

## **Securing the Nation through the Politics of Sexual Violence: Tracing Resonances Across Delhi and Cologne**

### **Abstract:**

Postcolonial and Black feminist scholars have long cautioned against the dangerous proximity between the politics of sexual violence and the advancement of nationalist and imperial projects. In this article, we uncover what it is in particular about efforts to address *sexual* violence that makes them so amenable to exclusionary nationalist projects, by attending to the political aftermaths of the rape of Jyoti Singh in Delhi in 2012, and the cases of mass sexual abuse that took place during New Year's Eve in Cologne in 2015. Tracing the nationalist discourses and policies precipitated in their wake, we demonstrate how across both contexts, the response to sexual violence was ultimately to augment the securitising power and remit of the state – albeit through different mechanisms, and while producing different subjects of/for surveillance, control and regulation. We highlight how in both cases it is through contemporary resonances of a persistent (post)colonial echo – which enmeshes the normative female body with the idea of the nation – that sexual abuse becomes an issue of national security and the politics of sexual violence becomes tethered to exclusionary nationalisms. Revealing the more general, shared, rationalities that bind the nation to the normative female body while attending to the located political reverberations that make this entanglement so affectively potent in the distinct contexts of India and Germany helps distinguish and amplify transnational and intersectional feminist approaches to sexual violence that do not so readily accommodate nationalist ambitions.

### **Introduction:**

On the evening of 16 December 2012, Jyoti Singh was raped and brutalised by six men in a moving bus in Delhi – she died thirteen days later due to injuries sustained in the attack. Large-scale mobilisations erupted across the country in the days following Jyoti Singh's rape, leading to far-reaching legislative reform; the culmination of decades of feminist efforts to amend legal provisions relating to the protection of women from sexual violence. Three years later, on New Year's Eve 2015 in Cologne, several hundred incidents of sexual assault, theft and intimidation took place during celebrations outside the central train station in Cologne. The attacks, linked primarily to racialised men from the Middle East and Northern Africa, sparked a heated debate in the public sphere and also resulted in long-overdue amendments to legislation on sexual violence. While mass mobilisations following both attacks occasioned important legislative reform and reinvigorated feminist commitments to addressing sexual violence, this article argues that they equally served to justify and intensify securitisation and embolden crude nationalisms through an expansion of the reach and power of the state. In Cologne, this took the form of the heightened surveillance, control and regulation of migrants and racial minorities through the militarised border regime, while in Delhi, securitising measures centred primarily around the policing and disciplining of proper Indian womanhood.

In this article, we trace the measures implemented in the aftermaths of the attacks in Delhi and Cologne and track the discursive mechanisms through which such moves were legitimised. In exposing these underlying rationalities, we attempt to uncover what it is in particular about *sexual* violence that makes it so amenable to violent, exclusionary nationalist projects, across these different contexts. By thinking through this question from an explicitly transnational perspective, we aim to distil some of the more general, shared logics that help to explain the pervasive proximity between anti-sexual violence and nationalist projects, while at the same time attending to the located political histories that make them so powerful in the contexts of India and Germany. Our hope is that by revealing these conditions, we are able to help distinguish and amplify transnational feminist approaches to address sexual violence that do not so readily accommodate disciplinary nationalist ambitions.

In doing so, this article extends postcolonial and Black feminist critiques of how discourses of sexual violence are inextricably bound up with the advancement of nationalist, racist and colonialist projects.<sup>1</sup> Within international relations, these interventions have most notably been incorporated into analyses of the instrumentalisation of women's bodies in projects of nation-making, and as battlegrounds for ethnic/nationalist conflicts within a 'rape as a weapon of war' frame.<sup>2</sup> Less attention has been paid, first, to understanding how sexual violence intersects with processes of securitization in 'peacetime' contexts and, second, to the transnational implications of the entanglements between sexual violence and projects of nation-making. Our analysis of two distinct geopolitical contexts that are seldom considered within a 'conflict' frame reveals that in both locations, the 'right' body to be protected from sexual violence is designated through racial and gendered discourses of innocence and vulnerability that conflate the nation with the normative female body. A central contribution of this article is to theorise this entanglement of the normative female body with the nation as deriving its ideological roots and affective potency from a 'resonant echo'<sup>3</sup> of the colonial past – understood not as a clear-cut colonial continuity but as a more contingent, contextual reverberation. While this echo emanates from long, entrenched histories that position the threat to the normative female body as a threat to the nation itself, the din of its reverberations drowns out its historical antecedents. It is only through a transnational analysis of the long-standing legacies securing the nation through the

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<sup>1</sup>Ratna Kapur 'Gender, Sovereignty and the Rise of a Sexual Security Regime in International Law and Postcolonial India'. *Melbourne Journal of International Law*, 2013, 14:2, pp.317–45; Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses'. *Boundary 2*, 1984, pp.333–358; Angela Davis, The color of violence against women. *Colorlines*, 2000, 3:3, p.4; Miriam Ticktin, 'Sexual Violence as the Language of Border Control: Where French Feminist and Anti-immigrant Rhetoric Meet.' *Signs*, 2008, 33:4: pp.863-89.

<sup>2</sup> Paul Kirby, 'How is Rape a Weapon of War? Feminist International Relations, Modes of Critical Explanation and the Study of Wartime Sexual Violence', *European Journal of International Relations*, 2012, 19:4, 797-821.

<sup>3</sup> Tina Campt, *Other Germans: Black Germans and the politics of race, gender, and memory in the Third Reich* (Ann Arbor: University of Michigan Press, 2004, p.53)

politics of sexual violence in India and Germany that the shared political and affective grammars of such an echo can be detected, and its effects confronted.

The article opens by examining efforts to address sexual violence following the attacks in Cologne and Delhi, and demonstrating that, across both contexts, the response to sexual violence was ultimately to augment the securitising power and remit of the state – albeit through different mechanisms, and while producing different subjects of/for surveillance, control and regulation. In the next section, we locate the ideological animus for these securitising measures in shared anxieties around the sexual security and purity of the normative female body, produced as an idiom for the nation itself. We then locate this coupling of the nation with the imperilled female form within a long colonial history of the scripting of sexual violence; and reveal that it is through these histories that sexual panics become national security panics, and the politics of sexual violence becomes tethered to exclusionary nationalisms. In the final section, we trace and amplify strategies to resist and break out of the resonant echo that ties the politics of sexual violence to the reproduction of the nation.

