

Feminisms of Discontent

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Feminism's Estrangement

*Critical Reflections on Feminist Engagements with Law in India**

RATNA KAPUR

In this chapter, I discuss some of the tensions that have plagued feminism and feminist engagements with law in India. I unpack the existential crisis that has seized contemporary feminism and explore the possible ways to address the factors producing this sense of despair.

My chapter is divided into three sections. In the first section I examine how the colonial encounter produced a unique tension

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for feminism in India that continues to inform contemporary feminism. Feminism was constantly confronted with the task of proving its nationalist credentials, while at the same time pursuing a revolutionary project that involved interrogating the very understanding of the Indian woman on which the nationalist project was based. I discuss this tension as it emerged in the legal struggles for equality as well as against violence against women. In the second part, I look at some of the new external challenges that have confronted contemporary feminism, in the form of the challenges from the sexual subalterns, including gays, lesbians and sex workers, as well as from Muslim women, and their challenge to the Hindu moorings of mainstream feminism in India. I conclude with some observations on the productive possibilities for feminism despite this critique. I draw attention to how campaigns such as the global SlutWalks hold out possibilities for the survival of contemporary feminism in the neo-liberal moment and the challenge that it brings to normative sexuality in the legal and non-legal arena.

Despair from Within the Ranks

Feminism currently suffers from a deep angst and a flagging spirit that has overtaken its ranks. There is a sense that the era of revolution is over and the movement is bereft of a radical political vision (Dietrich 2003; Krishnaraj 2003; Phadke 2003; Poonacha 2003). Feminism is hanging on by a thread for its survival as it witnesses the central object of its attention—gender—shapeshifted, split, reclaimed, and even estranged, by various competing agendas.

Some of this angst emanates from a feminist advocacy around sexual violence that has been largely aligned with the discourse of victimization, and a popularized theoretical position where gender is understood to operate strictly within a structure of male domination and female subordination in the context of sexuality. Catharine Mackinnon (1987) has been the primary exponent of this analysis of sexual relations as operating within a coercive model of domination, which is assimilated into fixed understandings of gender—as anatomical males and females. Within this analysis, power is understood almost exclusively in terms of domination.

This version of feminism, referred to as dominance or structural feminism, grabbed the attention of nearly every budding feminist in the early 1980s.¹ It was difficult not to be a convert. The idea that there was a singular source of violence against women—men—and that sexuality was the lynchpin of male dominance and female subordination influenced the ranks of die-hard feminists working the ‘trenches’ as well as newbies. Early law reform campaigns on issues of sexual violence, rape, sexual harassment, sexual exploitation—all pursued this wonderfully simplistic and persuasive logic. As an eager participant in the Adhoc Committee on Sexual Assault set up by the National Commission of Women in 1996 to redraft the rape law, I observed how this logic flowed into the veins of nearly every proposed legal reform. And everyone bought it: women were victims, rapists were predators to be subject to stringent punishment, and the criminal law was the primary mechanism for pursuing this vision. The popularization of this position took place despite the existence of other feminist traditions and literature which explored the links between gender, religion, caste, class, and sexuality, demonstrating how gender is produced through overlapping articulations of power (Chandra Mohanty 1991; Cherrie Moraga 1981; Spivak 1987).

Dominance feminism exercised a tenacious hold on feminist engagements with law and the overwhelming focus on a victimization politics in the context of sexual violence.² This hold was partly embedded in a deeply rooted need to distinguish ‘Indian’ feminism from the West and ‘Western’ feminism. This desire was largely influenced by the politics of anti-colonial nationalism in the late nineteenth century and the first part of the twentieth century that was constructed against the idea of ‘Indian womanhood’—an idea that sought to return women to a position of respect that they enjoyed in some long lost ancient Hindu past. She was self-sacrificing, dutiful, honourable and most importantly, chaste. This ideal was integral to the struggle for freedom and the move to forge a national identity that was distinct from the West. The early women’s movement drew on this reconstructed identity of women as mothers of the nation and to argue for greater economic and political reforms and subsequently, for sexual equality.

