The rape of a young woman in Delhi on Dec 16, 2012 has led to massive protests across India. Commentators and politicians have weighed in with their comments, many of which are unfortunately either partisan or patriarchal or both. In this article, we analyze some of these claims with the realization that the problem facing us is complex.

Simplistic solutions can only be proffered by ignoring valid objections and alternate perspectives since scholars themselves are not in perfect unanimity over all the steps to be taken. A hurried action, it follows, runs the risk of causing further damage to our society. In the first part of this article, we examine some claims related to the issue and present arguments supporting as well as opposing them. After this analysis, we posit a theoretical framework within which the current protests can be understood. We argue that rather than representing a new self-realization in men over the need for gender equality, the protests are a reaction of the Indian middle classes to an existential angst arising from the rapid transition from pre- to post-modernity that it has experienced over the past decade.

Problems faced by Indian women are related but not identical. Rape, the so-called eve-teasing and female infanticide are all crimes against women. But we do ourselves a dis-favor by lazily clubbing the three under a single category and seeking a single solution to them. The protests in urban India are not primarily against female infanticide, they are more against the widespread sexual molestation issues. The article concentrates on the latter.

Incidents of rape have increased in India over the decades. However, the increase in this statistic does not establish ipso facto that India
has become more dangerous for women over this time-frame. The increase can be explained by other factors including a rise in population, increased visibility of women in the public space accruing from an improved participation in the work force and an improvement in reporting of rape cases.

The position of women in India has improved significantly over the decades, just as it has in other societies across the globe. In the middle of the last century, India saw women in the public space without male escorts for the first time in a thousand years. Over the intervening decades, we have almost completely wiped out both the sati and the devadasi system.

We have made progress in combating dowry deaths and acid attacks. Today, we have come to a point, where it is possible to host an event dubbed 'slut walk' in our country - an event unimaginable just 20 years back. Having highlighted the progress, it is nevertheless important to realize we continue to live in a deeply misogynistic setup. While the upper and middle classes have adopted the technological trappings of modernism, their mind-sets remain rooted in pre-modern considerations. The burden of 'izzat' or honor is cast exclusively on women. In Northern India, women are commonly addressed as 'aurat', drawing from Arabic ‘awrah' meaning either shame or female genitalia. Marriage is often called 'nikaah' which means a contract. The secondary meaning of 'nikaah' is penetration - an interpretation that gives us even less solace.

Some commentators - undoubtedly emotionally charged - have asked for instant retribution to the accused with minimal trial. Their argument is supported by the observation that trials in India drag on for years and often dissuade people from coming ahead as eyewitnesses to any crime. The classical counter-argument to instant justice is to reiterate that the near-complete and indiscriminate elimination of the false negatives increases proportionately the false positives. In layman terms, if we sentence with minimal trial every rape accused for his alleged crime, nothing prevents male members of the reader's family from being falsely accused by an inimical group and being sentenced for their non-existent crime. A safer, longer-term solution is to enable the quicker disposal of cases by reforming our judicial setup.

Some commentators have asked if the 'capitalist system' is to blame. The capitalist system cuts both ways on this issue. On one hand, output is enhanced if the women of the proletariat slog alongside their menfolk. This encourages the capitalists to seek gender equality, improved law and order, as well as increased participation of women in the labor force. On the other hand, the capitalists in seeking to maintain the consumerist ethos constantly titillate the minds of their viewers with sexual innuendos. A preponderant majority of advertisements promote products by either overt or subtle connections to sex. This constant titillation agitates the male viewers with latent male chauvinism leading to increased violence against women.

Some commentators have asked for the death penalty for rapists, emulating a call L K Advani had made about 15 years ago. Such harsh punishments are in line with what jurists across the world recommended in medieval times. Three arguments are traditionally proferred
against this stance. First, there is the low correlation observed in practice between reductions in incidents of crime with an increase in severity of punishment awarded for those crimes. Second, there is the risk of the death penalty provoking the rapists to murder their rape victims. Third, there is the possibility of a decreased conviction rate with the fear of making a costly error weighing on the minds of the adjudicators.

Some have personalized the issue and asked how those opposing the death penalty would feel if their female relatives or friends are assaulted. Would the liberal abolitionists then not want to kill the accused, is the refrain here. The counter-argument is to stress the categorical imperative. As a law-maker, one does not seek a personal or emotional response; indeed, one must act unemotionally in tune with a moral law that cannot and must not initiate another menace under the guise of solving one.

