

Straight from the Politicians Mouth **“Official” Talk on Rape***

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Abstract

This paper explores the political consequences of rape becoming a public issue. It does so by focusing on how political elites in South Asia respond to public outrage over rape. This paper finds that politicians, under the guise of fighting violence against women, actually increase the punitive power of the state over marginalized populations. The guise of protecting women allows parties to curry favour with enraged voters (in the aftermath of a brutal rape) while simultaneously strengthening their stronghold on the Indian state, through the implementation of a variety of disciplinary measures. The paper analyses the changes in the political discourse on rape (both level and nature of content) in official channels (election manifestos, budgets, pamphlets and committee reports) as well as in measures and policies proposed and enacted, utilizing critical discourse analysis. It is further complemented by interviews with current party officials who add additional context to the most recent political response to public outrage, post 2012. The empirical research is centered around spikes in the evolution of discourse, the 2012 Delhi gang rape that prompted changes in national election campaigns, subsequent state elections and the proposed policies to combat violence against women. Additionally, I focus on the narratives surrounding the installation of toilets in rural India, as an additional case where the VAW narrative is atypically at play. I find at all three levels, that the State uses the pretext of protecting women from violence as a means to strengthen discriminatory measures that are punitive towards marginal communities (primarily women and those of lower castes). This study indicates that mass outrage surrounding womens issues can be co-opted by political elite to further their own ends, and disadvantage those who are already marginalized by the State. These findings illustrate how the State can co-opt narratives of resistance to further their own interests, and further their influence over the State and it's citizens.

INTRODUCTION

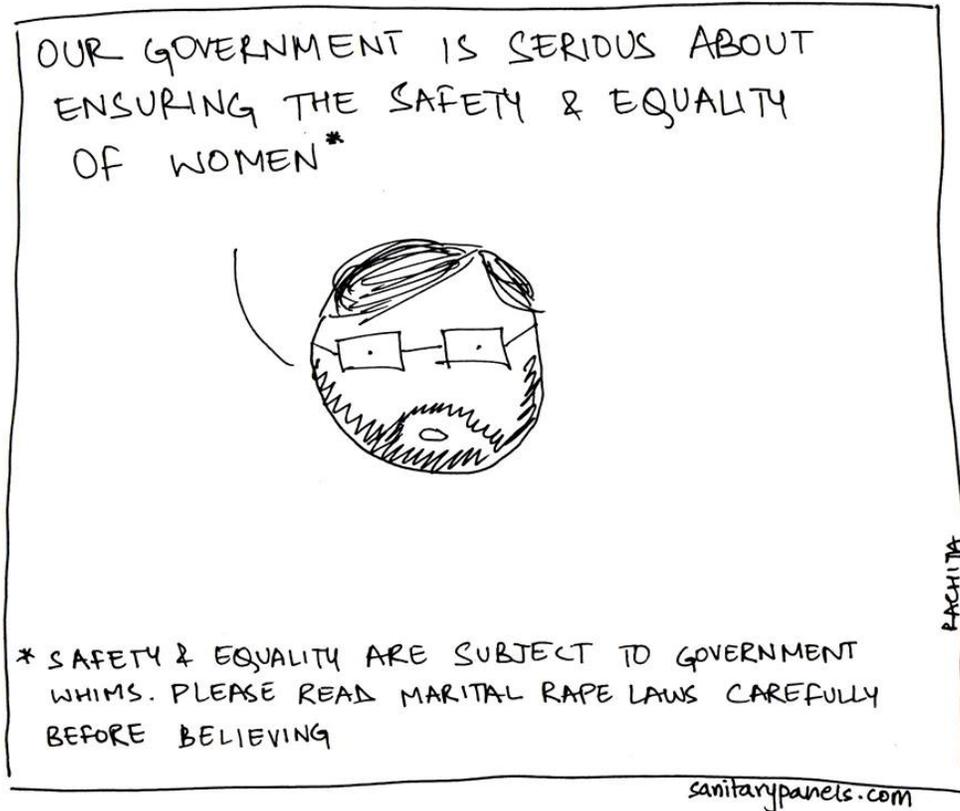


Figure 1: Rape in a Political Sense

This project explores the consequences of politicising marginalised communities and bringing them into the public and explicitly political sphere - essentially the process by which issues such as women's issues gain legitimacy as a political issue and what the consequences of this new-found legitimacy are. It does this specifically by tracing how Violence Against Women (VAW) became integrated into public discourse in South Asia over the last decade, as an instantiation of the bringing of gender issues into the public political sphere from the private. While feminist activists have for many years envisioned violence against women (VAW) as being inherently political (Cudd 2006), this urgency hasn't necessarily been echoed by those outside feminist circles. However, in recent years we see a noticeable shift in public discourse surrounding issues of women and the violence they face on the streets, at the hands of strangers.¹ This shift manifests itself in the

¹Specifically forms of stranger rape as manifested on the bodies of women in public spaces. Other forms of violence meted out on the bodies of women continue to find little to no support publicly, either socially or politically.

occurrence of mass protests globally against rapes of women², integration of Gender-based Violence (GBV) measures into International Organisation work and interventions,³ as well as a renewed (and new in many cases) political focus on analysing and preventing GBV as illustrated by President Obama's *Executive Order 13623* (2012), "Preventing and Responding to Violence Against Women and Girls Globally".

This paper therefore investigates 2 questions: How does the State respond to the increased interest in crimes against women vis-à-vis political outcomes? Furthermore, how does this change the nature of the State and the State's relationship to its citizens? Research indicates that governments may know how to co-opt public fervor and repurpose it to serve their own ends. They do this through either direct co-optation or through State sponsored movements aimed at undermining dissent. Additionally, while this paper is rooted in an analysis of politics in developing areas, this isn't necessarily a story restricted to the developing world. As we see in the case of the Trump Administration, the rape of a high school classmate by two undocumented teenagers was used to support their crackdown on immigration and deporting the undocumented in America (Klein March 28, 2017). The spectre of refugees raping European women has become a mobilising image for the European right-wing, since the New Year attack on women in Cologne (2016) purportedly propelled by recent emigres to the continent (BBC January 5, 2016; CBS and AP January 11, 2016). In this paper, I investigate how political elites respond to public outrage surrounding issues of rape. What is the incentive to respond, how much do they prioritise it and finally, what are the policy implications of these political choices? Below I briefly discuss the theory behind this project, and highlight the research design, my methodology, and an outline of this paper. I present preliminary findings and future research avenues for this topic. I finally conclude with a commentary on the significance of this research agenda.

I explore in greater detail the relation between VAW, public interest and political outcomes to better understand the changing nature of the State's relationship with those who live within the State boundaries. I study the evolution of public discourse on Violence Against Women by focusing on comparable cases within the Indian context. I am able to exploit sub-national variation while still holding constant key factors such as regime, history, key demographics and socio-economic factors. I draw on the theory of eventful temporality to define my research design, where I focus primarily on what is now known as the December 16th rape of Nirbhaya, as a critical juncture. While Nirbhaya challenged the national level discourse, I also analyse the rapidly evolving discourse at the state level by focusing on how the All India Trinamool Congress Party's

²Menon (December 24, 2012); Bhan (February 1, 2013); Dutta and Sircar (2013); Capozzola (December 26, 2014); Ghosh (June 4, 2012); Gillis (November 1, 2013); Davis (December 13, 2013)

³USAID (2017, 2015)

election campaigns have evolved since 2010 (when the party started running for office in West Bengal, an Eastern state in India) and the recent elections (2017) in Uttar Pradesh won by the Bharatiya Janta Party. I finally look briefly at the debate surrounding the installation of public toilets in rural India, an election campaign promise by the current party in government. I analyse a combination of documents - election manifestos, Ministry of Women and Children reports, Budgets and reports by Fact Finding Missions. Given the paucity of documentation in India, I use the combination of documents to better capture what the intent of political parties is, as well as what eventually gets implemented. I complement these with interviews with government officials where possible, and activists with reference to the Toilet Campaign. I primarily cover the period between 2009-2014 in this paper, to best capture the sharp change in discourse post the December 2012 mobilisation around VAW.

