

## Silencing Dissent: Law and English Language

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### Abstract

The English language since its introduction to the Indian subcontinent has garnered a significant position wherein it got appropriated as the language of all official and momentous proceedings of the state and otherwise. However not unlike the functioning of the social institutions whose mode of dictate it has evolved into becoming, the English language has itself been reduced to becoming the handmaiden of those in power and dictating from a stance of privilege. The legal system that was envisioned to help liberate the masses from oppressive regimes and systems of manipulation, like other such institutions has succumbed to the linguistic paradigm of this language which itself finds genesis in a patriarchal system. Thus, this paper through the mode of Vijay Tendulkar's path breaking play, *Silence! The Court is in Session* aims to highlight the persistent futility of the legal system through its use of the English language in meeting out justice to its female subjects.

**Keywords:** Law, Patriarchy, English Language, Female Subject

Jeffrey Eugenides aptly states in his book "Middlesex" that: "Maybe the best proof that the language is patriarchal is that it oversimplifies feeling." The English language is an exemplary example of such a patriarchal discourse emanating from its linguistic reverberations which refutes the notion of just treatment being meted out to all its subjects. The trajectory of the initial advent of the English language and its eventual nativization on the Indian scene is not unknown. English has garnered a mantle of prestige since its introduction to the Indian subcontinent by becoming the alternative language of a powerful minority. It is a discourse of the privileged and a mode of conduct for all social institutions which invariably function for the privileged unlike their proposed dictum. The institution of law being a prime mandate which assesses and modulates the social conduct is unlikely to be rendered without its share within this linguistic discourse. The legal system is thus infused with inexplicable linguistic jargons and idioms imbued in the English language which create a façade of facilitating justice within the social sphere while working with the paradigm of

this language which itself finds genesis in a patriarchal system. Adhering to this notion this paper aims at suggesting how the language of law which itself is unable to shrug away the patriarchal construct of the English language inevitably fails to meet out justice to its female subjects by taking references from Vijay Tendulkar's path breaking play "Silence! The Court is in Session.

Famous feminist critic bell hooks in her book "All About Love: New Vision" takes an insightful take on patriarchy: "Patriarchy has taught him that his masculinity has to be proved by the willingness to conquer fear through aggression; that it would be unmanly to ask questions before taking action."

This ideology is characteristically evident in Vijay Tendulkar's play "Silence! The Court is in Session" where the protagonist Miss Leela Benare- an independent, self assured school teacher is repudiated and her 'morality' slighted within the arena of the mock play employed within the play. Tendulkar's play is a play within a play and thus doubly removed from reality, however the irony and dilemma lies precisely in this. The distinct 'mock' aspect of the play within the play allows the character to take up a persona which bears no similar aspect to their real mental makeup. However this is precisely what ceases to happen when the characters' perceived 'actual' identities within the play overshadows the appropriated identity employed in the mock play, a discourse on the legal system. Thus it brings out the horror of such appropriation and shattering the façade of the 'civilized' moral existence that we claim to live.

Vijay Tendulkar through this play clearly brings out the reality of the modern world where a mere 'enactment' takes the crude form of a sadistic iteration of plight inflicted on 'modern' women. Tendulkar plays with the language of the court room from the point initiation of the play, or even before when he conceptualizes the linguistic structure of the court room in the very title of the play 'Silence! The Court is in Session'. These words which are not uncommon in the day to day proceedings of the court room are symbolic of the absolute authority the judge holds over the proceedings of a courtroom session. Spoken to curb chaos and bring order in the domain of the court room these words establish the absolute authority a judge has over the discourse within the court room. Judiciary being the fourth pillar of democracy holds prime supremacy over the discourse of meeting out justice, however Tendulkar in his critique of this judicial system emphasizes how the patriarchal bias of the society makes this justice an impossible situation for the women and the marginalized. Thus in negating its true objective the judicial system ends up becoming a victimizer for the vulnerable.

