



A View from the Left: The Struggle Against Rape & Sexual Assault

By Soma Marik

AS AN HISTORIAN, I know that the actions often have unintended consequences. Historical turning points occur, not because deep planning willed them into existence, but at the intersection of many cross-currents. So it is today: Activists in India have long demanded changes in rape laws and attitudes, but it was not our repeated campaigns that managed to shake the entire country.

It was, on the surface, a single incident: the Delhi bus gang rape in early December 2012. Vast numbers of people have come out, demanding punishment and government action. As long-term activists, we need:

- To understand, why this tremendous anger, and how do we relate to it? Hopefully the feminist movement can help the current movement deepen its awareness of how pervasive sexual assault is and its commitment to eradicating it.
- To ask ourselves, where do we go from here? What will our long-term demands be?
- To discuss ways and means by which the movement can develop.

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The anger palpable in the demonstrations is the result of growing hostility of the Indian people to rape. This includes the well-to-do middle class, and not just the most exploited social layers.

All mainstream political parties have been trying to use the current crisis to advance their cause. The Congress Party, in power both at the provincial [Delhi] and federal level, has called for calm and promised that things will be done. The party put a puffy-faced Sonia Gandhi on TV (you see, she too had been crying over the tragedy).

The umbrella of Hindu nationalist organizations, the Sangh Parivar, sought to cash in on the issue. Since it includes a variety of right-wing nationalists, it speaks in different voices so it can address its different constituents. But its philosophical leader, Sarsanghchalak, announced that if we return to “our traditions” there will be no rape.

According to Mohan Bhagwat, the Supremo of the Rashtriya Swayamsevak Sangh (RSS) [the RSS follows the *fuhrerprinzip*, which in their language is called *ek chalak anuvartita* or *following one pilot*], rapes occur in cities, not villages, i.e. among “Westernized” women. Factually this is false, since nearly a quarter of rapes occur in rural India. More importantly, he blames women for their rape. It is they who supposedly invite rape for having gone out after dark or for having worn the wrong clothing.

Obviously, rape as a political action by Hindutva (Hindu fundamentalist/nationalist — ed.) advocates against Muslims or Christians is excluded from this notion of rape. It is instead “just retribution” for their community’s supposed offenses.

Parties that have supported pogroms and rapes are now calling for the death penalty. Gujarat Chief Minister Narendra Modi, a longtime member of the BJP (rightwing Hindu nationalist party, the electoral arm of the RSS — ed.), runs on a “tough on crime” program. But he is one of those who encouraged the 2002 Gujarat riots in which mass rape was part of the agenda.

If the demand for the death penalty has been raised for rapists, it is only for *selected* rapes. Hindu nationalist theorist V.D. Savarkar argued long ago that in order to teach Muslims their proper lesson, it was necessary to rape Muslim women. In 1992, a decade before the anti-Muslim riot in Gujarat, Hindu nationalist rioters raped Muslim women and videotaped the act in the city of Surat.

Caste, Communal and Custodial Rapes

There are politics involved — and particularly important is the complex linkage of class, caste and gender. Rape, as activist and writer Arundhati Roy pointed out, has become part of India’s political culture. Police attack villages and gang rape women *dalits*, whose historical occupations were seen as “impure” and who were therefore defined as being from untouchable castes. Today they represent over 16% of India’s population, but still face discrimination, particularly in rural areas. They are also attacked and raped by upper castes.

Also remaining are the prejudices against tribal groups (*adivasis*), who represent over 8% of the population and have retained their own languages, cultures, and religions by remaining in remote areas of the country. They continue to follow their own, non-western agriculture. As a result, they are often seen as a barrier to the State’s various mining and damming projects.

Images haunt us of women who have been raped and tortured:

- The rape and murder of Thangjam Manorama (Manipur, 2004) by Assam Rifles personnel. Yet the criminals were protected because, according to the Armed Forces Special Powers Act, army personnel in areas where this act has been invoked are not subjected to trial.