WHAT WE TALK ABOUT WHEN WE TALK ABOUT RAPE

“We had stopped expecting, we had become like a herd of sheep being led on. But Nirbhaya woke us up. Nirbhaya is not resigned to fate. She, with her will to live, her tenacity to fight, has ignited the minds of lakhs of Indians to stand up in protest against gender crimes and against the apathy of a vote-leeching government which does not consider women to be part of their vote bank, as Arnab Goswami rightly said.”⁴

Nirbhaya* was a 23-year old physiotherapy student who was brutally gang raped on a moving bus on December 16th, 2012 and left to die by the side of a road.⁵ She eventually succumbed to her injuries 13 days later. Her rape and subsequent death captured a latent fury within the Indian people and protests shook the world’s largest democracy for over a month, transitioning from a private shame to a public fury.⁶ Less than a year later in June 2013, a 20 year old student was similarly gang-raped and brutally murdered in Kamduni, West Bengal resulting in protests that shook the State and the newly-elected State Government (Dutta September 8, 2013).

Nirbhaya becomes the turning point in much of the discourse surrounding rape in India. Furthermore, much of this is attributed to the protests that occupied the streets for a month and the public imagination for

⁴(Basu December 23, 2012)

⁵Nirbhaya (or Braveheart) is what Jyoti Singh Pandey was nicknamed by the Indian media. Indian sexual violence laws prohibit the public naming of victims of sexual violence, unless the survivor or her family after her death, make it public on their own volition. Jyoti’s father named her publicly to indicate that rape victims shouldn’t be ashamed of having been raped. The Indian public and media however, still refer to her as Nirbhaya and are hesitant to name her.

⁶These protests also laid precedent for the rest of South Asia, and other parts of the developing world.

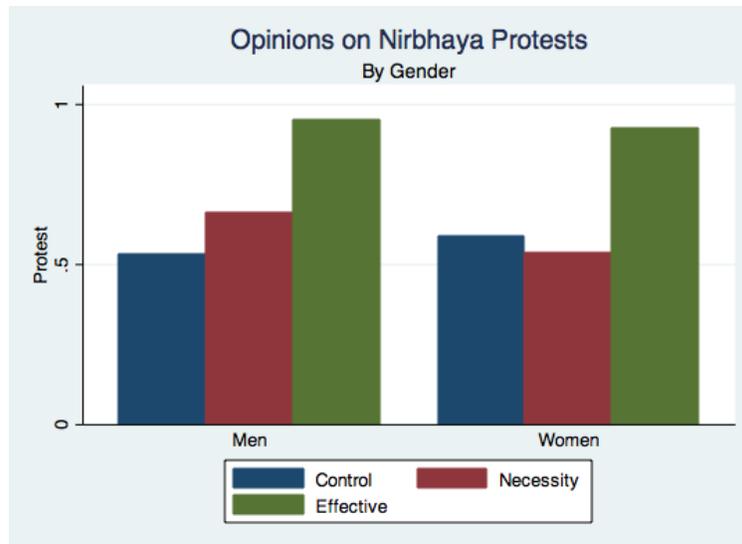


Figure 2: How effective were the Nirbhaya protests in bringing attention to the problems faced by women in India?

much longer. The effectiveness of the Nirbhaya protests is considerably higher than those of other protests in India, as per the results of a survey conducted 3 years after the triggering event. Over 93% of survey respondents claimed to know of Nirbhaya and the case, at least 3 years after the fact, if not at the time. This name recognition is higher than any other case of sexual violence in India, resulting in Nirbhaya being referenced in every story about sexual violence in India. I therefore use the protests around rapes as the comparative leverage point around which I study the change in the nature of public discourse on VAW in India.

THE PROBLEM OF VIOLENCE AGAINST WOMEN

In 2013, 35% of women globally experienced “physical and/or sexual intimate partner violence or non-partner sexual violence. [...] Some national violence studies show that up to 70% of women have experienced physical and/or sexual violence in their lifetime from an intimate partner.”⁷ Research conducted by the Minority Groups Right International additionally indicates that minority and indigenous women face disproportionately higher levels of violence in both situations of war and peace (MRG 2011). This violence can take multiple forms ranging from domestic violence, intimate partner violence, sexual assault to custodial violence and rape used as a weapon of war to list a few (Anderlini 2007; Jayawardena and De Alwis 1996; Kannabiran

⁷UNWomen (2014)

2007; Pahl and Pahl 1985; Whitworth 2004).

Violence Against Women as a (potential policy) issue area therefore is comprehensive of most types of violence that target women specifically. Women become victims by virtue of being women, not because of their actions or socio-economic standing or other typical determinants of violence. Cudd (2006) argues that violence against women should be considered an oppressive violence as the violence is both credible and systematic. Violence becomes credible when the dominant group threatens violence against a subordinate group, and the subordinate group perceives this threat and acts in accordance. What unites all women therefore is their subordination at the hands of men primarily. Violence against women, for being women and by virtue of being women, exists in all societies and this social threat of violence acts as a tool of oppression against an entire half of the population, creating a gendered hierarchy that is oppressive in its very origin. The implication therefore, is that gendered violence cuts across race, class, rural-urban divides and all other intersectionalities, thereby affecting nearly everyone in society, making it an issue of political importance for every member of society. However, as Cudd points out, considering this violence systematic is epistemologically different as it becomes ‘invisible’ in our parlance, invisible to the public even while being oppressive and consequential to those victimized by it. Simultaneously, VAW as opposed to women’s employment or education is an issue that is construed as particularly divisive as it requires an overhaul of the *social* institutions in place, often targeting religious, cultural, and ethnic practices and institutions.

Mobilizing around an invisible, unknown violence therefore is challenging and efforts to do so have primarily been lead by women activists, NGO’s and the feminist movement in the case of VAW. The USA for instance can credit the women’s movement and feminist organising with placing rape on the public agenda (Bevacqua 2000), while autonomous women’s movements across the globe have been one of the primary determinants of VAW legislation (Htun and Weldon 2012). However, for the most part VAW is considered a private issue, typically considered only within the socio-cultural context and of concern only to women, a niche political issue at it’s best (UNWomenWatch 2006; UNWomen 2014; Arneil 2001; Davis 1998). Domestic violence and intimate partner violence for instance are highly researched but mostly from a public health angle⁸, with DHS data being one of the primary sources of data on VAW in developing countries for researchers (Rutstein et al. 2004; Carlyle et al. 2014; Fineman and Mykitiuk 1994; Pahl and Pahl 1985; Bhattacharjee 1991; Stellings 1993). In patriarchal societies,⁹ where men are the dominant force

⁸For example, the most common tag in Sage journal *Violence Against Women* is “Domestic Violence” followed by “Intimate Partner Violence”. “Sexual Assault” more generally, is only the seventh most common search term.

⁹Patriarchy is defined as being a form of societal organizing where “men not only have greater control over the public sphere than

and the society is created and organized along these lines, most institutions of public purpose and power are “designed and populated primarily by men” (Sapiro 1983) and thereby restrict women’s unhindered access to these structures. Vidyamali Samarasinghe discusses the normalization of gendered ways of life in South Asia specifically and how “political activism, identified with public sphere of activity, seems to be far removed from the everyday lives of women.” (Samarasinghe 2000)

While feminist activists have brought recognition to the issues surrounding VAW beginning in the 1970s (Keck and Sikkink 2014), we have seen little public mobilization around the issue, that is until very recently. Increasingly since 1975, International Women’s Year as declared by the UN, laws to fight Violence Against Women (VAW) have become an integral part of the discussion on human rights and global feminist activism. The 1970s were dedicated to drafting and passing the world’s first comprehensive and legally binding instrument to prevent discrimination against women and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) was eventually adopted in 1979 (and passed in 1981). While governments across the world have increasingly adopted various measures to protect the rights of women in the last 4 decades, these measures are far from comprehensive and more importantly, uneven across national legislatures. India, the world’s largest democracy has resisted change on multiple occasions¹⁰ and yet in 2013, the government gives way to protests and amends the relevant sections (i.e. those pertaining to sexual assault) of the Indian Penal Code, Indian Evidence Act and the Code of Criminal Procedure,¹¹ all in the aftermath of a mass protest. Other recent mass protests in response to the rapes and often murders of women, such as those in India, Turkey, Kenya and South Africa amongst others therefore, stand out as an anomaly.¹² The public protesting of private violence is significant specifically with regards to the relation between violence, mobilization, and public policy.