The pursuit of equality rights framed within the logic of 'Indian womanhood' met with mixed results. The discursive struggle to construct a legitimate political subjectivity for women in the public sphere was successful: political representation and constitutional equality rights were achieved. But, the discourse of equality proved to be considerably less well suited to the discursive struggles within the private sphere of the family. The discourse of equality—of women as the same as men and entitled to the same treatment—ran into a head on collision with the dominant ideological construction of women as wives and mothers, and as fundamentally different from men. Equality proved unable to displace this ideological construction of women within the private sphere as dutiful wives and mothers and thus unable to bring about a reform of personal laws or make much headway within the private sphere of the family.

The notion of a distinct culture and Indian womanhood persists into the contemporary moment where feminists draw on the victim subject to reinforce their anti-western, nationalist credentials. This move to counter the charge that feminism is a product of the decadent West, finds articulation in a distinct 'Indian' feminist subject who is routinely a victim of various kinds of oppression (Kapur 2005). Sex is articulated through the discourse of violence and the careful avoidance of expressions of sexuality as affirmative and pleasurable. These contradictory impulses where feminism seeks to pursue a revolutionary project within a non-revolutionary framework, produces specific effects in law. While feminists have campaigned against systemic oppression of women by men engendered through rape, these campaigns have also continued to be informed by the idea of a distinct 'Indian feminism' that is displaced onto a conservative and essentialist notion of 'Indian womanhood'. As a result the early legal campaigns on rape in the late 1980s also met with mixed results. The campaign did have some effect on the struggle over the social and cultural meaning of rape and it made inroads in revealing the violence that women experienced, and in condemning that violence. Yet, the women's movement could not ultimately control the discourse within which this violence was condemned. The media coverage and the government's own stand on rape was

overwhelmingly focused on the shame and dishonour that rape brought on the women and their families. Thus the discourse shifted from being about women's rights, to protectionism—that is—the need to protect women's honour and chastity from violation. Ultimately, the rape campaign was unable to transform the legal meaning of rape; it did not succeed in displacing the problematic constructions of consent, nor the assumptions about women's sexuality.

A position focused almost exclusively on victimization, assimilating all female sexuality into a coercive model was becoming increasingly problematic. The rigid determinism produced by dominance feminism's commitments to fixed categories of gender, gender being reduced to a biological binarism, was not only producing untenable accounts of sexuality, and a totalizing understanding of heterosexuality, it was marginalizing more critical traditions and positions. Feminists were finding themselves trapped in a position of not only reinforcing the irrepressible image of women exclusively as victims within an essentialist account of Indian cultural values, but also producing hierarchies of who could be raped, or was more rapeable.

The Dissolution of Gender

Feminism in India has been facing a mounting challenge to its stranglehold on gender. While some feminists continued to battle on behalf of the victim subject determined to put sexual violence on the political and legal map, they were joined in the trenches by the likes of Uma Bharati, Sadhavi Rithambara, and Sushma Swaraj. All these women are part of the Hindu Right, a political movement that experienced a meteoric rise in the 1980s and 1990s with a virulent agenda to turn India into a Hindu State. (Gowalkar 1947; Sarvarkar 1971; Sharma 2003; Sharma 2007; Jaffrelot 1998) And they have since bullied their way into the gender agenda and re-tuned the campaign—it was not just any man who was to blame for all that unrelenting violence perpetrated on women—it was the Muslim man. The Hindu Right was way ahead of the global curve on this one—the rest of the world would only catch up with

this view after the September 11 attacks. The communalization of violence against women campaigns began to compete with feminists on the way in which the campaigns on violence against women were being run. Feminists had provided the body—the brutalized, victimized body—and the Hindu Right weighed in with its specific claims that the body was Hindu.

The exclusive focus on gender, victimization, and a universalized Indian women's identity that had papered over the differences within the feminist ranks, gradually began to openly gnash away at the feminist body. The movement began to haemorrhage as women from within religious minority communities accused it of being Hindu dominated. Such challenges were initially met with an almost acidic and visceral disavowal, as feminists felt their secular, atheistic credentials had been put into question. In subsequent years, Hindu-Muslim riots in Bombay, the victory of the Hindu Right in national elections in 1999, and the slaughter of over 1000 Muslims in Gujarat in 2002, highlighted the need to address the minority communities' critiques of feminism. In the aftermath of the Gujarat riots, women's groups participated in non-governmental investigations of the violence inflicted on Muslims, especially Muslim women.