### **The Aftermaths: Expanding the Securitising Remit and Power of the State**

Following the New Year's attacks in Cologne, during which several hundred cases of sexual violence, theft and intimidation by racialised men were reported to the police, a wave of anger and indignation was unleashed in the public sphere. The investment in addressing sexual violence was immediately bound up with the question of migration and asylum; in particular, the recent refugee migration which saw several hundred thousand (mainly Syrian) migrants arrive in Germany since the summer of 2015. As Paula-Irene Villa and Sabine Hark point out, the attacks of Cologne operated as a turning point in the social climate and official government policy toward migration in Germany.<sup>4</sup> The then-head of the far right Alternative for Germany (AFD), Frauke Petry, triumphantly claimed that the attacks were 'the appalling consequence of a catastrophic migration and asylum politics' and called for a U-turn from the 'welcome culture' of the last year.<sup>5</sup> Media stories evoked the image of a country overrun by groups of violent, mainly Muslim, migrants from North Africa and the Middle East who take advantage of a weak and overwhelmed state – abusive foreigners with no regard for sexual freedom and gender equality, abusing the generosity extended to them.

Calls for harsher border controls that directly linked the New Year's Eve attacks to the recent refugee migration were not confined to the far-right but articulated across the political spectrum. The Minister of Justice, Heiko Maas, from the Sozialdemokratische

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<sup>4</sup> Sabine Hark and Paula Irene-Villa, *Unterscheiden und herrschen: Ein Essay zu den ambivalenten Verflechtungen von Rassismus, Sexismus und Feminismus in der Gegenwart* (transcript Verlag, 2017).

<sup>5</sup> 'Übergriffe in Köln: Merkel verlangt harte Antwort des Rechtsstaats', *Der Spiegel*, 05 January 2016.

Partei Deutschlands (SPD) spoke of a 'break of civilization' (*Zivilisationsbruch*)<sup>6</sup> – a term that not only invoked evolutionary notions of civilization resonant with colonial discourses, but that had thus far been confined to discussions of the Holocaust. Boris Palmer, from the Green Party (Bündnis 90/Die Grünen), asserted that 'our generous help has been abused'<sup>7</sup> and even Sahra Wagenknecht, head of the socialist party *Die Linke*, which has an unconditional right to asylum enshrined in their party manifesto, declared that 'who misuses their right to hospitality loses their right to hospitality'.<sup>8</sup> Within this logic of 'narcissistic injury'<sup>9</sup> the attacks in Cologne came to be framed as evidence of ingratitude that justified revoking the right to asylum and legitimised practices of deportation and detention. Matching this rhetoric, the German state responded to the attacks in Cologne through a range of securitising measures. The head of Cologne's police force was fired days after the event, and at the next year's New Year's celebration in Cologne, new surveillance systems were implemented, police presence increased, and racial profiling explicitly endorsed. On the following New Year's Eve 2016, the police in Cologne boasted that they were successfully inspecting hundreds of 'Nafris' (a racist shorthand for 'Northern African intensive offenders'). Simultaneously, the Federal Office of Health Education launched a sex education page for migrants, and several reports emerged of refugees being denied entry to night clubs and public swimming pools.<sup>10</sup>

Most importantly, the events in Cologne catalysed a range of legislative changes. In the months following the attacks, asylum laws were tightened, deportation procedures accelerated and rights of family reunification further eroded. Simultaneously, New Year's Eve in Cologne set in motion an overhaul of the sexual abuse legislation in Germany that feminist activists in Germany had long, and thus far unsuccessfully, demanded. When in early 2017, the German parliament finally passed a set of new laws, colloquially known as the 'No means No' legislations, the laws were directly tied to the German Residence Act so that under these laws, asylum seekers convicted of sexual abuse could be deported more easily.<sup>11</sup> This not only meant a twofold punishment for asylum seekers that German citizens were exempt from but also makes it more difficult for victims who were related to, or intimately associated with their attackers, to file charges. Similarly, the law included a separate legal category for sexual abuse committed by groups that not only exposed the racialised animus behind the reform but might also be unconstitutional as it lends itself to forms of collective punishment.<sup>12</sup> The left and liberal parties that had initiated the motion to amend sexual abuse legislation eventually abstained from the vote,

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<sup>6</sup> 'Köln und Hamburg: Übergriffe zu Silvester – Was wir wissen, was nicht', *Die Welt*, 04 January 2016.

<sup>7</sup> Claudia Kade, 'Unsere großzügige Hilfe wurde missbraucht', *Die Welt*, 12 July 2016.

<sup>8</sup> Kevin Hagen, 'Wagenknecht und das Asylrecht: Die Gast-Rechte', *Der Spiegel*, 12 January.

<sup>9</sup> Heinz Kohut. Thoughts on narcissism and narcissistic rage. *The Psychoanalytic Study of the Child*, 27:1, 1972, pp.360-400

<sup>10</sup> Stefanie C. Boulila and Christiane Carri, 'On Cologne: Gender, migration and unacknowledged racisms in Germany', *European Journal of Women's Studies* 24, 3, 2017.

<sup>11</sup> Stefanie C. Boulila and Christiane Carri, 'On Cologne', p.291.

<sup>12</sup> Daniela C. Antons and Eva Busch, Die (Un-)Möglichkeit 'nach Köln' über sexualisierte Gewalt zu sprechen, in Sina Holst and Johanna Montanari, eds., *Wege zum Nein: Emanzipative Sexualitäten und queer-feministische Visionen* (Münster: Edition Assemblage, 2017), pp.67-86.

and anti-rape activists were left deeply conflicted about whether this reform could be seen as a feminist success.