SOCIAL MOVEMENTS AND MOBILIZATION

Traditional political science research typically looks towards the literature on contentious politics to understand social movements. Weldon (2002, 62) defines them as “a form of political mobilization in which

women, but they also dictate the running of the household through the domestication of women’s roles” (Boynton and Malin 2005).

¹⁰See protests related to the Mathura, Bhanwari and Priyadarshini Mattoo cases, in **A History of a Violent India**

¹¹Which now provides the death penalty in cases of rape.

¹²(Menon December 24, 2012; Bhan February 1, 2013; Asquith Feb 23, 2015; Davis December 13, 2013; Capozzola December 26, 2014; Ghosh June 4, 2012; Gillis November 1, 2013; Davis December 13, 2013; Heese and Allan February 18, 2011; Rush June 4, 2015; Dutta October 20, 2016)

membership and action are based on claims of justice.”¹³ Tarrow (1998, 76) defines political opportunity as “consistent ... dimensions of the political environment that provide incentives for collective action by affecting people’s expectations for success or failure.” Examples of expanding political opportunity structure are increasing access to participation, realignment within the political system, emergence of influential allies, and a fractured or fracturing political elite amongst others. The purported value of this political process approach is that “activists do not choose goals, strategies, and tactics in a vacuum. Rather, the political context, conceptualized fairly broadly, sets the grievances around which activists mobilize, advantaging some claims and disadvantaging others. Further, the organization of the polity and the positioning of various actors within it makes some strategies of influence more attractive, and potentially efficacious, than others. The wisdom, creativity, and outcomes of activists’ choices - their *agency* - can only be understood and evaluated by looking at the political context and the rules of the games in which those choices are made - that is, *structure*.” (Meyer 2004, emphasis in original) Scholars such as McAdam, McCarthy and Zald (1996); Tarrow (1998) have proposed that culture and value might matter in the case of social movements, the concept of cultural framing as we know it today. Jenson (1985) makes the case for how struggles over discourse shifted the political opportunity structure for women activists in France. Tarrow (1998) argues that a movement can be considered vital when it spins off new master frames, as the American feminist movement did. Framing and discourse here work to create and shift political opportunities including structural opportunities. Winter (2008, 4) defines framing as “the process by which political leaders communicate about issues by emphasizing certain features of an issue, downplaying others, and assembling those features into a coherent narrative with clear implications for policy action.” (6) What is important to note here is that “Frames specify *how* to think about things, but they don’t point to why it matters.” (Ferree and Merrill 2000, 485) Additionally, a focus on frames emphasizes the agency of political actors, even if it only exists *within* the political structure. The strategic deployment of frames *by actors* can therefore act as more than just a connective tissue, they can create the political structure and provide impetus for dormant mobilizing structures to be activated.

While much of this literature has focused on how activists have mobilised to challenge and resist governments, and institutions, I argue that political parties use these tactics as well to co-opt and recreate narratives about public mobilisation, often while in government. In effect, governments are using the very tools created to fight them to strengthen their political bases and grip over the state.

¹³Similarly, Fuentes and Frank (1989, 179)’s definition of a social movement: “Social movements have in common individual mobilization through a sense of morality and (in)justice, and social power through social mobilization against deprivation and for survival and identity.”

WHY PEOPLE PROTEST

Existing work on understanding protest behavior has been unable to come up with a consensus about why people protest. Current explanations include grievances, efficacy, identification, social embeddedness, the role of emotions and mobilization. Classical grievance-based theories such as relative deprivation and social justice argue that people participate in public protests to express grievances that stem from perceptions of relative deprivation, frustration or injustice of outcome and process (Berkowitz 1972; van Stekelenburg and Klandermans 2013; Gurr 1970). Scholars such as McCarthy and Zald (1977) however, have critiqued grievance based theories on the premise that these theories don't explain when grievances translate to mobilization, and when for the most part, they don't, arguing that the question shouldn't be "whether people who engage in protest are aggrieved, but whether aggrieved people engage in protest"(van Stekelenburg and Klandermans 2013, 2). They instead propose that efficacy, resources and opportunities play a more critical role in explaining protest mobilization (see above theories about social movement emergence (McAdam, McCarthy and Zald 1996)). Efficacy theories of mobilization refer to an individual's perception of their ability to effect change through protest, the efficacy of the protest and the primacy of agency in protest participation and movement emergence. While grievance theories don't adequately explain when grievances will translate to protest, theories about resource mobilization explain how the protest emerges and does less work for the motivations of the actors involved in the actual act of protesting. An emphasis on instrumentality assumes that the protesters are involved in a larger social movement and therefore invested in the outcomes of the movement personally. While this assumption may be valid, we cannot assume it is so.

More recent research has moved away from instrumental explanations towards social and cultural explanations. The creation of socially based identities allows for the transformation of personalistic behaviour into collective behaviour, overcoming the collective action barrier (Ostrom 1990; Klandermans and de Weerd 2000). Awareness of a similarity and shared fate with others promotes motivation to participate on behalf of others. The politicization of these social/group identities result in power struggles that will lead to mobilization and collective action challenging existing authorities, unless the struggle meets resolution or is repressed. Anger for instance is often considered both a binding factor in the creation of group identities and a powerful motivator of protest behaviour (Van Zomeren et al. 2004). Perceptions of in-group identification amplify emotions of anger as predictors of protest as anger is seen to channel behaviour into resisting authority more often than shame or fear (B Klandermans and Stekelenburg 2008). "Group-based anger is mainly

observed in normative actions where efficacious people protest.” (van Stekelenburg and Klandermans 2013) While most adherents of social identity theory have claimed that low-status groups (however constituted) typically challenge the actions and authority of higher status groups, this isn’t necessarily true. Perceptions of competition between groups or changes in identification of membership categories, prompt a realignment of group identity that then allows for mobilization to change a corresponding political reality. Additionally, advantaged group members can also perceive their in-group advantage as unfair and feel guilt and anger over this, motivating them to ally with protesters, in spite of their advantageous situations (Leach, Iyer and Pedersen 2006). On the flip side, the guilt and anger can allow for relatively easier appeasement, thus dissipating mobilisation at a faster rate. This is further exacerbated by the in-group dynamics of advantaged group members protesting alongside low-status groups, where the protest narrative itself might be appropriated by those who are typically used to dominating social arenas, often in collaboration with those in power.

VAW MOBILIZATION

To better understand how current narratives of VAW interact with activists and government officials alike, I look at the literature to see how VAW has in the past entered the public arena, and what it looks like when governments get involved. Research on VAW has mostly focused on the role of transnational actors and their causal support in bringing about changes and public interest in VAW. Keck and Sikkink (2014) for instance argue that VAW was mostly missing from the agenda of the women’s movement till the 1970s but then it rapidly became integrated in the global discourse due primarily to the efforts of international women’s networks that collaborated with the human rights networks to form the transnational campaign on violence against women. Joachim (2007) also relies on a top-down approach in explaining how domestic legislative change comes about. She stresses the importance of international treaties, specifically the role played by the UN and international NGOS in bringing about a legally binding international instrument that precipitated change on the domestic front. Signing an international treaty, Jutta argues, helps civic groups *within* a country ally with and fight alongside international actors to bring about change at the national level. The emphasis on international actors is also extended to the domestic implementation of laws by True and Mintrom (2001) who focus on the role of transnational advocacy networks in bringing about change at the domestic level. They discuss the importance of gender mainstreaming in state machinery and how state institutions that are aware and inclusive of women and feminist concerns will be forced to take more concrete steps to bring

about gender equity. TANs are instrumental in effectively gender mainstreaming government departments at the domestic level. Avdeyeva (2007) additionally argues that ratification comes about in part because of perceived or real social pressures on states to assimilate with their regional partners, and compliance or implementation with said ratification is therefore dependent on the vulnerability to social influence.