The resulting reports drew attention to the particularly horrific nature of the sexual violence perpetrated against the Muslim community, and argued that such sexual violence and killings of Muslim women constituted genocide under international law (International Initiative for Justice 2003; Concerned Citizens' Tribunal 2002). These reports revealed a more sophisticated understanding of the nature of the violence inflicted on Muslim women. However, they continued to focus on the victimization of such women, and on providing redress through international legal instruments dealing with genocide and through prosecutions under criminal law at the domestic level. The broader ideological agenda of the Hindu Right and its role in producing the violence generated in Gujarat remained under examined. While feminists continued to struggle to address the issue of religious difference, it did so only to the extent that the universalized category of gender remained intact. And in the process it aggravated its estrangement from Muslim women who, besieged by the politics of majoritarianism

and coercive assimilative moves, withdrew further into their own communities becoming less accessible, though not less politicized (Narain 2002; Kirmani 2011).

A second set of challenges to gender was posed by the sexual subalterns. Their position signalled a major break with the earlier discourse on violence against women and its anti-sex agenda. This position came to be influenced by the mobilization and organization of the sex workers movement, as well as the emergence of 'queer' politics in India (Kempadoo and Doezema 1998; Kotiswaran 2011; Narain 2010). Such movements brought about a major rupture in how female sexual subjectivity was understood. These challenges also came to be expressed in and through legal contests over sex talk and sexual representations. Such contests included controversies surrounding the screening of films such as the *Bandit Queen*, the convulsions around the holding of beauty pageants, legal challenges to the hip gyrations and pelvic thrusts in the song and dance sequences of Bollywood cinema, and more recently, attacks on the celebration of valentine's day, the pink *chaddi* (panty) campaign and the Delhi High court decision to curtail the scope of the sodomy provision.³

The contemporary sexuality debates initially erupted over the screening of *Fire* in 1998 (Ghosh 2010).⁴ While civil rights groups, including many feminists, regarded the banning of the film as a fundamental violation of free speech rights, the Hindu Right read the film as an attempt to convert women to lesbianism, which would lead to the demise of the Hindu family. Gay and lesbian groups in contrast, represented the issue as implicating sexual rights of sexual minorities. They came into the public space for the first time to defend the screening, and challenge the stark declaration that lesbians do not exist in Indian culture, arguing that homosexuality had always been a part of the Indian culture. They lobbied for the film to be a means of recognizing the rights to sexual identity and a catalyst to repeal legislation that discriminated against such preferences. These groups emerged in opposition to those feminist advocates who advanced a univocal understanding of sexual relations within a structure of coercive domination. They were cast as anti-pleasure and unwilling to engage with the ambiguities of sexuality within the dynamics of power, for fear

of relinquishing the victim subject through which their distinct Indian brand of feminism had been constituted.

The organized sex workers movement posed similar challenges, especially to feminist's nearly universal support for anti-trafficking laws, with their specific focus on sex trafficking. These initiatives were invariably conflated with anti-sex work positions, deeply moralizing, and represented the sex worker almost exclusively as a victim. There was deep indignation and outrage over what appeared as a highly moralistic and conceited stand on the part of those who argued that sex work was *per se* violence against women (Kapur 2010: 96–136). The sex workers were tired of feminist pontificating over their lives, representing women in sex work as always victims, lacking any capacity to take their own decisions, and appropriating all decision making on their behalf. They opposed the objectification that the sex work produced through the rhetoric of victimization, and challenged the denial of juridical entitlements simply on the basis of the sexual nature of their work.

Some sex workers began to articulate their own rights' agenda, which included freedom from violence and safe working conditions, rights to health care, education for their children, access to the market, and recognition of their families (Durbar Mahila Samanwaya Committee 1997). The demand for rights by this active sexual subject exposed the very violence at the core of those feminist agendas on sex trafficking that justified police raids and the removal of children from the care of their mothers who were sex workers, ostensibly to protect them from exposure to carnality and contamination. The sex worker was not only denied her rights, she was denied her humanity. Feminists were emerging not as revolutionaries, but as retrograde, conceited and hostile.