- No one was punished in the Shopian gang rape and murder of two young women, Niloufer and Aasiya, under mysterious circumstances (Kashmir 2009), despite massive struggles.

- The arrest of *adivasi* social movement activist Soni Sori on the charge of being in the CPI (Maoist) in 2011, led to an interrogation procedure that including stripping her naked and inserting stones in her vagina and rectum. She remains in the custody of her torturers, one of whom was subsequently awarded the Police Medal for Gallantry.

- Following the death of Indira Gandhi in 1984, anti-Sikh riots included the rape of Sikh women. The accused included well-known Congress Party (I) leaders. Organizations that comprise the Sangh Parivar have also launched communal attacks against Muslims and Christians.

The Current Mobilizations

The protests last December in Delhi were a massive response to rape. Some critics, including Arundhati Roy, claimed the outpouring happened because the young woman was “middle class” and presumably presented an “appealing” case. (Her father is a baggage handler at the

airport, and worked overtime so that his daughter could go to college.)

The argument reduces the meaning of the protests just because a large number of middle-class women were present. This attempt by some to marginalize the protests is a disservice to the developing struggle against rape. It was a brutal and premeditated rape that ended the young woman’s life.

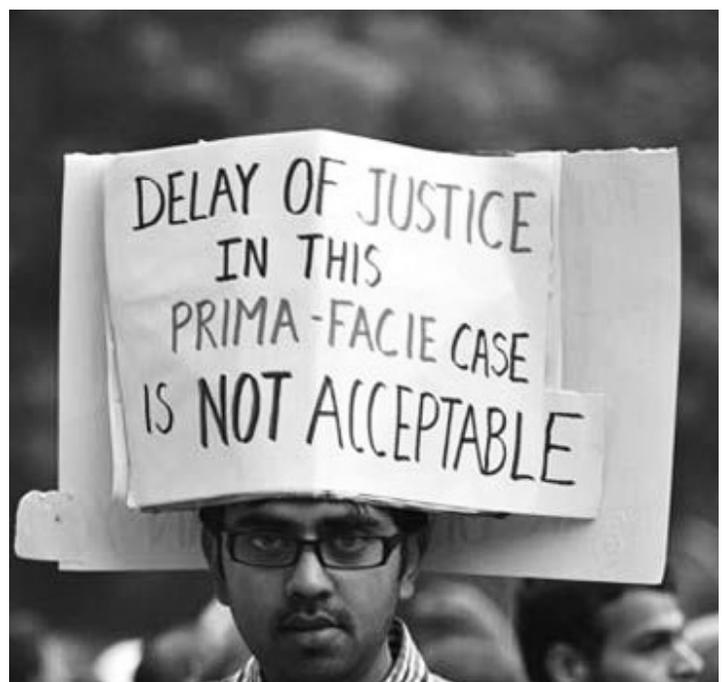
As the agitations grew, however, Hindu spiritual leader Asaram Bapu remarked that the woman was equally guilty in the gang rape because she had not called them her brothers and begged them to stop. “This could have saved her dignity and life. Can one hand clap? I don’t think so.”

The message from this spiritual leader is that women are responsible for their victimization. The demonstrators and media rejected this analysis so the question is whether this one galvanizing incident can lead to a greater understand of the politics of rape.

The rape occurred in South Delhi and the rapists were lower-class men. In that sense it is the “stereotypical” rape in which an “innocent” woman is victimized by lower-class brutes. I raise this point because it is true that we have not seen such massive outrage when *dalit* women, working-class women and women in unorganized sectors are raped or sexually harassed.

Trade unionists and women activists connected to labor issues know quite well that there are sectors such as in the brick-kilns of West Bengal where women have to provide sexual services to contractors and overseers in order to get or retain their jobs. Since rape, even in its current definition, includes sexual intercourse under pressure, this is certainly rape. Of course this situation is never reported.

