

Threatened Existence: A Feminist Analysis of the Genocide in Gujarat
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Chapter 10
Conclusion

The IIJ team came together on the basis of a shared understanding of communal violence in Gujarat, and with the desire to carry on the struggle for justice for victims and survivors of the anti-Muslim pogrom, to a national and international level. The feminists who form the IIJ come from different locations, in terms of their race, class, ethnic origin, religion and other status; they are all women, located within the specific nexus of power in relation to their subject positions. Without an assumption of commonality of all positions on social and political issues, they stand together as a community of feminists from across the world who refute violence and discrimination on the basis of race, religion and other identity-based differences and who believe in justice and human dignity for all.

Coming as it does almost 18 months since the pogrom, this report can operate as a reflection on the inadequacy of existing processes—both legal and otherwise—to provide justice and redress to victims, and as an allusion to new forms of activism around Gujarat that are relevant to broader struggles for democracy and equality. The Gujarat experience once more highlights the need to look at sexual violence as a significant engine of genocide. We need to understand the genocidal nature of the *Hindutva* project so as to emphasize the critical responsibility of intervention that lies with both the civil society and the State.

We acknowledge the extent of civil society responses to the pogrom, both in terms of the immediacy of the initial reactions and the sustained attention accorded to the events. While the humanitarian efforts were crucial, it is particularly important to note that groups immediately took up issues of rights and justice as well, some drawing on long histories of engagement with communalism and communal violence. Many activists felt disappointed with the response to the pogrom not because key democratic institutions did not exist but because they were not performing as they were intended to, whether it was because of interference by the ruling party, lack of political will, or sheer bureaucratic callousness.

When democratically elected governments intervene to hamper these mechanisms, international actors must intervene—not to replace bodies such as the Indian judiciary or the National Human Rights Commission—but to prevent the further erosion of their autonomy and powers by the ruling party, and to ensure that they perform their intended role of acting as checks and balances within the system. While efforts continue to bring tools of international law to bear upon the crimes of Gujarat, we recognize that the success and efficacy of these efforts depends less on legal definitions and compelling fact patterns and more on shifting global political realities, which might result in the deferral of justice for years to come. This makes it all the more imperative then, for international civil society to take the lead in providing the frameworks for analysis and action.

In evolving frameworks to understand human catastrophe, what is all too often subsumed is a specifically feminist critique of power and sexual violence as a tool in conflict situations. Much of the post-pogrom activist discourse centred around issues of the democratic and civil rights of the Muslim community in general. There was little critique of identity politics,

few attempts to redefine community in non-patriarchal ways, and limited attention paid to a concept of justice that could transcend a purely liberal understanding.

The primary flaw in international responses from groups like Amnesty International and Human Rights Watch, which condemned the pogrom, was the degree to which their “rights discourse” privileged violations by the State and State agencies, and underplayed the role of non-State actors and a general culture of violence. Moreover, even such reports failed to put the violence on the women from the Muslim community in Gujarat within the international experience of sexual violence on women in conflict situations.

Indian women’s groups viewed the IJ as an attempt to foreground feminist perspectives within the context of this carnage.

10.1 Identity-based politics

Understanding the identity politics of the Gujarat massacres from a feminist perspective means recognizing that a multitude of political and social formations that articulate demands based on diverse identities are possible. It means acknowledging the necessity of adopting different analyses with respect to each. Some identity-based formations are born out of the desire of one social group to maintain its privilege and power. These processes rely to a great extent on political ideologies of homogenisation and assimilation that privilege race, ethnicity, language, culture, religion of the dominant group and reaffirm structures of traditional and patriarchal power. Examples include white supremacists who maintained a system of apartheid in southern Africa, promoters of the Hindu *Rashtra* in India, and proponents of caste-based hierarchies etc.