There are certain issues on which there is more of a consensus. The government must set up centers for post-rape trauma relief. Starting fast-track courts, amending the Indian Evidence act to remove further inconvenience and humiliation for the victim apart from amending the finger test are accepted by most scholars.

Some have asked whether we should ask women to be careful and be an active stakeholder in reducing rapes. While no one denies the need for individuals to avoid places that seem unsafe, the point is not emphasized since stressing it comes with two associated problems. One is that it allows people with patriarchal attitudes to shift the entire blame onto women - what we call 'victim blaming'. Second it allows politicians to shift the blame onto the populace and to exculpate themselves from their failure to maintain any semblance of law and order in our public spaces.

Some have asked if rapes are unpreventable. Their argument, revolting at first glance, rests on two reasons. One is that most rapists are first-time convicts. Second is that most rapes are committed between acquaintances whereby the rapist is either a relative, a friend or a neighbor of the victim. The first argument eliminates the idea of using decoy women to trap potential rapists. The second increases the difficulty of the law enforcement agencies. These two reasons even if true in a certain context do not make rapes unpreventable. They merely illustrate the need for a longer-term gender sensitization program in India.

Some have asked if prostitution be legalized to reduce rape. There are three parts to this argument that should be considered individually. First is to verify the claim of rape incidents being reducible by allowing prostitution openly. Second is the "morality" and consequences of allowing open prostitution. Third is to question the connection itself, i.e. can we exploit poor women and goad them into prostitution to ensure the safety of middle-class women.
Some have asked if rape victims should be referred to as ‘zinda lash’, as Sushma Swaraj did in the parliament. Not to highlight their suffering will strengthen the patriarchal mindset and does nothing to alter the unacceptable status-quo. On the other hand, stressing the suffering ad nauseam increases the mental trauma of the victim and hinders her recovery.

Most newspaper articles have quoted figures for the number of rape incidents in India without comparing them with analogous counts elsewhere. Publicly available statistics place us in the middle of these counts. But there are several questions on these data. Rapes are defined differently in different states. Rapes are grossly under-reported in most, if not all, countries. The conviction rate is very low even in the developed west. That raises questions on the accuracy of the data we have. Indeed, there is little evidence to suggest that women in India are more oppressed than what the economic status of the country would suggest.

Some have asked if rape is an urban phenomenon. Some data does exist that seems to call into question this claim. In the absence of clear data, opinion is divided on this score. Some have argued that rape is a rural phenomenon severely unreported due to notions of family honor or because the rapist is typically known/related to the victim’s family. Others have posited that rape is an urban phenomenon fueled by the anonymity a city offers.

Some have asked if there is anything peculiar to our texts and traditions that oppress women. Our indigenous religions on the contrary are distinguished in their apotheosis of women. Further, it is women who symbolize shakti or power with the male Shiva becoming a corpse (or shava) in the absence of his shakti. Women goddesses are widely venerated throughout India; this worship cuts across both classes and castes. Women sages contributed to the Vedic scriptures in contrast to the canonical literature elsewhere. Women like Maitreyi and Gargi are hailed as brahma-vadinis as they are conversant with the highest stations of spiritual life. While women are today identified by their father or husband’s names, our ancients sometimes identified men by their wives’ names - a practice that gave us SitaRam (or Sita’s Ram) and Radhakrishna (or Radha’s Krishna).

On the other hand, the canonical Manu smriti - though not considered applicable for the current Kali yuga by the orthodox - contains a hotch-potch of verses that range from the staunchly feminist to the embarrassingly anti-women. A misogynous verse in the canonical Awadhi version of the Ramayana is widely known amongst Hindi-speakers. Summed up, historical references do not help. Texts can be quoted selectively to demonstrate that women were either ill-treated or highly honored in pre-modern India. These texts - like the texts of today - were the product of the contemporary socio-economic infrastructure. It is unclear, if we can or should even attempt to base our current judgments and actions on these texts of yore.

We now develop a theoretical perspective to understand the massive protests triggered by the Delhi gang-rape. Let us note the assumptions up-front.
(i) The protestors drawing predominantly from the urban middle classes saw the rape as a totem for sexual molestation that many women face on a quotidian basis.