India also witnessed the implementation of a range of securitising measures, drawing their impetus from a cacophony of voices across the nation mobilising in the aftermath of the attack on Jyoti Singh. Here, however, the subjects of regulation and control were often not the presumed perpetrator, but the alleged victim of sexual violence. A diffuse set of discursive formulations worked alongside formal legislative reform to regulate and discipline the sexual behaviour and autonomy of Indian women, 'in the direction of fewer rights and more surveillance.'<sup>13</sup> In the period immediately following the attack on Jyoti Singh, curfews for female students in college dormitories all over the country were brought forward, and girls were required to seek express permission from their parents and/or college administration, and provide details of those accompanying them in order to leave campuses.<sup>14</sup>

Additionally, the Criminal Law (Amendment) Act of 2013, a far-reaching legislative reform, was passed in response to the attack and the mobilisations following it. The amendment ostensibly drew on legal remedies proposed by the independent Committee on Amendments to Criminal Law ('Verma Committee'), but disregarded its recommendations in some key regards. Contrary to the Verma Committee report, the Amendment (i) introduced the death penalty for certain cases of sexual violence (ii) retained the framing of 'outraging the modesty' of women as a codification of sexual offence (iii) refused the revocation of impunity for armed personnel accused of sexual violence in areas under martial law and (iv) retained the exceptionalisation of marital rape as non-punishable.<sup>15</sup> In the words of lawyer-activist Vrinda Grover, the Amendment ensured that 'the impunity of every citadel is intact – family, marriage, public servants, army, police.'<sup>16</sup> A reform that sought to address the issue of sexual violence, then, served instead to re-invest power and control within traditional bastions of patriarchal power. The amendment also produced certain subjects as available *for* sexual violence by ensuring impunity for attacks on them: women within occupied territories under martial law; wives abused by their husbands; subjects who fell outside of the recognised category of 'female'; and women who were deemed evacuated of 'modesty' (and hence impossible to outrage in the first place) were all excluded from the protection of the law. The condition of inclusion thus became a disciplining tool to enforce normative conformance in order to enjoy any semblance of protection from the state.

The Delhi police further issued an advisory list of 'dos' and 'dont's' for women in the city which recommended severe restrictions to female mobility, while *khap panchayats*<sup>17</sup> in

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<sup>13</sup> Ratna Kapur, 'Gender, Sovereignty and the Rise of a Sexual Security Regime'

<sup>14</sup> Nilanjana Bhowmick, 'The Real Shame: India's Patriarchy Roars Back after Delhi Gang Rape', *Time*, 18 Jan 2013

<sup>15</sup> Nivedita Menon, 'The Impunity Of Every Citadel Is Intact', *Outlook India*, 2013.

<sup>16</sup> *Ibid.*

<sup>17</sup> Largely rural community organisations, mostly organised along caste lines

Haryana prohibited women from wearing jeans and using mobile phones, and advised that girls be married off as soon as possible.<sup>18</sup> These discourses served to produce a pervasive sexual panic sustained by the vulnerability and violability of the female body, bearing troubling parallels to, and entanglements with, right-wing Hindu Nationalist propaganda.<sup>19</sup> The increasingly authoritarian Hindutva<sup>20</sup> regime under the Bharatiya Janata Party (BJP) incorporates anxieties around women's safety into BJP policy-propaganda, through programmes like *Beti Bachao* (save the daughter), *Ghar Wapsi* (return home) and the myths of 'love jihad'.<sup>21</sup> Each of these emboldens the patriarchal institutions of the family and community to intervene in order to preserve the security and purity of the normative female subject – the respectable, caste-Hindu woman. The discourse of *love jihad* alludes to an ostensible conspiracy to convert innocent, vulnerable Hindu women to Islam by marriage, and force them to bear Muslim progeny to threaten the sanctity and stability of the Rashtriya Swayamsevak Sangh (RSS) ideal of the *Hindu-rashtra* (nation).<sup>22</sup> Fathers and brothers are encouraged to surveil and control daughters and sisters, restrict their mobility, monitor their sociality, and ensure their swift and secure custodial transfer through an appropriate caste-Hindu match. More insidiously, they are also encouraged to police and punish transgressions of caste and religious endogamy.<sup>23</sup>

Responses to the attacks in both Delhi and Cologne illustrate how both instances of sexual violence led to the consolidation of what Kapur calls 'sexual security regimes': configurations of state power that mobilise normative constructions of sexuality and the gender binary to expand the remit of the state and its martial apparatus to surveil, restrict mobility, detain and incarcerate.<sup>24</sup> While both contexts saw the augmentation of the securitising power of the state through paternalistic discourses of sexual violence, each had different strategies and targets of surveillance, control and regulation. In Germany, discourses of sexual violence worked primarily to secure the borders of the nation and to implement harsher asylum and migration laws. Here, the sexual security regime primarily targeted racialised and migrantised men as the presumable 'perpetrators' of sexual violence. In India, securitising measures congealed primarily around the victim subject, focusing on the policing of the normative Hindu woman through strategies of punitive paternalism. In both India and Germany, however, these diverse responses were animated by a common, and particularly potent, ideological force: anxieties around the

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<sup>18</sup> Nilanjana Bhowmick, 'The Real Shame'

<sup>19</sup> Tanika Sarkar. 'Special Guest Contribution: Is Love without Borders Possible?' *Feminist Review*, 119:1, 2018, pp.7–19; Catarina Kinnvall, 'Feeling ontologically (in)secure: States, traumas and the governing of gendered space.' *Cooperation and Conflict*, 52:1, 2015, pp.90–108.

<sup>20</sup> A term first used by Hindu nationalist VD Savarkar and an ideological seeking to establish Hindu hegemony and supremacy in the sub-continent.

<sup>21</sup> Sarkar, 'Is love without borders possible?'

<sup>22</sup> The RSS, roughly translated as the 'National Volunteer Organisation' is a Hindu-nationalist, right wing paramilitary organisation that is widely regarded as the progenitor of the current ruling party, the BJP.

<sup>23</sup> Sarkar, 'Is love without borders possible?'

<sup>24</sup> Ratna Kapur. *Gender, sovereignty and the rise of the sexual security regime.*

sexual purity and sanctity of the normative female body, imperilled by the 'Other', in opposition to which the nation is defined and defended.

### **Sovereignty, Security and Purity: The Nation as/and the Normative Female Body**

State response to the incidents of sexual violence in both Delhi and Cologne, united by the expansion of sexual security regimes, drew clear gendered and racialised boundaries around the 'right' body to be protected from the 'wrong bodies' presumed to be the perpetrators of sexual violence. In the aftermath of Cologne, this figuration of the imperilled normative female body was probably nowhere more evident than in the cover pages of key German newspapers like the left-liberal daily, the *Sueddeutsche Zeitung*, and the conservative weekly, the *Focus*. These depicted a naked white woman covered in black handprints, with a black arm reaching into the crotch of a white female silhouette (see image below). The accompanying subtitles decried 'sex-attacks by migrants' and vilified 'young Muslims [who] cannot face the other sex in a relaxed way.' These images paradigmatically illustrate how representations of race (black hands/handprints, white body/silhouette), religion (young Muslims), nation and citizenship (sex attacks by migrants) are conflated in assembling the damnable figure of the 'foreign sexual abuser.'<sup>25</sup> Through such representations, the Black sexual intruder becomes the object of anger and fear, while empathic concern is directed towards the helpless and abused white female body (which is simultaneously made available for the intrusive gaze of the spectator). Given its unclear contours, the spectre of foreign sexual abuser ultimately remains what Sara Ahmed has referred to as a 'ghostlike figure in the present, who gives us nightmares about the future, as an anticipated future of injury.'<sup>26</sup> The shifting and muddled constructions of race, religion and nationality allow the suspicion of rape to attach to a variety of racialised, Muslim and migrant bodies, and be constructed as a generalised threat to the nation.