Other identity-based formations emerge out of an experience of discrimination and marginalization and are often a response to living under the constant threat of harm. These communities – women, minorities, Dalits—come together in the process of looking inwards for strength and for the power to withstand and combat discrimination, rights denial and violence. Mobilizing and organizing on the basis of the experience of marginalization can be a powerful political tool. It enables those who are outside the structures of power to develop an analytical understanding of their exclusion from power, to build a sense of self-worth and dignity, and to struggle collectively for social and political change.

At the same time, it must be stressed that the process of organizing around a specific identity, building as it does on a community’s sense of its own significance and particularity, can generate its own forms of essentialism and create new structures of inclusion and exclusion. The issue confronting many groups that engage in identity-based politics, therefore, is that of building alliances and linkages that can lend strength to their struggle while not being consumed or subsumed by any hegemonic discourse – including their own. The claims made on behalf of a “community,” where the differences in identity and power *within* that community are not recognized, are likely to subordinate, rather than liberate or explicate. Those who experience multiple forms of discrimination and oppression suffer from a situation in which, their other identities are often rendered invisible and silenced when a single identity acquires primacy in a given socio-political context. Sometimes this silencing is forced through the use of brutal coercive measures. And it is one of the reasons why a focus on the sexual violence against Muslim women and girls, in the pogrom and the on-going persecution, is so critical.

Muslims in India are neither an undifferentiated religious or Political entity - despite colonial and Hindutva attempts to construct them as such, even though historically speaking, certain sections like the elite and spokespersons of the community - have in some sense affiliated with Muslim rulers on the basis of common religion. This memory has, for decades both preceding and post-independence, prevented particular sections of Muslims from recognising, acknowledging and coming to terms with the discriminations the community has faced, and from seeking alliances with other marginalized groups like Dalits. The historical discrimination of Muslims, including the experience of untouchability by caste Hindus, is evident in almost every socio-economic indicator such as poverty, literacy, employment and participation in industry. It is only in the context of extreme violence faced by Muslims in recent years, both within India and outside, that there is now the beginning of a recognition that they must coalesce around an identity of 'oppression' in order to fight for their rights, and indeed their survival. An urgency characterises this development: after all, there is a sharp difference between the ways in which the Hindutva project has understood Dalits, as a group to be subjugated, manipulated, and pressed into its service and Muslims, as a group to be constructed solely in terms of their religious identity, isolated and targeted as the 'other'.

The work of a feminist politics, given this reality, must recognize *both* the imperative to present a united front to the *Hindutva* onslaught, *and* the reactionary impulses (such as reasserting traditional, restrictive roles for women) that often accompany it. A feminist perspective must address itself to the tensions within the Muslim community, and pay heed to the more progressive voices. For example, there is a growing insistence, among some who witnessed the vulnerability of women who had to fend for themselves after the pogroms, that Muslim communities must prioritise education for women. There is a feeling that it is necessary for women to learn skills that would enable them to survive outside traditional male-headed household structures.

It is through intersectional analyses of discrimination and oppression that the potential of “transversal politics,” which crosses the boundaries created by identity, might be realized. Transversal politics understands that the subject positions on which we base our thought and our responses are multiple and constantly shifting. Within this context, as activists we do not represent any one group at all given times; rather, we stand as advocates of a particular understanding of a specific situation and as mobilizing and organizing agents against discriminatory and oppressive practices.

In spite of the fact that we as the IJ team speak in a shared voice, transversal politics does not call for all of us to share the same visions and perspectives on every topic. It recognizes the varied perspectives from which one of us may approach a particular issue and values the expression of dissent. At the same time it holds out the promise of a sometimes occasional, sometimes more lasting, shared space. In the case of IJ, the shaping of that space meant the explicit prioritization of feminist politics, insight and practice. We hope that through our work of placing gender dynamics and women’s concrete situations at the centre of our analysis, we might counter the larger tendency to render invisible or marginalize the significance of gender in this and other conflicts.