The challenges produced space for alternative readings of sex and gender, where sex was not inserted and merged into a structure of domination and submission and gender was more than just anatomical distinctions. Reading these challenges through a Foucauldian lens, sex and gender transpire as already normative categories according to which certain practices become universalized and naturalized. There are simultaneously regulatory ideals

producing the bodies that are governed (Foucault 1993). The abject subject who hovers at the boundaries of sexual normativity and the fixed parameters of gender, serves as a constant threat, and hence is consistently disavowed and disciplined. Sexual subalterns are troubling the calm waters of sexual normativity, and threatening to expose what Butler describes as the 'self-grounding presumption of the sexed subject, grounded as that subject is in repudiation whose consequences it cannot fully control' (Butler 1993:4). In the process she highlights how sexuality is not simply a function of material or biological differences. It is also marked and formed by discursive practices (Butler 1993:1).

The sexual subalterns have staked a claim in sex as well as gender, detonating the idea that gender is a separate and exclusive analytical category that falls only within the domain of women's studies. Their challenges reveal how gender can be shape-shifted and altered through the sexuality, rendering both unstable. While sexuality spills out of the closet, tearing away at the tightly seamed fabric of gender, it is emerging as an affirmative space and a viable political force not in opposition to feminism, but within feminism.

Exhausted and under siege from within as well as without, feminism is suffering a sense of loss and shared paralysis, despairing that it is a spent force. The multiple claims being made on gender compel a rethink. Gender is displaying a dexterous quality, intersecting with religion, engaged in foreplay with sexuality, and being unleashed from the discourse of victimization and as an identitarian category (Butler 1993:2). Clearly, the 'one high-heel shoe fits all' strategy was coming undone. Not only had it produced a highly deterministic account of gender, but also a totalizing understanding of sexuality as heterosexuality.

The limits of dominance feminism revolve around two central critiques. The first is an emphasis on the commonality of women's experience that placed the analysis on a slippery slope where it easily slid into an essentialist and prioritizing category of gender. Gender, confined to the logic of the victim subject, is deployed to bring together women from diverse historical and political contexts, to argue that violence is a universal phenomenon. Violence against women operates as an equalizer, where

the subject is thoroughly disempowered and helpless. It erases the relevance of diversity or constructs diversities as aggravating experiences of oppression. The way in which legal systems were shaped by social, economic, or historical forces, such as colonialism, enslavement of non-white populations (including both men and women), caste or religion remained inadequately addressed. To erase these factors from a narrative of women's exploitation and subordination, fails to capture the ways in which race, religion, and imperial ambition constitute the experience of gender in a postcolonial context.

The second and related concern is that the focus on violence also renders women as thoroughly victimized—as abject, passive, and incapable of exercising any will or agency. The analysis provides no possibility for agency or the articulation of sexuality or sexual desire in terms that are more affirming and positive. The centring of victimization and sexual violence, offers no exit option (Halley 2006: 58). There is no space for enhancing sexual freedom in such a scheme. What emerges is an understanding of gender that is confined to a heterosexual biological binary, most evident in feminist engagements with law. If women are always already victimized and subject to sustained violence, then where is politics to get her out of this predicament to be located? It has not been found in the repeated cycles of law reform of the rape law or fine-tuned definitions of sexual harassment or the rescue and rehabilitation schemes of anti-trafficking interventions. These interventions have served primarily to align feminists with the highly regulatory apparatus of the state and thus lay itself wide open to attacks on its progressive credentials as well as its protectionist and at times patronizing attitude towards its constituency.

The critique exposes the deep fissures in the feminist ranks, and the moralistic and essentialist understandings of gender underpinning a victim centred analysis. There is no question that women have struggled as victims to subvert power—yet that power has not emanated from a single source—men. In the context of India, resistance to the colonial encounter was central to the experience of subordination for women on the Asian subcontinent. This history cannot be understood simply in terms of the history of gender subordination or sexual violence perpetrated by men against women.

It was also about the broader economic and political subordination and expropriation of another nation's labour, resources, land, raw materials and market, and the exclusion of the native—both men and women—from sovereignty and legal entitlements.

The Contemporary Politics of Postcolonial Feminism

Early in 2011, vast numbers of young women participated in SlutWalks around the world. These marches were initially triggered by the remarks of a Toronto police cop who was giving a lecture on campus safety and self-protection to the students at Osgoode Hall Law School, in Canada. In the course of his presentation he remarked that women could prevent rape if avoided dressing like sluts. The reaction to these remarks went viral on the internet and also produced the global SlutWalk marches, which protested the idea that dress could serve as a justification for rape. Yet the embrace of the term 'slut' by vast numbers of women triggered a series of uncomfortable questions and public debates. Is SlutWalk feminist? At one level, it seems irrelevant if those participating in the march don't perceive themselves as feminists or flash any feminist credentials. What is relevant is the sense of exhaustion and frustration experienced by women in Delhi and elsewhere from being ogled, pawed, grabbed at and groped from the moment she steps into the public space. Whether she is buying vegetables, having a coffee, or simply walking in the park, her expression of autonomy is sexualized and her sexualisation becomes an invitation.