I do not therefore blame those who were protesting in the streets. Instead I want to stress that unless we are active in all cases, a class/caste/community bias will inevitably develop. And unless we are clearly aware of the politics of rape, we will not be able to understand just why governments want to impose the death penalty for some rapes, but thwart the investigation



of others. Soldiers and police who rape are protected in various ways.

In taking up these cases we will look beyond seeing rape as the action of a few criminal types and see it as an instrument of power welded against another — and often for political advantage.

What we have seen is a massive public show of anger and a rejection of government cynicism. We have to be out there on the streets with the predominantly young people who have come out to protest the violence. Our first practical task is to build the movement. In doing so we must reject all platitudes and all tall promises to the effect that, since the duly constituted authorities are looking after the question of rape and the punishment of rapists, we can go home.

But as we demonstrate, we can ask: Where do we go from here? That immediately raises questions of theory, strategy and tactics. And in order to ask what practical demands are needed next, we must start with the overall picture of rape and sexual assault in India.

A Strong Movement Needed

In 2010 there were over 22,000 rapes. In 2011 the figure was above 24,000. But this is just the number of recorded rapes. Legal experts point out that many rapes — probably three out of every four — go unreported. Due to “family honor” many complaints are not made, or are withdrawn.

Police show reluctance or even hostility to file charge sheets on time. Medical examinations are not always properly performed. Cases move excruciatingly slowly. And here once again, note that while class and caste are not the *sole* factors in how far and fast cases move, or how they are handled, they are usually *linked and compounded* by these factors.

Since mainstream parties, the police and the judiciary have no reason to alter their behavior, there must be a strong movement, capable of relentless pressure on forcing change.

Law, after all, is a representation of the social order. Rape is seen as loss of honor, chastity and modesty. *It is not seen as violence inflicted on women.* For example, rape is defined to exclude all torture of a woman’s sexual organs unless there is non-consensual peno-vaginal sexual intercourse.

In other words, a woman who had stones inserted in her vagina, as was the case with social activist Soni Sori, cannot bring a charge of rape. What she can bring, at best, is a molestation charge. In that case, the maximum sentence could result in four years imprisonment, plus an unspecified fine. A more likely scenario, even if the rapist is convicted, is just a fine.

Given our hierarchical society, patriarchy does not have an identical impact on all women. Women of a lower class or caste seeking justice will find their way blocked.

Bhanwari Devi, a *Sathin* (grassroots worker) in Rajasthan,



a low-caste potter, was raped because she was actively campaigning against child marriages. At the trial the judge pronounced that upper-caste men could not have raped a *dalit*! The State Government formally decided to move the matter to the High Court, but fully 15 years after the rape, the High Court had managed to hold only one hearing.

In another verdict delivered last December, Delhi district judge J.R. Aryan denied the concept of marital rape. If a complainant was a legally wedded wife of accused, sexual intercourse with her would not constitute rape even if it was by force or against her wishes. In other words, after marriage a woman has no bodily integrity *vis a vis* her husband.

Confronting Rape in the Community

While there cannot be any hierarchy of victimhood, according to which the rape of *dalit* women, or the rape of working-class women, is more heinous than the rape of middle-class women, the media blitz focused in the Delhi bus case separates the case from the many others. In this way the media and mainstream political parties have consciously sought to draw attention away from rape as a systemic matter. It is our movement and its demands that can recognize this reality and fight for systemic change. In this way, we uncover the hierarchies that protect upper-caste and communal rapes.

Our campaign needs to call for justice and the right of women to live in dignity. We support rape survivors and help them overcome the trauma they have suffered. Secondly, we want to focus on the social causes of rape. *Why is violence against women so common?* If we deal with this larger question we will understand what a diversion it is to seek long sentences, or even the death penalty, to a handful of rapists. What kind of a society constantly creates rapists?

Historical experience suggests that left-wing activists need to be *inside* social movements which stress that rape and sexual harassment are impermissible, and we must insist on that standard *within* the ranks of the oppressed. If we do not condemn all sexual assaults, we cannot expect the widest class unity of the oppressed.