These images reveal the ideological basis through which the feminist politics of addressing sexual violence became sutured to the larger question of defending the nation. The public face of feminism in Germany, Alice Schwarzer, warned of 'fanatical followers

<sup>25</sup> Gabriele Dietze, 'Ethnosexismus: Sex-Mob-Narrative um die Kölner Sylvesternacht', *Movements*, 2, 2016, pp.177-185.

<sup>26</sup> Sara Ahmed, 'Affective economies', *Social text*, 22:2, 2004, p.124

of Shia Islam' that intentionally attack the core achievements of German society: gender equality and female emancipation.<sup>27</sup> In this, she was supported by high-ranking right-wing politicians like Björn Höcke from the AFD who, even before the New Year's attacks, had expressed concern about 'growing spaces of fear, especially for white blond women';<sup>28</sup> and Horst Seehofer, Interior Minister and head of Merkel's sister party the CSU, who asserted that Germany needed a 'zero tolerance approach towards criminal migrants' and a harsher legal system 'with teeth and punch'.<sup>29</sup> While more liberal voices questioned this martial rhetoric, they also served to cement discursive borders between the sexually liberated host-nation and the sexually savage migrant by emphasising the plight of migrant women who are likewise the victims of sexualized violence. In most of these accounts, migrant women were represented as voiceless victims whose problems inhered in their intrinsically violent cultures and communities, rather than resulting from the conditions of war and deprivation they are fleeing, or the European border regimes that put them in positions of vulnerability in the first place: they were positioned as the cultural progenitors of their own presumably oppressive situation.<sup>30</sup>

The scene of abuse in Cologne consequently seemed to function as an affective adhesive that stuck together right-wing, feminist, and liberal actors and perspectives. Across these discourses, sexual abuse was articulated through colonial tropes that have long positioned sexual violence as a pathology of the Global South – a problem of predatory, uncivilized men abusing the weak and helpless 'third world woman' – while marking the West as space of progressive gender equality. In the context of France, Miriam Ticktin has revealed the mechanisms through which only particular orientalist forms of sexual violence become legible as issues of national concern. She defines discourses of sexual abuse as the 'language of border control', and demonstrates how orientalist framings of sexual violence work to offer exceptional entry to victims of sexual abuse that reaffirm narratives of gender equality and civilizational superiority, while the spectre of the barbaric sexual abuser legitimizes deportation and deterrence for the rest.<sup>31</sup> In the German context, a similar logic is revealed by the reality that the issue of sexual abuse was only taken up when it was committed by racialised men in the midst of highly contested migration policies. Here, the German nation was (re)produced through a sexual progress narrative in which the nation was figured as an emancipated yet vulnerable white woman, in need of masculine state protection from the scourge of sexual violence inflicted by racialised migrant male incursions.

The trope of the threatened nation as inextricably bound up with the normative female body also found currency within the post-colony of India. The violation of Jyoti Singh was rhetorically equated to the violation of India as a nation itself; in fact, the threat posed to

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<sup>27</sup> Alice Schwarzer, *Der Schock. Die Silvesternacht von Köln (Köln: Kiepenheuer & Witsch)*.

<sup>28</sup> Mathias Zschaler, 'Nicht zum Lachen – und trotzdem komisch', *Der Spiegel*, 19 January 2016.

<sup>29</sup> 'Seehofer will Rechtsstaat der Biss hat', *Merkur*, 11 January 2016.

<sup>30</sup> Billy Holzberg, Kristina Kolbe and Rafal Zaborowski, 'Figures of crisis: The delineation of (un)deserving refugees in German media', *Sociology*, 52:3, 2018, pp.534-550.

<sup>31</sup> Miriam Ticktin, 'Sexual violence as the language of border control', p.863.



the normative Indian woman became the ideological basis for the re-inscription of the mythology of the nation as a coherent, meaningful and relevant construct. In India, revealing the identity of rape victims is a crime punishable by imprisonment, a measure intended to protect victims of sexual violence from intimidation and social stigma. Jyoti Singh was thus unknown to the press until, acting at her behest, her father gave permission for her identity to be disclosed on 5 January 2013. Prior to this, the image of the victim of the 'Delhi gang-rape' circulated in the press as an open signifier onto whom the normative attributes of the paradigmatic 'Indian women' were superimposed: upper caste, middle/upper class, and inevitably Hindu.<sup>32</sup> Newspapers and TV reports referred to her by a series of sobriquets: *Nirbhaya* (fearless one), *Jagruti* (awareness), *Damini* (Lightening) – all Hindu signifiers. Her status as 'everywoman' was figured around the image of an urban, upper/middle class, caste Hindu woman on the basis of the few facts available to the media: that she lived in Delhi, that she had watched an English movie at a multiplex, that she had been accompanied by a Hindu male, that she was in university.<sup>33</sup> In the protests following the attack, the victim's (assumed) normative, female body was then expressly produced *as* the nation, through a series of posters and slogans proclaiming 'India is raped'.



(source: *Lodhia, 'From Living Corpse to India's Daughter'*)

The appropriation of Jyoti Singh's trauma saw her 'literally turned into India's national property'.<sup>34</sup> The nationalist frame of Jyoti Singh *as* India was circulated not just by Hindu nationalist organisations and the international media, but also at student-led protests in Delhi, and within nationwide campaigns against the brutalisation of women by various NGOs and civil society organisations. Figurations of Jyoti Singh as 'India's Daughter', such as in the title of the controversial documentary by white South African filmmaker Leslee

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<sup>32</sup> Sharmila Lodhia, 'From "Living Corpse" to India's Daughter: Exploring the Social, Political and Legal Landscape of the 2012 Delhi Gang Rape', *Women's Studies International Forum* 50, 2015, pp.89–101.

<sup>33</sup> Krupa Shandilya, 'Nirbhaya's body'.