10.2 Communalisation of society

In building an analysis of the pivotal position of gender in conflict situations, it is necessary to go deeper, to develop an understanding of the ways in which cultural constructions of “the ideal woman” and “the ideal man” serve to motivate multiple forms of violence against women. These constructions reify women’s roles in reproducing community and nation, and men’s roles in their defence. The belief that the dignity and “honour” of a community rests on the “honour” of its women provides the background against which barbaric acts of sexual and sexualised violence are acted out on the bodies of women. Thus in the dominant perception of the violence in Gujarat, not only were Muslim men and the Muslim community “sullied” by the rape of their women, they were also an assertion of Hindu manliness, and Hinduism’s cultural and religious superiority.

Other myths contributed both to the legitimization of violence against Muslim communities, and to the silencing of women victims from those communities. The common portrayal of Muslim men as seducers of Hindu women in *Hindutva* propaganda licensed Hindu men, and women, to engage in acts of great brutality, by offering the rationale that the violence was revenge for both, ancient and recent incursions on Hindu women’s purity. Meanwhile, in the voices of Muslim women who survived multiple rape and sexual violence in the Gujarat pogrom of 2002, it is possible to hear intense self-blame and guilt for having “betrayed” the community. Testimonies that relate how reports of sexual violence were silenced not just by the State, but also by the Muslim community, tell of the ways in which communal politics reduces women to sexualised bodies and territories on which men’s battles for power may be fought.

By raising a range of questions about classical definitions of conflict and violence, and by challenging the essentialist notions of masculine and feminine underpinning them, feminist theories on conflict have emerged enriched and expanded. They have explicated the gendered nature of wars and conflict and the multiple roles of women and men within them.

There is a critical factor in which, within a conflict situation, a certain redefining of women’s roles takes place. In general, the conservatism of identity-based politics reaffirms women’s social, cultural and biological reproductive roles, and drives women, ostensibly for their own “protection” to relocate themselves within the confines of the home and the family. It restricts women’s mobility and creates an enhanced sense of insecurity, thus re-establishing the patriarchal division of the world into public and private spheres.

This redefining, however, is not the same for all women. In the case of majority communities, such as the Hindu community in India, a conflict situation also encourages women to move outside the domestic domain to play an active role in the *Hindutva* political agenda. It is a classic tactic of right-wing movements to harness politically women’s energies in order to protect some profoundly traditionalist order. The paradox is that in the process of engaging politically—and in this case militaristically—in the battle which is really also about their own confinement, women taste the excitement of exercising a political voice and making a political impact, not unlike the experience of feminist activists.¹

But for women from marginalized communities, like Muslim women in this case, the confinement comes without even the apparent political voice. In fact the reality of being a community under siege is that it inevitably leads to the feeling that only “primordial”

¹ This was and is very much the case in the US with the anti-abortion movement; you can also see elements of this ‘empowerment’ and ‘agency’ experienced by women in right-wing and fascist movement in women in Hitler’s Germany.

relationships to family and community can provide safety and security, and access to public space is completely denied. As the Gujarat example amply shows us, restrictions placed on Muslim women's mobility have a critical bearing on their ability to access employment, education and in general, participate in public and social life.

In essence all women are caught in their respective "primordial" relationships, which are constructed within a patriarchal and hierarchical order, and have no space to make claims for autonomy and rights within the communities. Right-wing politics thus not only directly attacks and marginalizes those considered the "other," but also forecloses all spaces for demands from those marginalized within the communities. The situation is even more serious in circumstances where democratic, and secular spaces are also under attack and the very notion of a secular democracy is being undermined.

10.3 The challenge to democracy

In a secular democracy, the very notion of a majority is one of a constantly shifting constituency. This is because people tend to operate on the basis of constantly changing self-interests drawn from a range of identities, that are ephemeral and always in flux, rather than any absolute and immutable one. This is in contrast to religious identity, caste identity and so on, which are considered immutable – which is precisely why the People's Representation Act expressly forbids vote-seeking based on appeals to such identities. The Act provides a safeguard against the descent of democracy into crude majoritarianism. The fact that this safeguard and others have failed, serves as a testament not to the inherent impotence of parliamentary democracy, as some have suggested, but to its subversion by forces of the ruling party.

