

# The Delhi Rape Case: Rethinking Feminism and Violence Against Women

Written by Swati Parashar

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SWATI PARASHAR, FEB 11 2013

'I want to live,' Indian gang rape victim, Amanat, said this to her mother, before she succumbed to her injuries at a hospital in Singapore in December 2012.[1] The gang rape of Amanat[2] (in India's capital, New Delhi on 16 December 2012), raises important questions about sexual violence against women and calls for a rethink of third wave feminism and its ethical and political commitments. Amanat's saga ignited unprecedented protests in India from the youth across class and caste divide and resulted in the Government setting up an independent commission led by former Chief Justice of the Supreme Court, J S Verma, to recommend changes to its rape laws. Even as the recommendations of the Verma Commission were being debated as too idealistic and perhaps a direct response to the outpouring of outrage and grief over the Amanat case,[3] the Government of India hurriedly promulgated a Presidential ordinance[4] on rape that ignores many provisions of the commission's recommendation including investigations of sexual violence committed by armed forces. The women's movement in India and feminist activists continue the fight against societal norms that promote violence against women and continue to struggle against the apathy of the state and its unreasonable diktats on women's 'security'.

The questions, however, are not just for India or Indian feminism alone. This incident throws light on violence against women in an 'everyday' context that is getting increasingly overlooked in feminist International Relations' scholarship. In this short piece I want to put forth three main arguments. The first is that the fetishisation of 'extraordinary' violence against women, particularly of war time rape and sexual violence is taking the focus away from violence against women that is routinely practised and unquestioned in many societies. Secondly, while violence against women has been documented as common to all societies (True 2012) and that affects women irrespective of caste, creed, class and race; the societal, cultural, state, law enforcement and judicial responses vary as the India case adequately demonstrates. However, instead of demanding greater scrutiny of such social and political responses to violence against women, Western/post colonial feminists are often selective in their critique of states and societies in the Global South.[5] The third point that I wish to emphasise follows from the first two; the strength of feminist scholarship is its diversity; and 'differences' of experiences, discourses and approaches add to the richness of the scholarship. However, when silence, self censorship and selective outrage find their way into the feminist 'tool box'[6] there is need to investigate those 'difficult differences' (Sylvester, 2010) that feminist scholarship is struggling to bridge.

To be fair to many of my committed feminist colleagues, they have conducted some very challenging and inspiring field work and empirical analyses to study and analyse violence against women in war zones and in times of political conflict.[7] However, it is violence that is 'everyday' and occurs in more mundane situations, as experienced by Amanat in Delhi, that does not attract as much feminist scholarly attention[8]. I am not arguing that analyses of sexual violence in conflict are less important. I only wish to point out to the politics of exclusion, the culture of choosing topics which in IR scholarship of the north is understood to be more 'marketable'. I have argued elsewhere (2013), this can also be traced to a particular understanding of conflicts and wars that do not include the 'everyday' and that conceptualise war as a disruption of ordinary life that has a definite beginning and an end.

Feminist IR scholarship during the last three decades has always tried to argue that the 'international is implicated in the ordinary, in the domestic'. The 'personal is international' and that women's work and experiences in the domestic sphere have direct bearing on international politics.[9] In many feminist works this argument has been central and yet

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exceptional situations and extraordinary war violence is often the only way in which the study of sexual violence against women is mediated. Sara Meger in her November 2012 piece in this journal, "The Problematic Evolution of UN Resolutions on Women, Peace and Security" put forth a similar argument that, "rape as a weapon of war' is problematic. As a way of characterizing sexual violence that occurs during times of conflict or instability, this term has served to conflate all forms of sexual violence under this singular banner. It has enabled a disproportionate amount of attention on *forms* of sexual violence and little distinction has been made between the different perpetrators, or between the different types of victims." Moreover, even conflating rape with 'sexual' violence alone reduces it to a crime about sex, undermining the inherent gender power, and hierarchy embedded in such acts. Rape is neither about sex, nor sexual gratification alone but is often planned violence against the victim, an assault on human rights and a show of power by the perpetrator. The response to rape as sexual violence alone also tries to invoke solutions such as chemical castration which is very problematic.