Yet SlutWalk was attacked as being a middle class indulgence, irrelevant to poor women. The argument 'focus on sexuality deflects attention from the 'real' issues of Indian women,' has been a recurring one—recurring invariably at the precise moment when expressions of female sexual subjectivity are being defended or articulated (Ghosh 2009). Some commentators argue that slutwalkers cannot even remotely be seen to be drawing attention to the concerns of real Indian women. Designer Shaina N.C. stated, 'How is this walk going to help millions of women in India. They

are doing this for sensational footage on television.’ Another commentator added:

In a nation where 10 million babies have been killed in the womb because they were girls, where women are burnt for dowry, murdered in honour killings, face domestic violence so frequent it’s as common as a power cut, where Dalit women fear sexual humiliation by upper caste men and where young girls are forced into prostitution, who needs to right to dress like sluts?... Such a misguided protest only serves to mock India women and the real issues they face.⁵

Do these views represent a scramble to retain a notion of Indian womanhood defined primarily through her victimhood? Is there an underlying fear that female sexual subjectivity may sound the death knell of a politics of injury or pain? Why does the site of women marching under the banner of sluts become so unnerving that it can only be countered through the objectification of poor women? The comments tell us more about what little regard there is for women’s demands for sexual autonomy articulated as integral to the pursuit of freedom from violence, than it does about SlutWalk as a mindless and non-serious enterprise.

The correlated assumption that SlutWalk is a fundamentally individualist claim to demand that a woman has the right to wear whatever she wants is also asserted. And it may well be the case that couture is the only thing on the minds of some marchers. But what is not negated by this riposte is when a woman dresses only to assert her sense of individual sexual expression, it is not an invitation to violence. Indeed we should aspire for a world where even if she was walking around naked it would not be read as extending an invitation to be raped.

The most controversial aspect of this event is whether ‘slut’ is a term that can gain any positive political traction? The fact that a cop could use the word in such a derogatory manner opened up the right to appropriate the term in a way that asserts women’s sexual autonomy. It maybe that slut is being used by some women simply to state that they are not sluts because of what they wear, without challenging the idea that there are women who are sluts, despite what they wear. Regardless of whether the term is being embraced or not its use has provoked a critical and at times acerbic discussion.

The conservatives or moralists, who come in many different guises, argue that sluts are 'loose women' who go around fondling the men of other women, 'real women' and 'real wives', threatening Indian cultural values and the very 'essence' of a noble Indian womanhood. These tired old arguments about Indian culture continue to have some appeal. 'Indian womanhood' is once again exhumed to accord protection only to deserving women—those who are chaste, married, heterosexual, and mothers. The rest it seems are 'whores', less deserving of attention or legal protection. And time and again the courts have endorsed this position.⁶

A more troubling position comes from within the ranks. 'Naming the protest 'slut walk' degrades women even if it has shock value,' said Shobha De, a best-selling writer of erotic fiction'. It's a campaign driven by women in the West. It does not connect with women in the Indian context'.⁷ These remarks are uttered by someone who herself has been described as the 'porn queen of India'.

De slams SlutWalk for being a campaign driven by women from the West, yet it is interesting to note what some women in the West really think. In one Toronto based newspaper article where SlutWalk began, the writer states that the highly educated young women who are part of SlutWalk are amongst the safest in the world. She argues that attention should be focused on the serious issues of violence against women which is such a large problem in a 'number of Canada's South Asian communities...these women will not be helped by slogans and SlutWalks; what they really need is the dedicated efforts of people like Jenniferjit Sidhu, a young Toronto police officer who goes on domestic violence calls in South-Asian neighbourhoods. ' The Slutwalk is condemned by her as nothing more than 'narcissistic self-indulgence' (Wente 2011).⁸ Another writer argues that maybe young women who have equality and power would be better off putting their mind to more useful concerns. 'For instance, the latest statistics show that in Congo, four women are raped every five minutes. Something called SlutWalk is nothing but a cruel irony for those women (Timson 2011).⁹ Admittedly, Timson also goes on to acknowledge that the underlying reason for Slut Walk couldn't be more serious—that rape is a crime of opportunity and power.