(ii) By all accounts - be it qualitative or quantitative - India is a middle-roader when compared against other nations with respect to crimes against women. Its women do not enjoy the social security of the developed west; but they are not constrained like women in many Middle-Eastern societies.

(iii) It is also arguable that crimes against women have not increased on a per-capita basis in recent times.

Based on these three assumptions, the massive public protests could be celebrated as a revolution in human consciousness. Never before in four thousand years of human history have millions of young men and women marched valiantly for a month to demand gender equality. Un-shepherded by organized lobbyist groups, it was a moment of anarchy we all could appreciate. Not being tainted with narrow caste or religious concerns, the protestors marched for a progressive future where women would be truly liberated. During the same month, there were gang-rapes elsewhere on the planet including in the UK and US. But nowhere did the media give blanket coverage to the incident and nowhere did millions of people battle oppressive state structures asking for the complete emancipation of women. Feminists had long hoped for a day when men would realize the brutality of the all-pervading patriarchal system and revolt against its strictures. It seemed that their dreams were being realized. One could almost recall Wordsworth penning "Bliss was it in that dawn to be alive; but to be young was very heaven!"

As comforting as the above hypothesis of a revolution in human consciousness sounds, it is likely incorrect. The current Delhi protests follow chronologically similar youth-driven protests in 2006 against reservation and in 2011/2012 against corruption. The composition of all these movements is starkly similar. The protestors are both male and female; and draw disproportionately from the urban middle classes. It is the class composition that yields an alternate hypothesis explaining the protests, which we consider next.

We observe that the transition from the feudal to the modern onward to the post-modern has been a difficult one even for the west that had 150 years to experience it and we hold that urban middle-class India has been dragged on this road within a span of little more than 20 years. This enables us to view the current protests as a result of churning within this group.

Till the early 90s, India was completely immersed in pre-modern concerns where by most citizens - though treated as and declared to be equal by the Indian constitution - identified himself or herself with categories of birth such as religion, caste and language. Against this backdrop, the sudden infusion of the capitalist ethos in the early 90s accompanied by the flattening of earth and globalization of information caused by technological advances such as the internet in the early 2000s have both exposed the urban middle classes to and imbued them with a post-modern western outlook. Their world has changed at a pace unseen or unheard before. Assumptions that were universally true
a decade ago became demonstrably wrong now. The conservative middle classes in the India of 1990s had little clue of homosexual rights and live-in relationships, both of which are not uncommon anymore in large cities today. The plebeian-sounding idea of having a girl-friend was still being glamorized by movies in the 90s illustrating the strict gender segregation of the urbanized middle-class India. The institution of arranged marriage has disappeared from segments of the upper middle class. Thus, we see that in the mere space of ten years, all that these classes had held sacrosanct has been irretrievably defiled in their imagination.

The youth who are mentally aligned with the contemporary west find themselves saddled with twin albatrosses of third-world level material infrastructure and medieval-era social setup. This leads to a tendentious conflict where their justifiable desire for material and social amenities considered a given in advanced economies are viewed as wanton luxuries by an older generation. The individual liberty of a woman to consume alcohol or to walk in the streets at late hours are demonstrably fundamental; yet the part of India that is stuck mentally in the 80s - because of either their advanced age or socio-economic underdevelopment - can neither grant them nor even fathom the necessity for granting them.

In this tense mix, the aggravating factor has been the introduction of conspicuous consumption in the early 2000s followed by the economic stagnation of the 2008-2013 period. Unbridled inflation has impacted the middle classes adversely with their materialistic desires being more incongruent with their incomes than ever before in recent memory. It was impossible to imagine just five years back, that common-place items of daily middle class usage will one day be costlier in India than in the United States and yet this is a reality we see in urban India today.

To deal with any possible impact of this upturning, the ruling dispensation adopted a dual approach. On one hand, it actively cultivated the pre-modern constituency through sops such as caste-based reservations, religion-based scholarships and employment-guarantee schemes. On the other hand, it - helped willingly by a Macaulayite elite - alienated significant segments of urban India from its middle-class based competitor party by demonizing it as being regressive and communally minded.

These factors have led to a democratic deficit, wherein the youth consider themselves without a voice in the current political milieu at a time when their aspirations are either being thwarted by old India or being threatened by economic stagnation. The protests of 2006, 2011 and 2012 are from this perspective a logical, if not ineluctable, outcome of their existential despair.

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