<sup>34</sup> Debolina Dutta and Oishik Sircar, 'India's Winter of Discontent: Some Feminist Dilemmas in the Wake of a Rape'. *Feminist Studies* 39, no. 1, 2013, p. 293–306.

Udwin also advanced the co-constitution of the nation and Indian womanhood via the image of the imperilled, violated normative female body.<sup>35</sup> The mobilisation of the figure of the 'good Hindu woman', worthy of sanctuary, was paradigmatically illustrated in the 'Bruised Goddesses campaign', a series of images of the three primary upper caste goddesses of Hindu mythology, Durga, Saraswati and Lakshmi portrayed as victims of abuse, with welts, bruises and gashes across their faces.<sup>36</sup> The campaign served to cement the worthy victim as the deified, pure, pious upper caste Hindu woman, deploying evocative imagery with glaring parallels to the various depictions of the nation as/through *Bharat Mata* or 'Mother India'.



(source: Sudha Tilak, 'Bruised Goddesses Hurt Indian Feminists')

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<sup>35</sup> Lodhia, 'From Living Corpse to India's Daughte

<sup>36</sup> Sudha G Tilak, "'Bruised Goddesses" Hurt Indian Feminists', *Al Jazeera*, 10 Oct 2013



(source: *Akhand Hind Fauj* online material)

Moreover, the Hindu Right incorporated the protests following the attack on Jyoti Singh into their utopic vision of India as *Hindu Rashtra*,<sup>37</sup> defined in opposition to the alleged reality of a compromised, besieged nation unable to protect its women (and by extension, itself), from the contaminating effects of the 'Other'. RSS Chief Mohan Bhagwat said 'crimes against women happening in urban India are shameful. ... But such crimes *won't happen in Bharat* or the rural areas of the country. You go to villages and forests of the country and there will be no such incidents.'<sup>38</sup> Echoing Bhagwat, RSS Spokesperson Ram Madhav argued 'in Bhartiya tradition, we have great respect for women and if we go away from the Bhartiya tradition of respecting woman, one will end up indulging in such criminal acts'. Thus Bharat, or the 'real' India, proposed through the idealised representation of a safe utopia for the right sort of Hindu woman, where the security of women was only possible through the realisation of the Hindu Rashtra, is 'constructed in both spatial and temporal forms as having existed before the 'invasion' of the Muslims and before the colonisation by the British.'<sup>39</sup>

In both Germany and India, the expansion of state security in response to sexual violence thus derives its ideological impetus from the particular figuration of the nation as the imperilled normative female body. Through the narrative collapse of the sovereignty, security and purity of the nation with that of the normative female body, discourses of sexual violence are rendered particularly amenable to nationalist politics invested in the proper (re)production of the nation. As Yuval-Davis has argued, women serve as key battlegrounds on which the nation is forged, through the positioning of the female bodies

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<sup>37</sup> Translates as Hindu Nation, a key aim of the Hindutva agenda

<sup>38</sup> Cited in Catarina Kinnvall, 'Feeling ontologically (in)secure', p.90-108.

<sup>39</sup> Ronald Inden, *Imagining India* (Bloomington: Indiana University Press, 2000).

as racio-cultural repositories, and preservers of 'true/authentic' tradition.<sup>40</sup> In Germany, the nation is figured through the 'right', pure and innocent white woman whose alleged sexual freedom is threatened by the Black and/or Muslim migrant. India, on the other hand, is imagined through the motif of the deified *Bharat Mata*, revered and safe in the *Bharat* of old, but rendered vulnerable in the India contaminated by Muslim influence and Westernisation. Both narratives betray a longing for a fictional 'time before sexual violence', an epoch that was properly representative of the respective idealised nations. As the next section demonstrates, however, neither sexual violence nor any of the discourses mobilised in its aftermath are a recent phenomenon in either context. Professed attachments to this illusionary past conceal that sexual violence and disciplinary sexual protection appear as fundamentally constitutive of (rather than antithetical to) both Germany and India. In fact, the attacks in Delhi and Cologne, and the responses to them, fall into a pattern woven through a long (post)colonial history of the appropriation of the imperilled female body as a powerful site of nation-making.

### **The Resonant Echo: Tracing (Post) Colonial Reverberations**

The discourses following both Delhi and Cologne unfold within, and must be understood in relation to, long and persistent histories that fundamentally shape the ways in which sexual violence and its harms are understood and addressed. In Germany, these histories can be traced to the first German citizenship laws established during the German Colonial Empire. As Ann Stoler has argued, in the context of European high imperialism and race science, sexuality played a crucial role in legitimizing colonial rule as it established a clear line between respectable, bourgeois, white sexuality and the unrestrained, barbaric sexuality of the colonized.<sup>41</sup> German colonial rule in South-West, West and Eastern Africa was similarly justified through the image of uncontrolled and excessive Black sexuality. Discourses of sexual aggression not only positioned colonized subjects as driven by nature and hence unable to govern themselves, but also evoked the illusion of being under attack, reversing the logic of domination and framing colonialism as a project of self-defence. As Fatima El-Tayeb points out, questions of sexuality surfaced most strongly in discussions around 'miscegenation' and 'racial mixing' because it was through marriage that white German men extended the rights of the polis to their wives and children. As a result, in 1913 interracial marriages were outlawed per decree in most colonies, and a first nationality law was established that enshrined the principle of *jus sanguinis* – defining citizenship on the basis of bloodline. The alleged threat of Black men raping white women was crucial in justifying these legislations in parliamentary and public discussions.<sup>42</sup>

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<sup>40</sup> Nira Yuval-Davis, *Gender and Nation* (Thousand Oaks, London: SAGE, 2008).

<sup>41</sup> Ann L. Stoler. *Carnal knowledge and imperial power: Race and the intimate in colonial rule* (Berkeley University of California Press, 2010).

<sup>42</sup> Fatima El-Tayeb, 'Blood is a very special juice: Racialized bodies and citizenship in twentieth-century Germany', *International Review of Social History*, 44: S7, 1999, pp.149-169.

From its inception, then, definitions of nationhood in the German Empire were based on gendered and sexualized discourses of racial purity that framed Germany as 'a raced and gendered body' made vulnerable through 'the female body as the vehicle, conduit, or site of entry for potential pollution'.<sup>43</sup> Throughout German history, outrage about interracial sexual relations would resurface routinely, rearticulated in various configurations. One of the most (in)famous among those came to be known as the 'Black Horror of the Rhein'. After the French army stationed several colonial soldiers of colour in Western Germany, a range of civil society groups started a campaign that circulated the 'the image of the 'primitive African beast' that roamed around the streets of a civilized nation raping and killing'.<sup>44</sup> Once again, the panic around (mostly consensual) sexual relations between white women and Black soldiers worked as an affective adhesive for a nation desperate to recuperate its wounded national pride and identity.