There is a deeply racial undertone to some of the comments. To suggest that the marchers in Canada are better off helping the battered South Asian woman in immigrant communities or the raped women in Congo, displaces the idea of victimization onto a first world/third world, we and they divide. There is imperiousness implicit in this position that perpetuates the belief in the speaker's own superiority and exceptionalism in the area of female sexual subjectivity. It is perfectly appropriate that their model be exported into immigrant communities and developing countries (Puar 2010). Yet, the arguments of Shobba De and Shaina reproduce precisely this logic, being elitist rather than racial, and treating the poor Indian woman as utterly victimized without any agential capacity.

Some feminists, who have devoted their entire lives to fighting on behalf of the prostate victimized body, are irate that the term 'slut' could ever be imbued with feminist meaning. It is argued that slut is a word that demeans women and cannot be taken seriously. It is a loaded misogynist term that has no redemptive value and can never be reclaimed (Dines and Murphy 2011). And it is a waste of 'precious feminist resources'.

At an intellectual level, it is also not necessary to set up Slutwalk in opposition to feminism. Slutwalk can be articulated as a form of feminism lite. 'Lite' because it does not claim to bring about a transformation in the form of some big bang moment. Nor is it specifically advocating a distinct theoretical position. It is situated as a technique of critique of the dominant attitudes towards women's dress as well as how the feminist movement has been complicit in reinforcing a sexually sanitized understanding of female subjectivity. Slutwalk marks at one and the same time the demise of a politics based on dominance feminism and the reincarnation of a politics of productive critique. The critique focuses on the ways in which gender operates within the asymmetries of power, without viewing it as exclusively progressive, transformative or revolutionary (Kapur 2012). The critique marks a moment perhaps when it is time to stop thinking in terms of revolution, while at the same time not resign to the impulse of liberal reformism as the only option left (Brown 2001).

Slutwalk also marks the moment when feminism's over determined emphasis on male sexual violence and female victimization

has found its way into the language of autonomy, sexual integrity and pleasure. As a form of feminism 'lite' SlutWalk sheds the fatty tissue that is bursting out of a women's dress in the form of a fossilized account of cultural belonging or as a form of body exposure that is viewed as an invitation. It inverts the notion that women are already victims and claims a space for respect of bodily integrity as well as assertions of sexual autonomy. And it is gutting arguments about rape that have plagued law reform efforts for decades. If violence is produced as a result of what women wear, the fact that women in burqas, jeans, saris, salwar kameez, and spaghetti straps have all been victims of sexual violence, provokes the question: what would an anti-rape fashion brand look like?

This rhetorical question further confronts the widely held view that skimpily dressed women are easy prey for the testosterone stoked macho man. The 'biology made me do it' argument not only justifies rape it undermines any struggle to secure a society free from sexual violence. It also abdicates men from responsibility when they rape, and projects an extremely unflattering portrayal of all men as unlicensed sexual predators. When we tell our daughters that 'there is no way in hell you're going out dressed like that', the fear is not that she will be ravished the moment she walks into the public space by unquenchable male libido. It is the knowledge that there is still a battle to be fought; that we continue to live in a society where the prevalence of rape is indicative of its ill health, where some men fear and don't respect women. Lack of respect is SlutWalks message. SlutWalk thus hardly qualifies as being anti-feminist or opposed to feminism. The SlutWalk emanates from a critical feminist tradition, and finally makes critique of feminism itself respectable.

A view that regards slut as unredeemable misses an important argument. Slut found its initial utterance in the mouth of a police officer. The point is not whether slut is a put -down term. It is about the politics of power, which produces the meaning with which the term is imbued (Butler 1997). Its use by a police officer, a person authorized to speak about sexual violence, had certain truth-effects. Its effect was to put down women who are sexual and to hurt, shame, and cast female sexuality as a bad, disgusting, and polluting thing that needs to be tamed. The authoritative

speech by a law enforcement official is what did the damage, rather than its appropriation by the marchers. It was a remark that was credited by the already existing supposition that women who dress like sluts are inviting rape. What is relevant is not the truth or falsity of the proposition, but the power effects that are produced. The official utterance produces reluctance on the part of a woman to report a rape unless she was fully confident that she was dressed appropriately while being raped. The 'asking for it' attitude expressed by a cop puts all women down, producing doubt over whether they passed the litmus test of 'real rape'—proper attire. It encourages yet another divide between good women, who are not rapeable, and bad women, who are rapeable.

