu*, the tribal woman is the centre of Randhir’s lust and he rejects his sleeping wife, the magistrate’s daughter. Her beauty is described as lacking personality and there is the suggestion that she is destined to remain a mere object in a loveless marriage. Chughtai’s assessment of this relation is conducted through her invocation of Faiz. The wife’s fate is that of the married women described by Faiz whose decked-up bodies atrophy on loveless beds. It is not just the exploitation of the ghatan but the exploitative nature of marriages and dominant power structures embedded in heterosexual relationships that Chughtai highlights through choosing Faiz’s verse as the title of the essay.

Both Manto and Chughtai’s stories are about what they are not. Just like Chughtai’s story about homosexuality deals with the patriarchal abandonment of women in marriages, Manto’s story is as much about masculinity as it is about sexual desire. Randhir is a troubling character on many counts. He fetishizes European women as parables of conquest almost as response to and revenge on racial segregation as a tool of colonialism. But even as readings of *Bu* depict how Manto exposes desire as not being a function of class privilege (in keeping with the spirit of his other stories), the passivity of both wife and lover in the text restrict Manto’s depiction of sexuality as male desire. Chughtai’s clever use of Faiz links the pathos

of Randhir's wife with Begum Jaan. Both incidents mirror the power imbalances within marriage as a social contract, in keeping with her literary mission of exposing injustices towards women. This becomes a veiled critique of Manto and reflects the complexity of their association which she wrote about in the essay *My Friend, My Enemy (Mera Dost, Mera Dushman)*, an elegiac piece on their friendship. She says:

In *Bu*, there is only the body at first reading, but if you examine the story carefully you will find a soul inside the body. The soured, unsavoury soul of the rich, pleasure-seeking classes, the unpretentious reality of the downtrodden class... he was courageous in smashing the idol that the whole world worships. (Chughtai 199)

The essay records Chughtai's admiration for and closeness to Manto but also her sense of betrayal at his departure to Pakistan after Partition. This disenchanted Chughtai to the extent that their friendship was suspended in the many schisms that Partition produced. Her friendship with Manto was as multi-layered as the struggles of her own life. Could it be that Chughtai was using Faiz to reflect her own disenchantment with Manto? I suggest that her understanding of *Bu* represented through the essay's provocative title reflects her own ambiguities towards Manto that were present in the latter part of her life, conflicting with her political stance of exposing the oppressive structures within which women led their lives. Her autobiography is an exposition on the fragmentary, conflicting nature of memory, its contents rendering true Ismat's claim of her writing as mirroring the nature of reality and its inconsistencies.

Perhaps my mind is not an artist's brush like Abdur Rahman Chughtai's but an ordinary camera that records reality as it is. The pen becomes helpless in my hand because my mind overwhelms it. Nothing can interfere with this traffic between the mind and the pen. (Asaduddin 30)

As the first English translator of her memoir M. Asaduddin reminds us, the essays in the book were published serially in the Urdu Journal *Aaj Kal* between 1970 and 1980, compiled and published as her autobiography by her editor after her death. The essays remain true to the non-linear, non-sequential nature of recollection that is representative of the fractured nature of Indian modernity amidst the receding colonial state, the emergence of the Indian nation-state and changing social structures. For women writers like Chughtai, this fracture lay in the new breed of educated Muslim women asserting themselves in the public sphere and negotiating religious orthodoxy, educational equality and gender justice. This fracture was reflected also in the loyalties that Partition brought into question. Reading the essay within

the autobiography contextualizes these recollections. Chughtai is a master storyteller in letting her narratives reflect the pain and ambiguity that pervaded her stories, her politics and her life. Performing an intertextual reading of Chughtai's essay using *Bu* allows the scholar to access her dialogic imagination.

The idea of texts as “culturally fashioned discourses” (Raj 78) holds different textual practices in a relationality that lends plurality to interpretation and allows for understanding how different signifying systems shape the text. Intertextuality as an act of interpretation eschews the idea of the text as a self-contained, self-referential unit and creates a tapestry of meaning. It allows the text to escape its own materiality and produces an engagement with a different semiotic of literary production, alerting us to voices outside the text. This act of reading transforms the text itself, making it dialogic and multi-layered, allowing the text to become boundless and responsive.

Literature becomes a tool to illustrate the effects of violent articulations of masculinity and its suppression of women's experience. Representing feminine experience within the matrix of marriage and sexuality challenges the authoritative monologism that dominates patriarchal narratives. Dialogism illustrates how social relations are represented, overriding the authorial voice and rejecting the notion of a dominant world-view through presenting a multiplicity of perspectives. Chughtai's story and essay allow for the transformation of its subjects through dialogue whereas Manto's characters have a defined fate within the universe of the story. *Bu* hinges on the monological consciousness of Randhir whose perspective subordinates the other characters. Both women are unable to come into their own subjectivity, create autonomous meaning or exert any form of selfhood. The relationality of discourse in Chughtai's *Lihaf* stands in stark contrast to the fixity of Randhir's perspective. The narrative is non-teleological, with various expressions of desire vying for consideration. Dialogism releases the prose from fixed interpretations, plunging it into the uncharted waters of female desire.