The racial and sexual logics of German citizenship were epitomised in the Nuremberg laws during the Third Reich, when race became the fundamental principle of the state and white women faced severe prohibitions and sanctions for engaging in sexual conduct with Black, Roma, Sinti, and most explicitly Jewish men. Particularly in the early days of the Reich, it was once more through the circulation of a racialised sexual panic that Jews were invoked as predators threatening the innocent Aryan female body; a framing that played a crucial role in the early days of antisemitic pogroms and mass mobilizations for national socialism.<sup>45</sup> Following the Holocaust and the end of WW2, the hope for a new beginning, a 'Stunde Null' (hour zero) was on the horizon, promising the construction of a new democracy liberated from the racial logics of the past. However, while the Nuremberg laws were abolished and a program of denazification implemented by the Allies, the old colonial laws *of jus sanguinis* were reinstated, ensuring that the notion of the body politic as a community of blood persisted. Race was officially displaced as a relic of the past; yet, during the process of denazification, scandals involving interracial relations between Black American GIs and white German women once again saturated parliamentary and public discourse. These circulations not only rearticulated fears of Black male sexuality, but the racially segregated US military also reasserted that democracy was still a notion meant primarily for white Europeans.<sup>46</sup>

While the *jus sanguinis* laws were finally overturned in 2000, the narrative of the German polity as ethnically homogenous persevered, and racial hierarchies persist, often under the disguise of 'cultural difference'. These dynamics are evinced, for instance, in ongoing moral panics around the 'Islamification' of Europe, and in the framing of the Turkish-German community as an ethnocultural counterfoil to the construction of a 'truly' German

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<sup>43</sup> Tina Campt, *Other Germans*, p.41.

<sup>44</sup> El-Tayeb, 'Race is a very special juice', p.164

<sup>45</sup> Dagmar Herzog, *Sex after fascism: Memory and morality in twentieth-century Germany* (Princeton University Press, 2007), pp.39-40.

<sup>46</sup> Heide Fehrenbach, *Race after Hitler: Black occupation children in postwar Germany and America* (New York: Princeton University Press), p.34.



identity. Within such discourses, sexuality and gender continue to play a crucial role, visible in discussions around issues such as honour killings or the Muslim veil,<sup>47</sup> as well as the eugenic Sarrazin debates of 2010 that circulated around the bestseller *Deutschland schafft sich ab* ('Germany gets rid of itself') that warned of the overpopulation of Germany through Muslim women.<sup>48</sup>

This historical overview demonstrates that the anger incited by the Cologne attacks needs to be understood in relation to long-standing colonial anxieties around Black sexuality and miscegenation. As Ahmed affirms so evocatively, affects sediment over time and come 'to reside in objects, only through an erasure of the history of [their] production and circulation.'<sup>49</sup> From this perspective, we might understand the outrage about cases of sexual abuse in Cologne as, borrowing from Camp, a 'resonant echo'<sup>50</sup> — a sound that still clearly reverberates in the present but whose origin has been lost and is no longer recognized. In a context in which race has become 'buried alive'<sup>51</sup> the traces of its sexual history have likewise been submerged. Tracing this echo back in time, however, we can see how many of the fears around Cologne mirror long-established anxieties of national impurity, in which it was nearly always the trope of sexual threat that helped re-establish clear lines of who and who does not belong to a national body defined in racial, gendered and sexual terms. The metaphor of the echo highlights how these histories should not be understood as a clear-cut 'colonial continuity' but a more contingent, contextual reverberation – a sound that can alter and that resonates according to the context of its articulation. What the metaphor of the echo further illuminates is that while these histories reverberate powerfully in the current moment, their noise simultaneously erases the traces of their own production.

In India, the securitising response to Jyoti Singh's rape and murder can also be read as the reverberation of a historical echo. The international production of the Indian nation through discourses of sexual violence 'under Western eyes' has long been that of a country afflicted by an endemic *culture* of sexual violence.<sup>52</sup> These representations reinforce racist, colonialist accounts of the unquestionable superiority of western liberal doctrines, as well as the urgency of (often martial) projects invested in 'civilising' the 'Other'. Following the attack on Jyoti Singh, American feminist magazine *Ms.*, for instance, published an article that proclaimed 'India hates women. That is the ugly, unvarnished truth' and stated that 'this is no imposition of foreign rule. We can't blame our old bugbear, the British Raj. This is pukka, indigenous, Made With Pride in India stuff.'<sup>53</sup> This

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<sup>47</sup> Anna Korteweg and Gökçe Yurdakul. *The headscarf debates: Conflicts of national belonging*, (Stanford: Stanford University Press, 2014).

<sup>48</sup> Michael Meng, 'Silences about Sarrazin's racism in contemporary Germany', *The Journal of Modern History*, 87:1, 2015, pp.102-135.

<sup>49</sup> Sara Ahmed, *The Cultural Politics of Emotion* (Durham: Duke University Press, 2014), p.11.

<sup>50</sup> Camp, *Other Germans*, p.53

<sup>51</sup> Theo Goldberg, *The threat of race: Reflections on racial neoliberalism*, (Hoboken: John Wiley & Sons), p.1.

<sup>52</sup> Chandra Talpade Mohanty, 'Under Western Eyes', p.333.