A majority of the work in the field has additionally focused on the legislative and institutional means by which feminist actors and organizations combat VAW (Weldon 2002, 2011). The outcome of interest has primarily been laws that combat VAW and other policies that operate on the national or transnational level, highlighting the causal effect of women's advocacy and activism. Traditional scholarship has also pointed towards an array of causal variables to explain this passage of legislation: the presence of women in governments, feminist movements, the ratification of CEDAW, district magnitude, strength of left leaning parties (Sanbonmatsu 2003; Haas and Blofield 2005; Htun and Weldon 2012). This research however typically assumes that the legislation that emerges would be in line with the demands of the women's movements and feminist principles. Recent changes in legislation in South Asia have been driven less by the work of women's groups and more by public outrage. Gender and mobilisation research has analysed the role that women play in these movements but this conflation of women and women's movements fails to empirically capture what we see in South Asia (Baldez 2002; Beckwith 1985; Banaszak 1996; Weldon 2002). While there can be significant overlaps, a movement surrounding women's issues aren't necessarily lead by women and where the issue, its resolution and the movement itself aren't necessarily defined and framed with women and their gender identity in mind. Protests surrounding sexual assault, rape, and other acts of violence against women can therefore act as a window into understanding how mobilization surrounding women's issues is different from mobilization *by* women.

INDIA AND VIOLENCE AGAINST WOMEN

The 2016 World Economic Forum Global Gender Gap ranks the Health and Survival of Indian women (which includes prevalence of gender violence as a segment of its composite score) at 142 out of 144 countries, indicating the severity of the problem in the world's largest democracy (Samans and Zahidi 2016). The National Crime Records Bureau Report of 2015, published by the Indian Ministry of Home Affairs, finds that domestic violence (34.6%) is the leading cause of Crimes Against Women, followed closely by "Assault on Women with Intent to Outrage her Modesty" (25.2%). Rape compromises 10.6% of Crimes Against Women

(Bureau 2015).

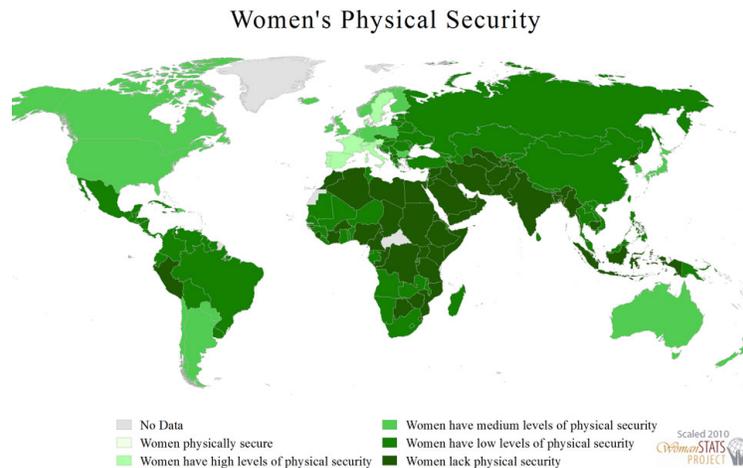


Figure 3: Women's Physical Security Globally

Women activists have been mobilizing since the 1970s with the Mathura rape case in 1972 which was eventually picked up by lawyers and women's right activists only in 1980¹⁴. Mathura, an adolescent girl from a tribal community was gang-raped by two police officers in a police station and her family's attempts at reporting this crime went unnoticed for 8 years, when a women lawyers' collective heard about the case and took to the courts to publicly demand agitation. This agitation eventually lead to the Criminal Law (Second Amendment) Act of 1983 where custodial rape was now made punishable, the burden of proof was shifted to the accused, revealing the name of the victim was punishable by law, women doctors conducted the medical examination, and a woman's indication that she hadn't consented was considered rebuttal enough.¹⁵ This was however tacked onto an amendment that primarily dealt with dowry deaths that hadn't abated since the Dowry Prohibition Act of 1961.¹⁶ While a considerable leap in legislation that protects women these measures became a means to further marginalize women. Bhanwari Devi, a small-town activist who decided to bring increased awareness to child marriage in her state of Rajasthan was gang raped by the village elite (she herself was of a much lower-caste, an Untouchable or *Dalit*) in 1992. When she went to file a police claim, she faced additional harassment at the hands of the police as they marginalized her claim in the interests of sticking to the law. She was not examined within the requisite period as no women doctors were present, her report

¹⁴Anandan (December 26, 2012); Kaufman (April 20, 1980)

¹⁵(Government 1983)

¹⁶This act criminalized the act of demanding dowry but is rarely enforced.

was delayed even further as the legal departments were shut for the day and she was made to deposit her skirt as evidence thus further harming her “modesty”, the very attribute the Indian state purports to protect¹⁷. The laws established to protect victims after Mathura were the very ones used to marginalize Bhanwari 12 years later¹⁸. Their status as women additionally marginalized along caste and class lines served to restrict their access to justice with Mathura’s rape coming to the public knowledge only 8 years later and Bhanwari Devi never receiving any justice. However, professional women from the middle urban class do not fare much better (Kannabiran 2007). Priyadarshini Mattoo was a law student who was stalked for over a year and then raped and murdered by a fellow classmate. Santosh Kumar Singh, the accused, was the son of a Police Inspector General and initially acquitted in a trial court due to the mis-presentation of evidence and particular inaction by the Delhi Police. Manu Sharma, the son of a high-profile politician shot Jessica Lall, an aspiring model, in a bar for refusing to serve him anymore drinks. His acquittal followed close on the footsteps on Singh’s and protests shook the Indian capital. These acquittals were eventually overturned by higher courts and the accused sentenced to life imprisonment. Thangjam Manorama’s (alleged) rape and murder while in custody of the Indian Paramilitary Forces in Assam lead to protests against the Armed Forces Special Powers Act (AFSPA) in the North East and Delhi, primarily launching the Meira Paibis protest by the Mothers of Manipur (Rehman 2017). While we witness activists coalescing and mobilizing support for these campaigns, they were either much delayed or very localized. The protests against the AFSPA in Assam for instance revolved primarily around the actions of 5 activists and their political actions. The protests for Mathura took place 8 years after her rape, and Mattoo and Lall witnessed protests in their honor only after verdicts had been returned favoring the perpetrators, again up to 8 years later in the case of Mattoo’s rape and murder.

Most media highlights the value of the “perfect victim”, the girl who fought back, the girl that forgave, the dead corpse that outraged the modesty of the society. The consequences of the essentialization of rape and womanhood are far-reaching. The “Mother India” imagery that is rampant in Indian culture identifies India’s national pride with the sanctity and safety of their women. Women therefore become symbols much like they do in cultures where the community’s honor is invested in the women themselves, such as the tribal Bedouin culture in the Levant where “a woman belongs to her people and carries family honor”.¹⁹ The nature of the underlying narrative therefore could result in similar actions and outcomes by people but for distinctly different motivations. Do people protest gender-based violence because women must be protected from

¹⁷(Mathur October 10, 1990)

¹⁸Abraham (2002)

¹⁹Sonbol (2003, 47)

harm or because violence is wrong in and of itself? The former can be interpreted as reflective on notions of the community and therefore distinct from the latter which speaks to larger feminist concerns of violence, marginalization and power. This specifically has consequences on the resulting policy that is formed and laws that are passed, as it situates the underlying vote banks and their motivations.