Moreover, Chughtai's reference to Faiz is a literary technique for subverting the censorship of the feminine voice. In Zizek's recollection of an anecdote from the censorship regime of communist East Germany, a worker who gets a job in Siberia tells his friends he will write to them describing the conditions of life there, arranging upon a code to subvert censorship that letters written in blue ink were true, and those written in red ink was false. His first letter arrives written in blue ink stating how life was great there, and that everything was in abundance, except the *availability of red ink* (Zizek 1). This incident shows how censorship often obfuscates its own conditions of possibility. As Zizek analyses, the literal

interpretation of the truth as ordained by the code is separate from the effects produced by the available truth – the absence of red ink. The absence of freedom is indicated through highlighting the absence of any tool to articulate the absence of that freedom. This absence of the very conditions of articulation then becomes a way of thinking about the lack of freedom.

This is a language that recognizes the possibility of its failure and in this recognition, addresses the vulnerabilities of its own position. By making the recognition of its limits the medium, the letter presents a radically dialogical way of challenging censorship by exposing its limit, illustrating the complex relationship that literary form has to censorship. It is this dance of evasion with the censoring state that tells us what censorship attempts to do with language. Chughtai's essay enables us to see how literary form masks its intent from the law while becoming a medium from which to examine the law and its relation to justice. The essay shows how the story generated effects that went beyond the text and inspired action which achieved justice for its protagonist. In doing this, it enables thinking about a feminist vision of literary justice.

Chughtai uses intertextuality as a literary device to expose the limits of the law and the contrasting representations of sexuality in both stories, contravening the official legal discourse of obscenity. This shows language itself as the site of contested practices and interpretations, as a palimpsest of meaning. Chughtai employs literary subversion to open new realms of enquiry and circumvent legal censorship. With her flair for irreverence, she hints at how Manto falls into the trap of that which he seeks to expose in his writing. Even as she defends Manto's writings in court, she challenges censorship from the inside using representational strategies that indicate the patriarchal bias reflected in *Bu*. The representational practices she adopts to arrive at an idea of literary justice are testimony to her own subjectivity that privileges the agentive female subject.

The placement of Faiz's verse allows for a nuanced reading of trauma. It is the unrecorded trauma of women's silence, at once individual and cultural, that Chughtai brings to light. Begum Jaan's story finds closure through the literary justice secured by Chughtai in exposing her exploitative marriage. In fictionalizing this narrative, Chughtai brings the realm of women's private experiences into the public sphere. In making a private trauma public and marking the recourse to this trauma as a political gesture, Chughtai's writing embeds itself in the feminist consciousness that marked her literary predecessors like Dr Rashid Jahan and the social context of the Progressive Writers' Association (PWA).

Chughtai's use of Faiz's *nazm* also reconstructs a "social and intellectual history" of the movement (Chughai vii), aligning her with its other great writers and locating her in the

historical moment of radicalism in Indian literary thought. At the end of her essay, she traces a genealogy of strong women, including mythological women, who demonstrated their grit in the face of unremitting odds and became embedded in India's socio-historical imagination: Sita's trial by fire from which she emerges pure and unscathed, Savitri who rescues her husband Satyavan from the God of Death through her wisdom in the *Mahabharata*, Bhakti poet Mirabai who rejected all social convention in her devotion to Lord Krishna, and Razia Sultana, the formidable female ruler of the Delhi Sultanate who took a slave as a lover. The essay ends with a quest for the ideal Indian woman, and an invocation to women to not stifle their desires and individuality under the oppressive quilt of patriarchal structures.

This reading of the interaction between law and literature reflects how gender is constructed within law and maps an intellectual space in which to challenge its phallogocentric vision. Chughtai's linking of individual experience with the socio-cultural realities of the period and the historical trajectory of powerful women dissolves the boundaries between the private and public spheres that often pervade women's writing, providing new ways of mapping feminist selfhood. More importantly, it generates a subversive language of gendered resistance to both law and patriarchy. The essay enumerates the complex subjectivity of an outspoken woman writer who was a radical product of her times. We encounter her concept of literature, law and society, closely intertwined with her conflicts in her own life. I suggest that Chughtai's feminist imagination of literary justice is an unfinished project, a starting point to understand the nuances of law's violence on women and an example of how women talk back to law.