<sup>53</sup> Pubali Ray Chaudhuri, 'Being Female in India: A Hate Story', *Ms Magazine*, 1 Jul 2013

denunciation of 'India' as uniquely, inherently violent and barbaric, and Indian women as ineluctably weak, vulnerable and violable, elicited mixed responses from feminists in India. While many were keen to resist these orientalist tropes and their neo-colonial implications, they were equally invested in recognising the contentious status of India as a simultaneously post-colonial and colonising nation-state, and were alive to the cynical deployment of nationalist tropes around the sexually vulnerable woman in securing India's ongoing status as both.<sup>54</sup>

Sexual violence and sexual 'protection' have long been crucial patriarchal techniques in the construction of the Hindu nation. Feminist scholars including Das, Basu, Butalia, and Menon argue that in the context of India, the emergence of the post-colony was not simply marked, but *fundamentally constituted* by sexual violence in the forging of the imagined community of the nation.<sup>55</sup> Das suggests that from its very inception, 'the imagining of the project of nationalism in India came to include the appropriation of bodies of women as objects on which the desire for nationalism could be brutally inscribed and a memory for the future made.'<sup>56</sup> This incorporation of woman's bodies into the project of nationalism has its roots in a broader imagination of women as sexual property, and sexual violence as a property crime against husbands/families/communities- or male custodians of the violated women.<sup>57</sup> This construction carries into the founding myths of nations imagined in the image of the family, with women (and their wombs) positioned as repositories of culture and identity.<sup>58</sup> Within the Indian context, women have been framed 'as the origin of nation-making, and of freedom of repression by external others (i.e. Muslim, Christian and Western Forces).'<sup>59</sup> Within this figuration, a threat to female sexual purity is read as a threat to the nation itself, and sexual panics become national security panics.<sup>60</sup>

A key motif in the production of nation-as-woman, and a critical artefact in the forging of India as a post-colonial political entity, was the figure of the *Bharat Mata* (the Nation as Mother, or Mother India), a gendered embodiment of national territory that centred the pure, respectable caste-Hindu woman in its production. At the turn of the twentieth century, artists began to incorporate the map of India into her visual representation, producing a cartographical representation of India as an expressly gendered

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<sup>54</sup> Kavita Krishnan 'I fear India's Daughter will become a global campaign that will do damage', *The News Minute*, 3 Mar 2015

<sup>55</sup> Nivedita Menon, "Sexuality, Caste, Governmentality: Contests over 'Gender' in India." *Feminist Review* 91:1, 2009, p.94–112; Srimati Basu, 'Sexual Property: Staging Rape and Marriage in Indian Law and Feminist Theory.' *Feminist Studies* 37:1, 2011, pp.185–211; Urvashi Butalia, *The Other Side of Silence. Voices from the Partition of India*, New Delhi: Penguin Books, 1998; Veena Das, *Life and Words: Violence and the Descent into the Ordinary*. Oxford, Delhi: Oxford University Press, 2007.

<sup>56</sup> Veena Das, "Language and the Body: Transactions in the Construction of Pain". *Daedalus* 123:1, 1996, p. 68

<sup>57</sup> Basu, Sexual Property

<sup>58</sup> Yuval-Davis, Gender and Nation.

<sup>59</sup> Tanika Sarkar, *Hindu Wife, Hindu Nation: Community, Religion and Cultural Nationalism*. New Delhi: Permanent Black, 2001.

<sup>60</sup> Partha Chatterjee, "Colonialism, Nationalism, and Colonized Women: The Contest in India." *American Ethnologist* 16 (4), 1989, p. 622–633.

'bodyscape'.<sup>61</sup> Placing the female body as representative of the nation-space positioned both the nation and the Indian woman simultaneously as a potent affective site, eliciting and binding 'declarations of male devotion to and desire for woman and nation.'<sup>62</sup> These figurations embedded powerful attachments to the material being in the form of *Bharat Mata* within the desire for the spatial and political entity of 'India', and enabled Hindu nationalist parties to make specific and exclusionary claims regarding ownership of and sovereignty over the contested, emergent post-colonial nation. *Bharat Mata* did not simply reflect affective gendered attachments to the project of the *Hindu Rashtra*, but was instrumental in producing them.

The figure of *Bharat Mata* and the desire for a *Hindu Rashtra* animated a brutal and brutalising nationalism, culminating in the violent birth of two partitioned political entities. The founding moment of the Indian nation was fundamentally shaped by the experience of, and response to, sexual violence, where disputes and assertions of control were enacted on women's bodies. Women, repositories of community honour as *Bharat Mata*, became sites for the inscription of national shame. So pervasive was the belief that safeguarding a woman's honour was essential to upholding male, community and national honour that 'a whole new order of violence came into play, by men against their own kinswomen; and by women against their daughters or sisters and their own selves'.<sup>63</sup> Gandhi, responding to the rape of Hindu women prior to and during partition, encouraged women 'to commit suicide by poison or some other means to avoid dishonour... to suffocate themselves or to bite their tongues to end their lives', and insisted that 'women must learn how to die before a hair of their head could be injured.'<sup>64</sup> Women who 'opted' to take their own lives were hailed martyrs, unstinting in their bravery and sacrifice for the cause of national honour, and these narratives of women's valour and sacrifice moved 'in tandem with an evolving narrative of India.'

Post-partition, the Indian state arrogated unto itself the task of 'rescuing' women who had been abducted during the communal violence of partition and returning them to their proper homes, nations, and religions. In the project of 'recovering' abducted Hindu women, the state determined that 'any woman who was seen to be living with, in the company of, or in a relationship with a man of the other religion... would be presumed to have been abducted, taken by force'.<sup>65</sup> In Das' words, 'national honour was tied to the regaining of control over the sexual and reproductive functions of women.'<sup>66</sup> This production of national belonging and threat through the figure of the imperilled Indian woman finds its more recent incarnation in contemporary Hindu nationalist discourses

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<sup>61</sup> Sumathi Ramaswamy, *The goddess and the nation: Mapping mother India*, Duke University Press, 2010, p. 5

<sup>62</sup> Sumathi Ramaswamy, "Maps and Mother Goddesses in Modern India." *Imago Mundi* 53.1 (2001), p.97.

<sup>63</sup> Kamla Bhasin and Ritu Menon, 'Borders and Boundaries: Women in India's Partition', *New Delhi: Kali for Women*, 1998.

<sup>64</sup> Cited in Mookerjee-Leonard, Debali, "To be pure or not to be: Gandhi, women, and the Partition of India" *Feminist Review* 94:1, 2010, pp.38-54.

<sup>65</sup> Butalia, 'The other side of violence', p.115.

<sup>66</sup> Das, *Life and Words*, p. 26.



of *love jihad*, discussed above, as well as in the ongoing and recently intensified occupation of the Kashmir valley. The deployment of the military in Kashmir under the Armed Forces Special Powers Act, through which India consolidates its position as a colonising force, is rationalised through the ideological trope of protecting Bharat as territory and its female embodied form, amongst other things, rapacious Muslim incursion.<sup>67</sup> The refusal of the state to revoke criminal impunity for military personnel deployed in occupied territories in the legislative reforms enacted following the attack on Jyoti Singh re-inscribes the boundaries of the 'right' bodies deemed worthy of protection and reproduces India in the *Hindutva* image of *Bharat*. The occupation of Kashmir and rampant sexual torture of its women in the name of security is thus distinctly resonant of the past and continuing collapse of the sovereignty and security of the nation with the normative (Hindu) female body.