APPROPRIATING VOICES

“That point where that goonda²⁰ just came and took away the stool from our organiser, a woman! It was just so... I couldn’t go back after that. The protest was supposed to be for women you know, where we got to speak and cry for the girl but no. They had to come ruin that also for us. They always just take over. I didn’t go back. I didn’t want to have more men telling me what to do. What is he, my father?! Good for him that all of a sudden he is worried about us but still. I don’t want to go anymore.”²¹

One of the classical questions at the heart of the study of public policy is whether “ordinary citizens significantly influence the specific policy choices of government?”(Lindblom 1968, 2) Citizens typically rely on their votes to influence politicians and much of the public policy literature has responded to this claim by focusing on the role of interest groups, party work, committee work and electoral politics generally.²² I however focus on the relation between contentious politics, and public policy - the impact citizens have on public policy choices through their wielding of their right to dissent, to disobey and to withhold from electoral politics. What I do here in this project therefore is respond to the exhortations by McAdam and Tarrow (2010) to connect the study of social movements to electoral politics more explicitly. While many recent studies have focused on the link between social movements and electoral politics such as Cowell-Meyers (2014); Schussman and Earl (2004), their focus has inevitably drawn from movement leadership and those that go onto hold elected office as having impacts on electoral politics and policy. I however disaggregate the social movement to focus on the *rank and file* and their relation to hegemonic parties, akin to what Thachil (2011) does when he focuses on public service provision as how poor voters relate to elite parties in India. I thereby investigate the underlying attitudes of the mobilization and the consequences of this mobilization on outcomes of political interest (McAdam and Tarrow 2010).

Gender and politics research has focused primarily on the primacy of women actors within the women’s

²⁰ A goon, colloquially often used to describe young men who engage in rowdy behaviour

²¹ Participant in focus group

²² Need help here - What literature should I be looking at?

movement (Beckwith 2001), which in and of itself is a critical aspect of the gendering of social movements, or the inclusion of gender in our analyses of contentious politics (Kuumba 2001). However, the increasing inclusion of VAW on the public agenda, raises the issue of other constituents involved in the new conversations that surround issues of rape and women's rights. While allies have always played a critical role in moving movement issues to the forefront of formal politics, I argue that allies are playing a more central role than ever before in the mainstreaming of gender issues.²³

Rupp and Taylor (2013)[1] argue that “Feminist activism is often organized around a constellation of oppressions rather than exclusively around gender.” It therefore isn't too much a stretch to argue that women's activists and organisations see the value in also protesting a nexus of related critical issues, such as increasing state surveillance, police brutality, minority rights violations, government corruption etc. It is theoretically harder to make an argument for pro-democracy activists fighting specifically against VAW, typically considered a niche or “women's” issue, but I argue that specific cases of VAW can mobilise a wide coalition of constituents, due to the intersectional nature of VAW as a political issue.

In essence, while most mobilising around issues of VAW has been organised and led by women's organisations, VAW as an *issue* can and does attract conservative and liberal constituents, people from different classes, religions, and other social cleavages. This is further amplified in developing countries where women's role in society is complicated by competing forces of neo-liberal economization and traditional societal structures, that result in women navigating the public arena while still being restricted socially and in private (Schild 1998; Rozario 2006; Gottlieb 2016). Feminist activists can therefore navigate the support of women's rights and fight VAW on the grounds that it violates women's autonomy, a central notion in feminist thought (Cudd 2006). More conservative constituents approach the issue from a contrary point of view that results in a similar behavioural outcome. With conservative constituents, the violation of women is akin to the violation of community honor (Hossain and Welchman 2005), and therefore VAW poses severe risks to communal solidarity and purity.

This therefore means that VAW can be framed politically by voices across the political spectrum, allowing for capture by political voices to further their own ends. The spectre of the Othered Stranger raping women and dishonoring communities allows for the rallying up of support for strategies that “protect”

²³I hesitate to use the term “gender mainstreaming” (Caglar 2013) due to its connotations surrounding the inclusion of women in institutions and a corresponding rise of “femocrats” (Schild 1998). Instead I wish to focus here on the mainstreaming of gender into public discourse and informal politics.

communities and preserve national honour. These strategies also deliver more power into the hands of governments and strengthen their hold over society. Furthermore, by acting upon the demand for VAW, the state is able to communicate care and concern thus helping rebut the onslaught of anti-government anger directed at them. An effective State machinery therefore, can channel the anger directed at them into proactively building up a state that benefits them. I further posit that VAW allows political parties to sidestep other GBV issues, such as exploitation of labour, lack of access to public transit and safe streets, sexual harassment at the work site, and limited access to public amenities.

However, why are feminist actors not able to more effectively design policy at the national level that can curry favour with the vote banks electing parties into office? Or do they choose not to? Maitreyee Chaudhuri and Madhu Kishwar argue that feminism in India is torn between engaging and resisting the state (Rajan 2003). “Some movements have feared that a close relationship with political parties might lead to their co-optation and deradicalization, while others have seen parties as vital to advancing women’s political interests” (Basu 2010), a debate that continues unresolved. Additionally, feminist groups must navigate the specifically tricky terrain of being both nationalist (or “Indian”) and feminist at the same time, especially given the current political climate where a narrative of national security concerns help propel a conservative ideology forward. All political actors are expected therefore to pledge primary allegiance to national unity and the Indian vision, a narrative that has underscored Indian politics since its inception. Indian feminists must straddle the boundary between being feminists and being Indian, fighting for women’s rights while simultaneously retaining Indian values (Narayan 2013). When translating to public policy formulation and in the interest of getting laws passed, this results in the further marginalization of those women who aren’t considered “Indian enough” such as Muslims, Dalits or those from the North East of the country.²⁴ The intersectional nature of the struggle against VAW therefore yields potentially hefty explanatory power when explaining the divergence in protest mobilization and by extension, the resulting policy formulation.

SUMMARY OF FINDINGS

I find that while mass protests (that erupt in response to brutal rapes) play a critical role in legitimizing the issue of VAW, the subsequent policy platforms that emerge tend to reinforce the State and roll back hard-won

²⁴Gender-based violence in India is intrinsically tied up to caste and communal politics as reflected in the stories of Mathura and Bhanwari Devi’s rapes (Mathur October 10, 1990; Abraham 2002), Dalit women, whose rapes at the hands of upper caste men were dismissed, suppressed and forgotten by the Indian authorities. Women of lower castes are therefore silenced on multiple fronts, on account of their gender, caste and often correspondingly, their class (Chakraborty 2003; Rege et al. 2003; Rege 2006).

liberties for women's rights and causes. Research conducted so far illustrates that VAW becomes a political talking point only after the incidence of mass protests in these regions. For instance, VAW is absent from all election manifestos before these recent mass protests but are fast becoming ubiquitous in all national party manifestos, often immediately after a mass protest in their home state. However, the policies that accompany such politicization tend to impinge on the rights and liberties of women and college students (not coincidentally, the groups most likely to be protesting and demanding an expansion of rights for the marginalised) - such as reduced access to public space, the criminalization of causes perceived to be anti-State, increased surveillance of women's movements and a corresponding securitization of the State. Examples include the implementation of curfews for women college students especially in reaction to increased student agitation, suspension of students if found protesting, installation of CCTV's in all public places, increased power for communal bodies and the police, all guised under the language of "protection". This is in contrast with the demands of activists, who work with gender mainstreamed bureaucracies instead, resulting in less attention on the public agenda but an incrementalist approach to battling VAW that is less prone to "state capture". These demands have included the faster filing of charge sheets in criminal encounters, increased street lighting and "last-mile connectivity" in planning public transportation.