At the same time, it must be stressed that a functioning democracy cannot be reduced purely to an electoral democracy. A host of other institutions – independent police, independent judiciary, legal frameworks, government agencies, State welfare institutions, an independent media etc. – and the protection and promotion of the indivisible and interdependent human rights norms by these institutions are an integral part of a such a democracy and play an equal role in protecting the citizenry, particularly the minorities, against discrimination and violence. The Hindu Right's disregard for and undermining of these institutions exposes their disrespect for democracy and their belief in totalitarianism and violence.

It would be a mistake to attempt to locate this phenomenon, and the Gujarat pogrom, at a purely local or even national level, because the local anti-Muslim discourse both feeds into and draws strength from the global anti-Muslim discourse. What follows then is an easy subliminal association of Muslim-Terrorist-Aggressor, making it difficult for the average person in India or elsewhere to accept the reality that this community – Muslims – have been victimized in Gujarat. Global political events, and in particular, the invasion of Afghanistan and Iraq by the United States following the attacks on September 11, 2001, also provided a justification for the flawed doctrines of retaliation and pre-emptive strike that *Hindutva* forces were quick to take advantage of to defend their actions in Gujarat. The idea of exacting collective punishment against an entire community for the actions of unrelated individuals, or of attacking a much weaker and numerically smaller group in the name of "self-defense" has acquired new validity in the post-September 11 scenario. When the enemy is constructed as a "Muslim-Aggressor" then pretty much all norms of justice, conscience, and rule of law can be overridden – that is the global message.

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10.4 Justice

It is not enough merely to reject the notion that violent retaliation or collective punishment could be commensurate with our understanding of justice. Given the complexity of the Gujarat massacres, even the more legitimate principles of punishing perpetrators and compensating the victims are cast into doubt. And yet, the difficulty of locating named perpetrators and establishing their guilt, in a majority of the cases, must not result in the denial of something called justice. At the most general level, then, we must assert that the State bears fundamental responsibility for its failure to prevent the massacres, and that a fundamental duty arises from this responsibility: a duty to recognize and atone for the wrong, and to compensate and rehabilitate the victims. This duty is owed not just to the particular individuals who have come forward with testimonies of their victimization, but to an entire community that was terrorized.

However, an awareness of the fact that a whole community is owed reparation must not blind us to the different ways in which distinct groups within it were targeted in specific ways. In particular, we must be attentive to the cases of sexual violence, where not only are the perpetrators and victims unnamed, and where forces within the community (concerned with issues of collective honour and shame) conspire with forces outside to keep the crime unnamed. Justice for women from the Muslim community has to be dealt with separately, over and above the generalized strategy that addresses the community as a whole.

In the assaults on women, it is not only the attackers that are sometimes unknown or unnameable; those who are targeted also cannot be named and identified. Besides, even if all women were not physically assaulted, all women from the Muslim community in Gujarat lived through the trauma and fear of a possible assault. In such a situation, justice has to include a public recognition of the crime and an acknowledgement that while all women from the Muslim community are victims of the crime, the rest of society carries the onus of being the accused for committing the crime, encouraging it, or not preventing it.

The State then owes women a more complex approach that recognizes their entitlement to more specific reparations and includes the development of mechanisms to prevent the recurrence of such violation. It must institute actual rehabilitation measures in order to address women’s economic, social and emotional needs that range from promoting educational opportunities to providing confidential counselling.

We struggle for a definition of justice because it is a struggle to understand the massacres, and to develop some comprehension about whose interests could possibly have been served by such inhumanity and brutality. But without an analysis of the violation, there can be no framing of how justice may be served, and without the promise of justice, there can be no

bulwark against the constant threat that what happened in Gujarat could very easily happen again.