That is to say, our practice must be much more than simply pointing out how the ruling class uses the ideology of patriarchy to reinforce its hierarchy. We need to internalize

the campaign against rape and sexual harassment. We can see how the ideology of patriarchy influences working people and commit ourselves to struggling against it. *Otherwise the patriarchy will live amongst us.*

The mindset of a deeply patriarchal society is focused on how rape brings with it the loss of a woman's chastity or honor. If raped, a woman supposedly suffers a fate worse than death. If she has already "lost" her chastity and modesty by having sexual relations before or outside of marriage, she is not considered to have suffered much harm.

In court the defense tries to cast doubts on her by raising questions about her past sexual history. The Indian Evidence Act was amended in 2003 to stop this practice, but the act does not seem to have impacted the sentencing phase. In those cases where the woman's behavior does not adhere to a stereotypical construction, the man who raped her ends up with a lower sentence.

Advocacy of chemical castration is based on an argument that rapists are sexual perverts. This has to be contested. *Rape is not about sex. It is about display of masculine power.* Castration as a punishment supposes it is only the bad individual who needs to be punished, so why not deprive him of the power to rape? In the case of the Delhi rape, they were lower-class men, presumably criminal types. Now it is being insinuated that poor migrants are at fault. These people, you see, are sex starved, they rape.

According to the National Crime Records Bureau data for 2011, offenders were known to the victims in 94.2% of the reported cases. That is, *rapists are all around us.* They live in our neighborhoods, they may be our relatives. They are created by a society that devalues women.

Once we understand that the problem is a social one that teaches us that women are less than men, we can begin to see that the solution is to recognize women's humanity. This involves, above all, working to end all forms of sexual assault, particularly when they are carried out by institutions of the State. We must demand that all legal and medical procedures be at the service of women who have been raped or assaulted.

This means publicizing in all local languages across the country the State's provisions for shouldering its liabilities, establishing gender and sexuality sensitization programs for those who administer State programs — beginning with police, judges and public servants — and drawing up a code of conduct that can end the stigmatization of survivors of sexual assaults.

Such a program will incorporate the special needs of women from religious communities, castes or disadvantaged communities that have been under attack in the past. This includes not only communal women, but cis-gendered, transwomen and transmen as well as women with disabilities.

To demonstrate the seriousness of rape and other forms of sexual assault, courts should be prepared to fast-track trials throughout the country. Being geographically remote is no excuse for delay.

The role of the State is minimized when we view each rape case in isolation. Instead we need to look at the pattern of rape, which reveals a violent society focus only on the loss of "chastity" and "modesty." It also reveals the repressive role State institutions play.

What did the police do in the face of public protests in the recent Delhi case? Did they respond with sensitivity? No, instead the core area of Delhi was shut down; water cannons were used against protesters; the Metro did not stop between key stations. Whose security was being protected?

Not those of ordinary citizens, not the woman — who would die soon — nor her male friend who was badly injured.

The politicians and police sought to shut down the demonstrations as fast as possible. Protestors were compared to Maoists and terrorists. Instead we need to press forward because even small reforms will be won only if we are mobilized. Besides the death of the Delhi woman student, there were 571 other reported rapes in Delhi last year, and 9,000 cases pending in West Bengal. We know that unless we stay strong, there will be no long-term positive reforms.

Several judges have revealed their biases. Two years ago, when hearing the case of a minor girl's gang rape, Justices H.S. Bedi and J.M. Panchal of the Supreme Court of India stated that "there can be no presumption that a prosecutrix would always tell the entire story truthfully." Once again, a female must be responsible for her own rape!

These men, speaking for the judicial system, tell us that in speaking out against the crime that was committed upon you, you will be disbelieved. Further, the idea that rapists are perverts ignores the system which creates rapists and promotes rape as part of its political culture.

The demonstrations against the Delhi bus gang rape begun last December may be the beginning of a new stage in the struggle. Our goal should be to encourage this movement to see itself as part of wider struggles for human rights and a better social order. §

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