Regardless of whether the word has the potential to undermine or promote women's empowerment, the fact is that it has drawn attention to an undisputed and crucial question: why society as a whole (not women's dress sense) has failed abysmally to address sexual violence? While the use of the term 'slut' remains hugely controversial, neither cultural assertions about the chastity of the 'real Indian woman' nor feminist quibbling over whether the term can ever be reclaimed, should deflect attention from this real and deeply troubling question.

SlutWalk amplifies how dress does not lie at the core of why women are raped. SlutWalk actually exposes all the tensions and contradictions that have left the feminist movement harassed and exhausted. It unmaskes the limitations of an analytical framework that focuses exclusively on gender and regards its own politics as universally virtuous. While feminism holds within it the possibility of engaging a range of other analytical frameworks through which to understand oppression and subordination, in its law reform projects, its exclusive and narrow constructions of gender has sacrificed a host of women.

The current discussions on where the line should be drawn on rape in law boils down to nothing more than a discussion in which women are fair game, can be raped, or are rapeable.¹⁰ There is considerable opposition to marital rape, despite the fact that the demand for such a provision has been pending for over three decades. And while the 'chastity' requirement in law was repealed some time ago, women are still required to undergo intense cross

examination in relation to their sexual conduct and behaviour.¹¹ It is not that the conduct has to be inappropriate or that the victim is perceived as flaunting it. It is sufficient that she simply has knowledge about sex, especially if she is single or divorced.¹² Sex workers remain ineligible for protection. Thus wives and sex workers both fall on the 'can be raped' side of the equation, a position sanctioned by the state, a fossilized notion of Indian cultural values, as well as the conservative sexual morality on both sides of the political divide. The answer should be clear and simple—no woman should be raped; no woman is rapeable; and no woman's rape should be justified on the basis of spurious claims of dress, cultural morality, sexual orientation, or marital status. Any sexual assault that violates one's autonomy and privacy and denies the right to bodily integrity is simply wrong and not negotiable. As one marcher from a major city where SlutWalk was held stated, 'our culture needs to change—teach people not to rape, not how not to be raped'.

A feminist project that picks and chooses from amongst the members within its constituency in order to ensure its own survival has reached a point where it must reflect on its political efficacy. It risks becoming estranged from its own constituency. While Muslim women, sex workers, and gays and lesbians are turning away from this project's dark side, the fact is that many young women and students are also distancing themselves from the very word 'feminism'. If the term feminism has come to be so closely associated with the anti-sex apostles, then it is no wonder that it is losing credibility. If sexuality that exists outside of a victim subject position and the discourse of violence is so thoroughly stigmatized, then the excess can only ever be a slut. And Slutwalk is located in this excess, as a technique of resistance and critique. And as such a technique it operates as feminism lite. It is not seeking to overthrow some elusive, universal, 'patriarchal' order. Its function as a march is to unmask, unveil and undrape a body that has been weighed down by a feminist politics that asphyxiates and mummifies the sexual subject. SlutWalk puts women's sexuality

out there—in public—not as something that is shameful, embarrassing or disgusting. But as something that a healthy society should embrace, respect and defend.

Slut Walk and the entire debate surrounding its appearance have drawn attention to the politics of power within which gender operates. Power is everywhere. It does not exist only within coercive domination (Foucault 1993: 334; Halperin 1995: 16–20). While we need to be careful not to give too much credit to what is after all a moment in the life of gender, it is precisely in these displays of feminism lite that deeply held beliefs are decimated and analytical space clearing occurs. It may be that Slut Walk tells us more about the changes occurring within the neo-liberal moment in India, rather than about how sex is subordinating. It is maybe that Slut Walk has nothing to do with gender, that it takes us into another direction where the politics of the market and new regimes of governance are explored and unpacked. And, if dress does have any place in all of this, it may not be about how women dress for men nor how men objectify them. It may instead be about how the rules of the market are producing sexual subjectivity. The clothes we wear, the fashions we embrace, mark the emergence of the consumer citizen, which has become the hallmark of the neo-liberal moment. SlutWalk then may hold within itself the politics of its own critique and demise. It's a cyclical process rather than one based on end goals and outcomes. It's about constantly engaging in critique for the purpose of space clearing and to ensure that the conceit that turned feminism of a certain kind into a self-righteous proselytizing project is finally laid to rest, while newer incarnations are allowed to flourish.