In the case of VAW, public outrage and protest might do more to reinforce the State and undermine feminist progressivism than other modes of civic participation within the context of South Asian politics. Focus group participation favored a strong inclination to take away freedoms to ensure security - the implementation of the death penalty or chemical castration for rapists - which accompanied a strong anti-immigrant tone, victim-blaming and slut-shaming (to borrow a feminist phrase), while retaining the "protectionist" tone. Most women participants simultaneously retained the issue of VAW as one of their primary political concerns however, thus indicating the political base to which public agenda is catering to. State policies and the political capture of the movements further illustrates the reinforcement of the State at the expense of the cause. These protest movements become political battlegrounds in due course of time, with minority parties using them as a means by which to pelt criticism at the parties in office, and VAW becomes yet another indicator to compare party success across. Having become the cause célèbre, in one case the appointment to head a commission on evaluating means to fight VAW became a cushy political job as it allowed access to top Bollywood stars.²⁵

²⁵Interview with AITC Government official in Kolkata, India. 2017

ELECTION MANIFESTOS

India held General Elections for the Lok and Rajya Sabha (Parliament of India) in 2004, 2009 and then again in 2014. The Indian National Congress (INC) lead alliance, the United Progressive Alliance (UPA) formed the government in 2004 and held office for 10 years, when in the 2014 elections, they were defeated by the National Democratic Alliance (NDA), lead by the Bharatiya Janta Party. One of the many criticisms and perceived failings of the UPA was the increasing problem of decreased physical security for women and the rise in violence against women in public spaces, and the 2014 elections saw the BJP win national office and the Aam Aadmi Party (AAP) take over the State government in Delhi. The rape and murder of Nirbhaya in Delhi, the seat of government power and under the jurisdiction of the INC State Government in Delhi, did little to assuage the image of the INC as being unable to maintain security in the country. The public anger directed at the Government helped accelerate the establishment of an Ad Hoc Legal Committee that provided the Coalitional Government with recommendations to change the Criminal Law, changes that came into being in March 2013 as the Criminal Law (Amendment) Act of 2013. However, these changes were interpreted as being inadequate in the face of the decreasing popularity of the UPA and the BJP and AAP swept into power in the subsequent elections.

I analyse and compare Election Manifestos from 2004, 2009 and again 2014, to capture the most immediate change in discourse surrounding the issue of Violence Against Women. I cover a total of 14 parties that contested seats in the Lok Sabha elections, with 8 parties covering 2009 and 2014, and 4 parties covering all 3 elections. Election manifestos are not common practice for most political parties in India, with only the larger national parties issuing them every election. Many smaller and regional parties avoid election manifestos as both a matter of convenience, and intention.²⁶ Party leadership reportedly prefer not to document the party vision in concrete terms so as to avoid controversy both within the party leadership, and the rank and file. Party conferences verbally agree to adhere to a broadly defined party vision and allow their agents flexibility in representation to voting constituents. Officials say that this helps them negotiate candidate egos and also allows them some leeway when it comes to enacting policies after winning office. The Election Commission of India (ECI) has issued guidelines for best practice to all registered parties for the introduction of election manifestos in upcoming elections but this is yet to be enforced. The ECI hopes to cut down on the promises of “freebies” to voters as a anti-corruption measure, and the introduction of

²⁶Interview with DMK and AIADMK party officials. 2017.

written manifestos is one such step in that direction.²⁷ Even where parties have issued election manifestos over the years, there is little record of these documents, with party officials often not knowing where these are stored or whether they even existed. To this end, I therefore also draw on reports by committees tasked with investigating the issue of VAW, Ministry of Women and Children annual reports, and Government Budgets to supplement information where possible.

Overall, an analysis of manifestos drawn from 2004 and 2009 elections illustrate that women's issues when mentioned are given short shrift. The absolute amount of space and detail given to them does not change significantly dependent on the size of the manifesto itself. For instance the Janta Dal (Secular) 2009 Manifesto is less than four pages long, while the BJP Manifesto in the same year is 49 pages long. However, the JD (S) manifesto dedicates 459 words to discussing their promises to women while the BJP spends 704 words. This may at least partially be attributed to the repetition in the suggestions and promises. For instance, every party surveyed pledged support for the Women's Reservation Bill in Parliament, that would hold 33% of seats for women legislators. This extends to the 2014 Election Manifestos as well, indicating the primacy of this issue in Indian politics. It must however be noted, that the Bill was passed in 1993 and introduced reservations at all local level legislatures but has failed to pass at the national level. Other recurring issues include maternal mortality and female infanticide, self-help groups for women, and communist party support for labour protection.

Six out of the thirteen manifestos mention violence against women, but propose little by way of concrete policy. This is in direct contrast to policies related to national security, agriculture, manufacturing, health amongst other, The 2004 NDA for instance states under their section on Women's Empowerment that "Laws to check female foeticide, dowry, child marriage, trafficking, rape and family violence will be strictly enforced. Societal efforts to curb these ills will be encouraged." The 2009 CPI(ML) states that they intend to "Protect women from all sorts of family and social violence, and exploitation." They also criticise the UPA government for doing little to check the increase in exploitation and atrocities committed against women and children. The 2004 CPI(M) manifesto supports amending the Domestic Violence Bill as proposed by women's organisations, but do not specify to what extent, as well express support for a law regarding sexual harassment in the workplace. The National Congress Party in 2009 promises that "Law would be enacted against sexual harassment at the workplaces." and "Atrocities and dowry related crimes against women would

²⁷The ECI is currently receiving comments on the proposed change in practice and their primary concern is that smaller parties who often cater to poorer and more rural populations, will be dealing with illiterate populations and therefore be disadvantaged by these best practices.

be promptly dealt with and exemplary punishment meted out to the guilty.”

It must be noted however that the CPI(M) and the CPI(ML) manifestos both dedicate the most amount of space and considerable detail to women’s issues in this pre-Nirbhaya world. The CPI(M) also has periodically come up with a separate manifesto related to women’s issues, unlike any of the other larger parties. This is very much in keeping with what the literature states about the role of leftist parties as allies to women’s issues and India proves to be no exception to that.

Post 2012 Manifestos

In 2014 however, we see crimes against women be mentioned in every one of the 8 manifestos published that year. CPI(M) calls out the decreased physical security in their Political Resolutions, “There was an alarming increase in the scale and nature of attacks on women. Sexual assaults against women, young girls and children grew exponentially. Patriarchal and market values have resulted in widespread violence against women.” AAP promises to provide “A Delhi that is safe for women” as one of their 11 overarching goals for their term in city government. The BJP manifesto states it in their introduction itself (the second sentence) when critiquing the performance of the UPA Alliance that had held power for the previous decade - “At the same time, corruption, scams and **crime against women** have reached to unacceptable levels.”[emphasis mine] Both the BJP and AAP go on to win office from the INC at the national and city level respectively.

This narrative is (understandably) distinct from the one being espoused by the INC that was in power during Nirbhaya’s rape and murder. While the INC discusses crimes against women, they in fact downplay the issue. The INC highlights the passage of the Criminal Law (Amendment) Act, 2013 in their manifesto multiple times, as they do their support for the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. Beyond their lauding of the Criminal Law (Amendment) Act, 2013, the INC 2014 election manifesto fails to provide concrete measures to fight the problem of violence against women. The All India Trinamool Congress (AITC) similarly, witnessed significant public outrage over violence against women in July 2014 and then again in December 2014. They too only mention violence against women, primarily to support the establishment of Fast Track Courts to exclusively try “cases of atrocities on women, so that strong punishment is meted out to culprits immediately. Justice delayed is justice denied.” Much of the public outrage was directed at the specific governments in office for having failed to create an environment safe enough for women and therefore the complicit parties focus either on their

accomplishments and/or downplay the extent of the problem in their election campaigns.