In an ideal situation for meeting out justice, the judiciary is required to hold a detached position. This is exactly what fails to happen in the play where individual dissent and 'moral' notions overcome the objective purview of the legal system leading to the affliction faced by the victim who is accused of immoral conduct. The dilemma remains

unsolved as this desired objective detachment can itself lead to a dehumanized system lacking compassion and capable of meeting out a just verdict.

The play is emblematic in itself suggesting how Leela Benare is chalked out to deem the role of the accused in her absence. This imposition of this undesired role unto her is a prime example of the way the patriarchal system works. It shows how women are constantly put under the judicious gaze of the patriarchal system where everyone is eager to pass verdict on her personal conduct and moral values. Miss Benare is accused of infanticide and is suspected to have illicit relationship with a distinct intellectual Professor Damle. It is interesting to note how even though Leela is put under the purview of being the accused against the moral doctrine of society Damle is not even hinted to have even some accomplice in this crime against society. Judgment is passed over Leela and Damle's mere presence as a witness is also not even emphasized in the play.

The mock play which took form as a way of entertainment to pass time takes a sharp turn to cause personal hurt and psychological trauma to the accused Miss Benare. Her private life is infringed upon from the moment Mr. Kashikar declares: "Prisoner Miss Benare, under Section No. 302 of the Indian Penal Code you are accused of the crime of infanticide. Are you guilty of the aforementioned crime?" (Tendulkar, p. 23-24)

Leela is found dumbstruck under such a verdict and is appeased by Sukhatme who reasons that "After all, it's a game. Just a game, that's all. Why are you so serious?" (Tendulkar, p.25)

Playing within the legal purview all the characters inflict emotional pain on the accused Benare. Leela's constant effort to speak against this illogical and demeaning proceeding is overpowered and silenced under the pretext of maintaining the decorum of the house which negates the accused the right to speak without the permission of the supreme authority within the court room that is the judge. Simultaneously the supposed 'witnesses' are called in the dock to register their views on the moral character of the accused who herself is silenced unable to represent herself or proclaim dissent. While Ponkshe, the first witness calls her as "a bit too much" and an immoral woman who tried to make passes at her and proposed marriage, another witness Rokde accounts her intimate and suspicious meeting with Professor Damle. Miss Benare's past life is unwittingly brought forth within the moral discourse of the play facilitating the patriarch sitting at the jury's end without considering her immature emotional state at the time when at the age of fourteen her uncle took advantage of her and then abandoned her. This immature love is remarkably evocated in her monologue:

Why I was hardly fourteen! I didn't even know what sin was, I didn't ! I insisted on marriage. So I could live my beautiful lovely dreams openly... But all of them –my mother too- were against it and my brave man turned tail and ran. (Tendulkar, p. 74)

Her disillusionment with life is evident when she says:

Life is a book that goes ripping into pieces. Life is a poisonous snake that bites itself. Life is a betrayal. Life is a fraud. Life is a drug. Life is drudgery. Life is a something that's nothing- or a nothing that's something. (Tendulkar, p.73)

The opposition lawyer inflicts rude jargons on her identity calling her a “sinful canker on the body of society” (Tendulkar, p.67) but the actual culprit who takes advantage of Miss Benare is not even summoned or even once spoken against in the legal domain.

Her repeated attempts to flee this mock hearing which had adversely affected her mental and emotional makeup are jarred when she finds the doors of the mock trial room latched from outside. This unprecedented ‘trapping in’ is a symbolic exposition of the patriarchal trap in which she finds herself trapped. Though at the outset she is a bold, vivacious, frank female, the linguistic discourse within the court room leaves her dumbfounded. The entire linguistic discourse is left dismantled when we see the consequent disintegration of language or linguistic efficiency in Leela Benare when she is unable to speak in her defense and sits puppet like without evocating dissent while her reputation and social identity is being trashed unjustly.