A certain type of war experience, a certain kind of war victim, thus, becomes the celebrated research subject, while ordinary women and their everyday experiences hardly count. Amanat was neither in a war zone nor was it violence inflicted by soldiers and military personnel. She was subjected to extreme form of physical and sexual violence because she dared to resist. While India erupted in angry protests and public grief and mourning after her death, international media and feminist scholars struggled to make sense of the Indian outrage; afterall there was nothing extraordinary about a 'middle class' girl, raped in the city which has developed a notorious reputation for being one of the most unsafe cities for women. Questions repeatedly asked in the international media focussed on the "extraordinariness" of the angry protests, why so many people were outraged over this particular incident. It almost seemed to normalise violence against women in India, focussing on the timing and reasons for the protests. In contrast violence against women in the Arab Spring has received more attention from the media and feminists worldwide. Those who had not ever travelled to the Middle East felt compelled to theorise and comment on the gender violence of the revolutionary protests and insurgent wars in the region. Again a sharp contrast to the silence on violence against women in relatively 'peaceful times' or when conflict is not externally visible.

This leads to my second argument, that selective critique of events in the Global South, or self censoring and silencing is increasingly being favoured in feminist scholarship and calls for more debate. The case of Savita Halappanavar provides a useful comparison to understand the emergence of a complex feminist politics that seems to be the victim of its own formulations. Savita Halappanavar died of medical complications at the University Hospital Galway in Ireland in October 2012, because she was denied abortion by the doctors who invoked the Catholic laws of the country. This tragic death outraged feminists everywhere and led to protests in Ireland, India, England, Germany, US and many other countries, calling for a review of the abortion laws in Ireland. The condemnation of Ireland and its anti women laws in the name of Catholicism, from feminist activists and in write ups by feminist scholars were prompt, scathing and asked tough questions of the state and Irish religiosity. In contrast, despite thousands of young women and men taking to the streets in India, the international response was slow. Feminist condemnation of the Indian state and its inability to protect its women citizens and any critique of the misogynistic Indian attitudes towards women was either muted or often issued with a disclaimer about violence against women in Western countries. Similar attitude prevailed with the shooting of the Pakistani teenager Malala Yusufzai by the Taliban in October 2012. The condemnation of the Taliban was slow and muted and the critique of the US drone attacks in Pakistan grew louder by the day, some analysis even implicitly suggesting that the international media was indulging in highlighting the 'exceptional' stories of Malala and others only to gather further ammunition against the abhorrent fundamentalism of Muslim societies and Islamophobia.

Jacqui True argues that "relatively poor access to economic social and political resources for women and men is associated with being both perpetrators and victims of violence." (2012, p. 183) True offers a useful political economy approach to understanding violence against women, perhaps for the first time, in the most comprehensive manner. One agrees with her analysis entirely, adding perhaps that the different experiences of violence women have, appear more in the aftermath of the incident than in the incident itself. There is a 'cultural'/ 'societal' explanation in that regard, when violence against women and minorities is perpetrated in the name of identity politics. In the case of Amanat, misogynistic comments by Indian politicians, celebrities and the defence lawyers have included them saying she should not have protested and addressed the rapists as brothers pleading for mercy; no respectable woman gets raped. Victim blaming comments have also been common and reveal the extent to which

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societal responses can uphold patriarchal and misogynistic values in the case of violence against women. The rising and assertive women in India, because of their greater access to education and opportunities that challenge age old practices and established gender norms (where women are expected to be submissive) experience more violence than before. In many cases women are harassed and violated because they resist, protest, and in the language of the perpetrators, 'provoke'. Judicial process/law enforcement is hardly sympathetic to the victims and in general favours the perpetrators. This is where arguments about cultural sensitivity or even analysis that start throwing in figures of sexual violence in the West to balance the Indian experience, start looking weak and unnecessary.