POLICIES, RULES AND REGULATIONS

The policies that find support in these manifestos primarily consist of installation of CCTV's in public places, increased police presence, information technology, and the establishment of Fast Track Courts dedicated to crimes committed against women. The 2014 manifestos are the first ones to discuss violence against women explicitly, however, the measures they support are recurring features in previous manifestos and the political arena more generally. The BJP has indicated support for CCTVs in their 2004 manifesto, and promoted its usage under the Prevention of Terrorism (POTA) Act, 2002 that was passed when they were last in power (Government 2002). Both instances, CCTVs were promoted as an anti-terrorism measure and justified as a means to strengthen the intelligence agencies of the State. CCTVs have also been one of the few measures that have implemented in any form at all. In 2013, the Union Budget established the Nirbhaya Fund with Rs. 10 billion set aside for the "empowerment, safety and security of women and girl children" through a combination of "government and the non-government sector initiatives to uphold the dignity and ensure security of women" (Bureau April 26, 2013). While NGOs have failed to garner any money from the fund for any of their proposed projects, the Ministry of Finance recently approved a project proposal by the Ministry of Railways to install CCTVs in railway stations across India. This is part of a composite security plan that has been 8 years in the making, but the project had to be put on hold due to a lack of funds. However, by framing their pre-existing security concerns as stemming from concern about women's safety, the Ministry of Railways succeeds in securing money for a project that promotes increased surveillance and pre-dates the current focus on women's issues.

Another proposal by the Ministry of Home Affairs in collaboration with the Ministry of Information Technology (yet to be funded but approved in-principle by the Ministry of Finance) focuses on the role of wifi and technology in preventing violence against women. They propose:

Integration of the police administration with the mobile phone network to trace and respond to distress calls with minimum response time. Instructions will be issued by the Ministry of Information Technology to all mobile phone manufacturers to introduce, mandatorily, an SOS alert button in all the handsets. Manufacturers will also be instructed to launch SOS alert system in the existing handsets through free downloading of suitable software.

All of this is in keeping with the current NDA Government's initiative to establish smart cities across India and enable digital connectivity across the country. They propose in their 2014 Manifesto to "set up a National Optical-Fibre Network up to the village level; and Wi-Fi zones in public areas" as well as "Wi-Fi facilities [...] made available in [urban] public places and commercial centres." The integration of increased connectivity with women's safety finds its apex in the development of safety apps for smart phones (beyond the Suraksha/SOS button), which now range in the hundreds. The AAP has also promoted Wi-Fi as a solution to the problem of Violence Against Women:

- We will make Wi-Fi freely available in public spaces across Delhi. Citywide Wi-Fi can help in bridging the digital divide. It will also provide an impetus to education, entrepreneurship, business, employment, and also tie in with women's safety initiatives.
- Our government will provide a Suraksha/SOS button on every mobile phone. We will work towards its connectivity to the police, nearest PCR van, relatives and volunteer community.

However, as Ranganathan (2017) finds, "women's safety initiatives in general and safety apps in particular do not meaningfully engage with male entitlement over women's bodies or attempt to unseat male hegemony that underlies violence." She argues that app developers neglect any and all existing research on violence against women and are therefore unable to design apps that capture the empirical realities faced by women. For instance, typically these apps allow women to signal police and family in case of an attack. However, the National Crimes Records Bureau indicates that less than 5% of rapes in India are perpetrated by strangers.²⁸ The signaling intent of these apps therefore will fail to be effective when family members choose to be wilfully unaware of the violence being perpetuated in their homes, and the police are unwilling to intervene in a 'family matter.' Additionally, Ranganathan (2017) finds that the mandatory SOS button on cell phones comes with remote monitoring of GPS built into the technology, which will provide an unspecified (as yet) government body with the ability to track all citizens in real time.²⁹ The reluctance of the government to introduce corresponding privacy legislation leaves many experts in the field of information technology uncomfortable with the increasing surveillance power of the state. In fact, the government's push to make mandatory the Aadhaar card (the Indian equivalent of a Social Security Number), is seen by many

²⁸In 2015, offenders were known to the victims in 95.5% of reported cases, down from 98.2% in 2012.

²⁹Interviews with government officials indicate that there is increasing support within bureaucratic circles for the mandatory registration of cell phone numbers of all immigrants to cities, as a measure to curb crimes against women. Focus groups held with immigrants find that the poor consider this yet another means to harass them for bribes and extort them.

as evidence of the government's opposition to privacy concerns. Anja Kovacs finds that the "Ministry of Women and Child Development has now made Aadhaar a prerequisite to avail of schemes aimed at the rescue and rehabilitation of victims of sexual trafficking" which labels survivors as victims of trafficking in every interaction they have with a bureaucrat henceforth. The power dynamics of this data driven interaction will for the most part continue to marginalise the already disempowered.



Figure 4: A Security App Being Promoted by the Current Government

The outsourcing of women's safety to cell phones and private app developers for the most part, also runs directly in opposition to women safety measures being enacted at the state and local level. The BJP and their PM candidate, Yogi Adityanath, recently swept state elections in the state of Uttar Pradesh (UP) on the promise of cutting down incidents of sexual harassment of women in public places. Their methods for doing so have so far consisted of the establishment of anti-Romeo squads that patrol the streets and chase away men who are seen to be loitering.³⁰ However, these squads are not monitored by a bureaucratic body, but by party offices and therefore face little to no accountability. They operated with complete impunity for over a month, resulting in increased extortion of Muslims in the state, poor people, harassment of those perceived to be as LGBTQ, and violence in more than a few occasions (Poonam May 15, 2017). Criticism of the squad has

³⁰A neighbouring State, Haryana, also recently launched their own volunteer anti-harassment squads entitled Operation Durga, named for the Goddess of Power in Hindu mythology.

resulted in their incorporation into a volunteer program under the aegis of the State Police Department, and their renaming to Nari Suraksha Bal, which translated means Women's Safety Group (Pandey and Singh May 21, 2017). This goes directly hand in hand with their support of the rise of *khap panchayats* that are informal governing councils at the local level that consider themselves the guardians of local honour. A recent ruling by a khap panchayat in Mathura, UP will now fine women for using their mobile phones in public. This ruling was part of a larger set of diktats that were issued simultaneously and aim to clean up the image of the town - they include fines for cow slaughter, gambling, drinking, and cheating.(Chaturvedi May 3, 2017)

Language of Modesty

Beyond noting the increased mentions of violence against women in manifestos and election campaigns, the language being employed draws more on patriarchal notions of honour than it does on feminist interpretations of violence and assault. Violence against women is often referred to as an "atrocious" and as having impacts on the community (communal violence against women is neglected for the most part). Three of the 8 manifestos directly draw on the language encoded in the National Crime Records Bureau where crimes against women are categorised as *Assault on Women with Intent to Outrage her Modesty* and *Insult to the Modesty of Women*. This language of modesty in association with violence against women has repercussions beyond just election campaigns, as governments use it to curtail women's rights in various sites. For instance, in the aftermath of the 2012 rape, hostels in Delhi University (all public) imposed a 6:30 pm curfew for all women residents. This was justified to parents under the guise of protecting their daughters, preying on their fears in a post-Nirbhaya world. Over the next three years, additional rules and regulations were introduced to monitor and regulate women college students' mobility. Indraprastha College for Women for instance enforced a restrictive dress code in the cafeteria to protect the modesty of the women students, especially in the presence of male staff working the cafeteria. Hindu College implemented a dress code to ensure the "safety of the students" and to "maintain decorum".³¹ Familial relations are also invoked to The Vice Principal of Miranda House for instance, justifies 'concern' for the students by referring to them as her betis (daughters). When the Patiala Girls College hostel residents mobilized, and unanimously signed a petition demanding revision of their 6:30 p.m. curfew, the University administration responded by informing all parents of this petition and deferring to their judgment regarding the mobility of their adult daughters.

³¹Fliers posted on hostel bulletin boards

Death Penalty

Support for the death penalty is yet another arena where we find close to uniform political support but only in cases of “collective conscience.” (Vijay and Dash May 13, 2017) In the aftermath of the Nirbhaya rape and murder, there was increased demand for the death penalty from large sections of the protesters. In spite of the recommendations from women’s groups and a specially constituted judiciary committee to not include the death penalty (PUCL January 5, 2012; J. S. Verma 2013), the Criminal Law (Amendment) Act of 2013 kept the death penalty for the “rarest of rare” cases. Political parties have time and again come out in support of this, even when the women’s wings of their parties oppose this measure, as is the case with the All India Progressive Women’s Association (AIPWA) associated with the CPI (ML). Kavita Krishnan, in a speech during the 2012 protests, laid out the critiques of the death penalty in the cases of rape in her argument against the securitised, protectionist measures undertaken by governments.³² However, the party still voted in the Lok Sabha to pass the Criminal Law (Amendment) Act with the death penalty.