Even when towards the end of the play she is provided with a monologue we are well aware of the fact that it is an aside that is something she would have spoken provided a chance to validate her side of the story. The entire blame for her ‘misconduct’ is inflicted on her but there is no one to partake in the story of her experience, her justification of her situation for which she is being executed. It rings true in her context what Bourdieu says about language:

Language is not only an instrument of communication or even knowledge, but also an instrument of power. A person speaks not only to be understood but also to be believed, obeyed, respected, distinguished. (ed. Gupta and Kapoor, p.60)

It is this language that fails Miss Benare symbolically as well as physically when she is unable to utter a word in her defense. For the language has inflicted harm on her psyche instead of providing her power. The power lies in the words of the oppressor who use it to their utmost benefit. Since the language fails into leading people to hear her story, it is of no use to her as she has lost all hopes to be believed.

The farcical aspect of the employment of the English language comes to fore when instead of *the Bhagwad Gita* the characters employ the Oxford English Dictionary to conduct the solemn oath for every witness before they proceed on to evocate their ‘truths’. It is also a comment on how language can be manipulated to mar one’s reputation and sense of identity.

The blatant way in which using the legal doctrine the Kashikars inflict blame on her and question her deviation from the moral path and judge her to be a loose woman is brought under the degrading linguistic discourse of law. Where Damle becomes a ‘poor’ innocent guy, ‘a family man’ entrapped by Miss Benare, Leela embodies ‘a sinful canker on the body

of society' (Tendulkar, p.68) a judgement passed by the authoritorial 'judge' for the case Mr. Kashikar on all 'grown-up unmarried girls' (Tendulkar, p.68)

The language employed by the opposition in the play is utterly vicious and devoid of any consideration for the accused Benare. Her character is smashed at the altar of law and it is appalling how the legal framework allows such defaming jargons to be employed within the decorum of the house without any objection. Sukhatme in his final plea refers to her as: 'The woman who is an accused has made a heinous blot on the sacred brow of motherhood- which is purer than heaven itself.' (Tendulkar, p.70)

Who gives law to judge what is pure and what is not. And in whichever case how can her personal choice be a less reliable or impure just because she happens to cross the perceived moral discourse of our patriarchal society.

Sukhatme further belittles the protagonist's character by stating:

The character of the accused is appalling. It is bankrupt of morality [whose?]. ... Her conduct has blackened all social and moral values. The accused is public enemy number one. If such socially destructive tendencies are encouraged to flourish, this country and culture will be totally destroyed. ... Moreover, if the accused's intention of bringing up the offspring of this unlawful maternity is carried to completion, I have a dreadful fear that the very existence of society will be in danger.... Bringing up a child of an illegal union is certainly more horrifying. (Tendulkar, p.71)

One would think that the bile of abominable utterances could not exceed this limit, however Tendulkar in this realistic portrayal of the court room session brings us face to face with the kind of discourse employed against women under the garb of patriarchy as evident in real life to inflict unjust moral doctrine on the women folk. He further goes on to pass a moral dictum for women when he says: "Woman is not fit for independence... That is the rule laid down by tradition." (Tendulkar, p.71)

Such blatant abhorrent utterances are a common sight within the legal domain whenever women are in question. Through inflicting the burden of tradition and morality on the woman of our nation the pseudo just law breaks through the veneer of imparting justice to the people thus failing in the only task it is meant to perform.

Even the lawyer of accused in his closing plea does not deny the 'seriousness' of the crime committed by her in trespassing the territory of patriarchy. The futility of such a legal discourse becomes even more evident when we see how conveniently the witness on the defendant side are given a miss and the accused Miss Benare is sentenced without having a just chance at providing her side of the things especially because there is no one to listen in the acquired vengeful attitude that law takes over the people's psyche who become crude and unforgiving within its paradigm. Thus it would not be wholly unworthy to deny the performative aspect of law in sentencing its accused subjects within the legal discourse whilst

burdening them with the subjective trauma of its patriarchal framework. Hence patriarchy subsumes the jargon of legal jurisdiction inflicting uncalled and unjust slight on the women folk and other vulnerable sections of society, condemning them under its rule by silencing their outcry and dissent to this patriarchal set up of our social surrounding.

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