The Amanat case brought to the fore India's culture of misogyny and yet Western feminists, in a concerted effort to avoid their oriental/racist gaze, were hesitant to take a position calling on the Indian state to do more to protect women or to analyse the (in)securities of Indian women. Clearly the Indian experience has been rendered different; a 'difference that is difficult' to bridge. Christine Sylvester has warned us of the dangers of this kind of politics that can render women dangerously insecure by the "very local practices that Western feminists were trying to accommodate." (2010, 610). She convincingly argues, "To enable rather than dominate difference, many Western feminist began to refrain from indicting cultural practices they would once have deemed misogynist, and from speaking critically about difficult gender relations that a majority of women in other cultures might accept." (ibid)

I want to acknowledge here, the enormous churning within the Indian feminist movement and among Indian activists (on the ground and online) who have been relentless in their protests in India, giving the issue of violence against women a new life.[10] After many long years people in such large numbers have taken to the streets on an issue about gender justice and about women's security and rights.[11] The battle in India is far from over as the recommendations of the Justice Verma Commission have been overlooked in the Presidential ordinance. Moreover, sexual/domestic violence, physical abuse and rape of women and girls continue to dominate national news media. This is not India's problem alone and a time when transnational feminist networks should be engaged and asking probing questions of the Indian state and society. Indian women and the Indian feminist movement do not require the support of Western feminists nor their sympathies to deal with an issue they have been pursuing and resisting for centuries. Quite the contrary, it is Western feminism that needs the support of Indian feminists and their outrage to reinvent itself, to reconsider its third wave obsession with diversity and difference (that it creates and sustains as a political project) and to rethink its politics and scholarship around violence against women.

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[2] Name of the Delhi gang rape victim who succumbed to her injuries in December 2012 has been protected by the Indian media who gave her the name "Amanat" meaning treasure.

[3] Among its recommendations is a recognition of marital rape, rape committed by armed forces and military

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personnel, and rejection of capital punishment.

[4] A Presidential Ordinance is passed when either of the two Houses of the Indian Parliament is not in session and if government feels the need for immediate procedure. The ordinances have the same force and effect as laws passed by Parliament. These are only interim legislation and require Parliamentary approval eventually.

[5] I have argued along these lines in my earlier articles. See *Where are the Feminists to Defend Indian Women?; Why Amanat must live!; There Were Amanats Before.; Violence, Migrant Women and the Ostrich Effect. Asian Currents.*

[6] This phrase is borrowed from Christine Sylvester.

[7] The works of Bina D'Costa, Megan MacKenzie, Maria Stern and Charli Carpenter, in particular, deserve mention for their immense contribution to feminist discourse on war and sexual violence.

[8] In the Global South activists have been repeatedly commenting on these omissions of 'peacetime' violence against women. In Asia, Africa and Latin America, feminist scholars do not necessarily write in English or in journals that are easily accessible to IR scholars. But they have been consistently pointing this out. Bina D'Costa made a similar argument in her work on the CHT (Chittagong Hill Tracts Peace Accord in Bangladesh) that following the peace process there was more violence against women in the indigenous areas; and not only by the state and its army but by ordinary men (both citizens and non-citizens).

[9] The founding scholars of Feminist IR, Cynthia Enloe, Anne Tickner and Christine Sylvester all emphasised this argument in their earlier works.

[10] Violence against women was receding into the background of public agenda, which in the last couple of years, has been much focussed on the issue of corruption under the 'India Against Corruption' Movement led by Anna Hazare.

[11] Although sporadic protests have happened especially on the issue of rape and violence against women committed by the armed forces in Kashmir and in the North East, this is the first time that people in such large numbers, across divides have come together.

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