In May, death sentences for the convicted rapists in the Nirbhaya case were upheld by the Supreme Court, in spite of a lack of evidence as to who actually was responsible for the violence that resulted in Nirbhaya’s death (Shah May 16, 2017) while the very day prior to this judgement, Bilkis Bano’s rapists were sentenced to life imprisonment.³³ The argument employed for these differential judgements is that Nirbhaya case was the “rarest of rare” cases, however this is not in terms of the sheer violence inflicted upon the bodies of women. While Nirbhaya eventually died from injuries to her intestines incurred during the rape, the Bilkis Bano case held 11 men (including 5 police officials) from Gujarat responsible for the murder of 14 members of Bano’s family, the rape and murder of 5 women, and the murder of 3 children under the age of five. While the Center asked for the death penalty in this case, the High Court handed down life imprisonment to all the accused, including those involved in the institutional cover up. The judgement, while acknowledging the brutality of the crime, chose to highlight instead that communal violence was rooted in institutional biases and therefore wasn’t rare, and active measures needed to be undertaken to remedy the causes of communal violence (Grover May 10, 2017). In the Nirbhaya case however, the judges relied on the protest and outrage as their measure of how “rare” the case was, and issued the death penalty on the basis of how much the public were affected by the case. As Shah (May 16, 2017) points out, the case in and of itself wasn’t rare, the outrage surrounding it was. Shah points to the rural-urban and caste divide in explaining why most cases in

³²YouTube video of Krishnan speaking outside Delhi Chief Minister Sheila Dikshit’s house on December 19, 2012.

³³Life imprisonment in India is 14 years.

India go unreported, where the rapes of poor, rural, or lower caste women are ignored by institutions and the media. Gattuso (May 17, 2017) further argues that the identities of the perpetrators play a role in how the public and Indian institutions have responded to their crime: “They did not enjoy the protections of money, power, or government connections.” Compared to the perpetrators in the Bano case, who reported to the Modi government (then Chief Minister of the State, currently Prime Minister of the Government), the perpetrators in the Nirbhaya case fit the spectre of the poor, uneducated, unemployed immigrant that the government has for the most part used to scare women and families into accepting the surveillance state. The death penalty too becomes a tool in the arsenal of the government, wielded to come across as effective and tough on crime, even though research indicates that most crimes against women go completely unpunished.³⁴

Othering of the marginalised

The consequences of the co-optation of the VAW narrative by politicians and government institutions alike, have far-reaching implications for the lives of the marginalised in India. One such example I briefly touch upon here is the Toilet narrative in Indian politics. In recent years, the promise of providing toilets to rural areas and the urban poor has captured the political imagination, for a variety of reasons.³⁵ The AAP for instance promises to

- Build 2,00,000 Public Toilets: AAP will build two lakh toilets across Delhi: about 1.5 lakh toilets in slums and JJ clusters and 50,000 toilets in public spaces, of which 1 lakh toilets will be for women.
- Every school will have sufficient functional toilets built, especially for girls.

The BJP integrates their promises for the construction of toilets into multiple parts of their election manifesto, including but not limited to women’s issues, housing, and the environment.

- Ensuring a basic level of Infrastructure to all - Home, Electricity, Water, Toilets and Access.
- We will transform the quality of life of women in Rural India by providing electricity, tapped water, cleaner fuel and toilets in every home.

³⁴In fact, around 20% of Members of Parliament currently are facing serious felony charges - murder, attempted murder, kidnapping, and crimes against women (Alfred May 23, 2014; Vaishnav 2017)

³⁵The widespread extent of this discourse is best captured by a John Oliver sketch on his late night show that references Modi’s campaign promise to bring toilets to rural women.

- Create an open defecation free India by awareness campaign and enabling people to build toilets in their home as well as in schools and public places.
- Our proposed programme will further ensure that these houses are equipped with the basic facilities of toilet, piped water supply, electricity and proper Access.

The BJP has further implemented much of these policies as part of their *Swacch Bharat Abhiyan*, or Clean India Drive, which is considered one of the major successes of the Modi government.

Furthermore, officials in both parties support the construction of toilets as a defense of women's safety and dignity.³⁶ Women who must defecate in open fields, or travel far when menstruating are increasingly vulnerable to violence, especially when traveling alone. Two teen cousins who were raped and killed in Badaun for instance, went missing one night after leaving their house to find a place to relieve themselves (Staff May 30, 2014). The government's dedication and commitment to the toilet narrative has extended to how candidacy for office is defined too now. Many states have now amended their rules for declaring candidacy for self-government and local council office to now include a toilet at home as one of the requisites for candidacy (Singh August 7, 2015; Bengali and N April 1, 2016), to ensure modeling of good behaviour for their constituents.

However, what this narrative has failed to include is the casteist consequences of constructing additional toilets in rural areas and slums, where resources are minimal and government insight even less. As the India Exclusionary Report (2016) finds, Dalit men and women are still disproportionately employed as manual scavengers in India, employment that they are forced to undertake as a manifestation of caste violence and for which they are then further discriminated against (Roy May 22, 2017). Furthermore, 98% of manual scavengers across India are Dalit women, as Dalit men are now employed on a contractual basis by the government as sanitation workers. The Safai Karamchaari Andolan,³⁷ an organisation that works on organising manual scavengers and helping with rehabilitation, argue that the construction of toilets in rural areas inevitably devolves into pit latrines, dry toilets, and toilets with poor sanitation. Dalit women in the community are then forced to become manual scavengers, regardless of their state of employment, as someone must provide the sanitation.³⁸ Their forced employment (or slavery as many view it) leads to further ostracisation from the community, including but not limited to severely reduced access to shared

³⁶Interviews with AAP and BJP officials in their Women's wings.

³⁷Loosely translated into Janitorial Workers Organisation

³⁸Interview with Safai Karamchaari Andolan members.

water resources, public spaces and physical violence. In urban areas, Dalit men are primarily employed only in sanitation jobs and provided no resources to tackle sanitation problems in slums and other densely congested areas. The Safai Karamchhari Andolan records the deaths of Dalit men and women on the job, so as to better protest government policies. As (Singh and Talwar 2014) finds, the work these women do allows the “civilised” amongst us to continue to project an image of development and progress, at the cost of their lives. Similarly, the narrative of providing toilets for the safety and dignity of women implicitly demarcates which women are worthy of dignity and safety, and which communities must be made invisible.

THE SO-WHAT OF VAW POLICIES

The project warns us of the consequences of political “pandering” and state capture. Creating policy in response to short term demands, like a protest campaign, leaves both policy makers and citizens vulnerable - vulnerable to weak policy as well as co-optation of citizen anger. The rise of the surveillance state has far reaching consequences for the nature of democracy in the 21st Century. As Jasbir Puar argues, surveillance ‘has certainly not become more democratic: who receives discipline and punishment, who is deemed worthy of pleasure and intimacy remains distributed in deeply uneven manners.’ [Puar as cited in Kovacs (2017)] While large numbers of the Indian populace has expressed support for CCTVs, and increased surveillance (all citing the classic reasoning of “If you have nothing to hide, why would you mind?”), Kovacs (2017) argues that surveillance is pre-emptive. She argues that surveillance “can also shape what you will do in the future. That is because surveillance can incentivise certain kinds of behaviour, and discourage others.” By that extension, the Government is reshaping the idea of citizenship in India, and using public outrage surrounding violence against women as a means by which to harness and propel forward notions of who is worthy of State protection, what behaviour is in keeping with Indian values and principles and which communities and practices must be eradicated. Violence Against Women policies are being used as a pretext to push out the very principles that motivated interest in the issue in the first place. We must therefore ask ourselves, what other narratives can be co-opted and are being co-opted? Finally, how do we preserve the voices of the marginalised and ensure that their narratives can flourish and provide them with means to power and justice?

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