Notes

1. According to Mackinnon sexuality is the lynchpin of oppression: 'If sexuality is central to women's definition and forced sex is central to sexuality, rape is indigenous, not exceptional, to women's social condition' (MacKinnon 1987: 172). She argues that sexual exploitation and sexual violence are experiences women share in common and that these commonalities are more important than any differences between women. In her view, all women experience oppression at the hands of patriarchal power,

and she argues that power is invariably male (MacKinnon 1987:157–70). In law, it is expressed through ‘male laws’ and ‘male’ systems of justice (MacKinnon 1983; MacKinnon 1982).

2. The issue of gender has also been raised within a number of social and political movements such as the Dalit Movement, the indigenous people’s rights movement, as well as within local issue based struggles against the sale of arrack, deforestation, or for land reform. However, in relation to law, a feminist position based on centering women’s victimization and sexual violence based on a relationship of male domination and female subordination has been the dominant one and difference has been often assimilated into this position rather than destabilized it.

3. *Naz Foundation v Government of the National Capital Territory of Delhi*, 160 Delhi Law Times 277 8Delhi High Court, 2009).

4. *Fire* was produced by the Canadian diasporic filmmaker—Deepa Mehta in the late 1990s. The story involves the attraction between two rather stunningly beautiful married women, Radha and Sita, who live together in a joint family household. Radha and Sita are both names derived from central female characters in Indian epics. In celluloid, they are reimagined in the contemporary moment to transgress nearly every sexual, familial and cultural norm that constitutes India as it is imagined, including trespassing into an ‘unacceptable’ sexual space. The film triggered a national controversy over the representation of lesbianism and the cultural legitimacy of the film and its screening in India.

5. See for example *Bharwada Bhoginbhai Hirjibhai v State of Gujrat*, 1983 AIR 753 (where the bench stated that the stating ‘the Indian women unlike western women will rarely lie about a case of sexual assault given that India is a tradition bound non-permissive society and she would be ‘extremely reluctant even to admit that any incident which is likely to reflect on her chastity had ever occurred.’ ; *Gita Hariharan v. RBI*, 1999 AIR 1149, ‘[N]obility and self-denial coupled with tolerance mark the greatest features of Indian womanhood in the past.....’ (para 1); *Nergesh Meerza v Air India*, ‘It seems to us that the termination of the services of an AH [air hostess] under such circumstances is not only callous and cruel act but an open insult to Indian womanhood—the most cherished and sacrosanct institution.’; *See also Justice Krishna Iyer’s views in Phul Singh v State of Haryana* 1980 Supreme Court 1270: ‘It may be marginally extenuatory to mention that modern Indian conditions are drifting into societal permissiveness on the carnal front promoting proneness to pornos [sic] in life..... The unconvicted [sic]deviants in society are demoralisingly [sic] large and the State has, as yet, no convincing national policy on female flesh and sex sanity. We hope, at this belated hour, the Central Government will

defend Indian Womanhood by stamping out voluptuous meat markets by merciless criminal action’.

6. ‘Slutwalk plan triggers debate’, available at, <http://www.news24.com/World/News/SlutWalk-plan-triggers-debate-20110622>> (last accessed July 19, 2011).

7. The Criminal Law (Amendment) Bill, 2010 available online at [http://mha.nic.in/writereaddata/12700472381_CriminalLaw\(Amendment\)Bill2010.pdf](http://mha.nic.in/writereaddata/12700472381_CriminalLaw(Amendment)Bill2010.pdf) (last accessed July 19, 2011).

8. Section 155(4) of the Indian Evidence Act, 1872, which allowed the defence to examine a witness about sexual history was deleted in 2002.

9. *See for example* Apparel Export Promotion Council v. A.K. Chopra All India Reports 1999 Supreme Court 625 (where a complaint of sexual harassment was upheld partly because of the complainant’s pristine conduct, including her lack of knowledge about sex, as she was not married. These factors redeemed her credibility and suggest that had she been knowledgeable, it would have damaged her credibility and undermined the allegation that the sexual advances were unwelcome).

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