## Endnotes

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1. *Naqsh faryādi hai kis kī shoḳhī-e taḥrīr kā  
kāghazī hai pairahan har paikar-e taṣvīr kā*

2. A brief, lucid analysis of the couplet is found in Hines, Naseem, "From ghazal to film music: the case of Mirza Ghalib" in *Indian Literature and Popular Cinema: Recasting Classics*, edited by Heidi R.M. Pauwels, 147-170, Routledge: Oxon.

3. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

4. In recent times, Tamil author Perumal Murugan was forced to render an apology for his book *Madhorubagan (One Part Woman)* as a public symbol of contrition. Such punitive practices exhibit a voyeuristic reliance on collective conscience, evoking affective notions of dignity, honour, and public morality to fix alleged moral wrongs. This finally led him to participate in his own self-effacement by staging his own death as an author and writing his own obituary on Facebook. The Murugan judgment is filled with references to the ordeal of the author, with phrases like "terrible mental confusion", "unbearable mental strain", "consternation and shock".

5. The *Regina v. Hicklin* (1868) case became a landmark decision where Justice Cockburn stated the test of obscenity as "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such influences, and into whose hands a publication of this sort may fall." This definition would be overturned by the *Aveek Sarkar v. State of West Bengal* (2014) judgment in India.

6. In an interview with *The Hindu*, Chughtai and Manto's defense lawyer Hiralal Sibal notes how literary luminaries such as Faiz Ahmed Faiz, Rajendra Singh Bedi, Ahmed Nadeem Qasmi and others presented themselves as witnesses to defend Manto and Ismat. See Kumar, Sukrita Paul. "Defending Manto and Ismat." *The Hindu*, January 09, 2013 [www.thehindu.com/features/metroplus/defending-manto-and-ismat/article4290684.ece](http://www.thehindu.com/features/metroplus/defending-manto-and-ismat/article4290684.ece)

7. Chughtai's recording of Manto's obscenity trial offers a moment of hilarity in the trial proceedings. She relays Manto's reaction in court to the accusation of obscenity by a witness in his usage of the word "bosom". "What else did you expect me to call a woman's breasts—peanuts?" Manto's self-representation in court becomes an extension of the irreverence of his storytelling and displays the gendered aspect of performativity that mark the trials.

### Works Cited

- Asaduddin, M., translator. *A Life in Words: Memoirs*. from the original Urdu *Kaghazi Hai Pairahan* By Ismat Chughtai, Penguin Books India, 2012
- Bhatia, Gautam. "Obscenity and Pornography." *Offend, Shock, or Disturb: Free Speech under the Indian Constitution*, Oxford University Press, 2016, pp. 105-136.
- Chughtai, Ismat. *My Friend, My Enemy: Essays, Reminiscences, Portraits*. Translated by Tahira Naqvi, Kali For Women, 2001.
- Cover, Robert M. "Violence and the Word." *Faculty Scholarship Series*, Paper 2708, 1986. [digitalcommons.law.yale.edu/fss\\_papers/2708](http://digitalcommons.law.yale.edu/fss_papers/2708).
- Dhavan, Rajeev. "Harassing Husain: Uses and Abuses of the Law of Hate Speech." *Social Scientist*, Vol. 35, No. 1/2 (Jan-Feb, 2007), pp. 16-60. JSTOR, [www.jstor.org/stable/27644194](http://www.jstor.org/stable/27644194)
- Felman, Shoshana. *The Juridical Unconscious: Trials and Traumas in the Twentieth Century*. Harvard University Press, 2002.
- Manto, Sa'adat Hasan, "Odour" in *Bitter Fruit: The Very Best of Saadat Hasan Manto*. Edited and Translated by Khalid Hasan, Penguin Books, 2008, pp. 66-70.
- Raj, P. PrayerElmo. "Text/Texts: Julia Kristeva's Concept of Intertextuality." *Ars Artium: An International Peer Reviewed-cum-Refereed Research Journal of Humanities and Social Sciences*, Vol. 3, January 2015, pp. 77-80.
- Resnik, Judith and Heilbrun, Carolyn. "Convergences: Law, Literature, and Feminism." *Faculty Scholarship Series*, Paper 909, 1990. [digitalcommons.law.yale.edu/fss\\_papers/909](http://digitalcommons.law.yale.edu/fss_papers/909).
- Rizvi, Ali Mojiz. "Subversive Voices: A Bakhtinian Reading of Ismat Chughtai's *Lihaf* and *Muqaddas Farz*." *Daath Voyage: An International Journal of Interdisciplinary Studies in English*, Vol.1, No.2, June 2016, pp. 61-68.
- Waheed, Sarah. Anatomy of an obscenity trial. *Himal Southasian*, I July 2013. [himalmag.com/anatomy-obscenity-trial/](http://himalmag.com/anatomy-obscenity-trial/)
- Zizek, Slavoj. "Introduction: The Missing Ink" in *Welcome to the Desert of the Real: Five Essays on September 11 and Related Dates*. Verso, 2002, pp. 1-5

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