Tracing historical resonances across Delhi and Cologne thus reveals the entrenched colonial histories through which the nation comes to be tethered to the violable, normative female body. Contextualising the New Year's Eve attacks in Cologne within longer legacies of sexualised panics around racially marked Others demonstrates how the outrage surrounding the attacks aligns itself along the 'deep stories'<sup>68</sup> that secure German conceptions of nationality and citizenship through heteronormative constructions of whiteness. While Cologne operated as a catalyst for an already boiling resentment against the recent refugee migration and worked as an affective adhesive sticking together feminist, liberal and right-wing nationalist positions, it might best be understood as a 'resonant echo' of the colonial past that reverberates powerfully in a time of growing precariousness and challenges to enshrined entitlements in the nation. In Delhi, while the figure of *Bharat Mata* first emerged during the inauguration and forging of the post-colony, more recent invocations circulate within the distinct context of an increasingly colonising nation. Thus, in the absence of straightforward contextual continuities, even as *Bharat Mata* is deployed in the service of contemporary bordering and securitising practices, the legacy of her violent production is effaced, and the thread binding the many brutal sites of her historical and contemporary deployments remains concealed.

### **Confronting the Echo: Untangling Sexual Violence from Violent Nationalisms**

Despite the significant challenge posed by this 'echo' and its resonances to engaging in a politics of sexual violence that does not buttress forms of violent nationalism, it remains imperative to recognise and address the grievous harm of sexual violence across contexts. In this final section, we turn to feminist mobilisations in both Germany and India to explore the promise of responses to sexual violence that are less amenable to, and even expressly resistant of, the violent logics sustained through the resonant echoes of colonialism. A key strategy to resist the entanglement of anti-sexual violence demands with nationalist projects across both contexts was to explicitly denounce securitising

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<sup>67</sup> Ather Zia, 'Sexual Warfare: Women and Resistance in Kashmir', webinar, November 2019

<sup>68</sup> Arlie Hochschild, *Strangers in Their Own Land: Anger and Mourning on the Political Right*, (New York: The New Press), p.16.

state measures instituted in response to sexual violence. Embracing an expressly intersectional approach to addressing sexual violence, some feminists in Germany and India recognised and decried the cynical co-optation of their demands by states to enact forms of exclusionary nationalism. In Cologne, several groups organized counter-demonstrations to that of right-wing groups like PEGIDA<sup>69</sup> and the AFD, and declared that their feminism was expressly anti-racist. The biggest initiative in this regard was the campaign #Ausnahmslos (without exception). Initiated by a collective of activists, journalists, academics, artists and other public figures, the group organized demonstrations and an online petition that was signed by several hundred supporters, which warned of the instrumentalization of feminist arguments circa the incidents in Cologne.

In India, similarly, various feminist groups and individuals across the country condemned the introduction of the death penalty, recognising that it is disproportionately deployed against often innocent men from Muslim and *dalit* communities.<sup>70</sup> Feminist activists in India also challenged the routine pitting of a politics resisting sexual violence against other hierarchies of caste, class, race and religion. Given that a key response to the murder of Jyoti Singh in Delhi was to impose harsher curfews at university accommodations, a movement called *Pinjra tod* (break the cage) emerged to refuse and resist protectionist measures on campuses. The movement recognised, however, that as instruments in the state's project of regulating the sexuality of young women, hostel wardens who enforced curfews appeared to be the oppressors, but were in turn oppressed and marginalised by the state through low salaries and exploitative working terms. *Pinjra tod* launched a campaign, demanding that freedom *from* the warden could only emerge alongside freedom *for* the warden, refusing any easy opposition and calling for a politics that attempts to address multiple, intersecting issues of gender, class, race and religion.

Another common and related strategy of resisting violent nationalisms and the expansion of the securitised state was to challenge the state's tactical positioning of itself as saviour through an erasure of its role as aggressor in the politics of sexual violence. In Germany, #Ausnahmslos countered dominant discourses that framed the situation as an abuse of the nation by highlighting not only the structural sexual abuse that women in Germany are subjected to but also entrenched racisms in society. Other anti-racist groups further highlighted the problem of racial profiling (which was on blatant display in the wake of the Cologne attacks), and anti-border activists continued to call out the human rights violations that the EU and the German state were actively involved in, including the creation of conditions that facilitate sexual abuse in detention and refugee camps inside and outside of the borders of Europe. In a similar vein, Indian feminists demanded a recognition of the systematic, structural violence enacted by the state in areas where

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<sup>69</sup> PEGIDA (Patriotic Europeans Against the Islamisation of the Occident) is a German nationalist, anti-Islam, far-right political movement that was founded in Dresden in 2014

<sup>70</sup> Mrinal Satish, *Discretion, discrimination and the rule of law: Reforming rape sentencing in India* (Cambridge University Press, 2016).

military personnel were granted impunity, and reminded the state of the many sexual atrocities enacted by the very individuals deployed in the name of protecting women – the police and military personnel.<sup>71</sup> Dalit feminists further wrote about how both the police, as well as the metropolitan elite Indian feminist movement, consistently failed them in their demands for liberation from, and justice for, incidents of sexual violence.

Groups like *Ausnahmlös* in Germany, and much of the institutionalised feminist movement in India did, however, eventually make demands of the state in the form of criminal law reform – demands that would, inevitably, expand the state’s power to discipline, regulate and incarcerate. The legal reform that was eventually passed in Germany and that tied sexual abuse protections to a harshening of asylum law as well as the securitising measures imposed in India highlight the challenges of engaging the state for protection from sexual abuse. As Angela Davis asked in a speech on Black feminist responses to sexual violence in the US: ‘can a state that is thoroughly infused with racism, male dominance, class-bias and homophobia and that constructs itself in and through violence act to minimize it in the lives of women?’<sup>72</sup> In line with Davis’ warning, in the German and Indian context, some feminists have long held a deeply conflicted relationship with the law, regarding it simultaneously as ally and oppressor; at once transformative and coercive, liberatory and regulatory. While most major mobilizations around sexual violence in Germany and post-colonial India entailed demands for legal reform, some factions of the feminist movement have more consistently remained wary of their transformative promises.

In these factions, appeals to *use* the law, to reform it or reclaim it in the service of feminist goals, are accompanied by calls to move *beyond* the law, to recognize its ultimately and inevitably violent structure and content. In India, groups of sex worker activists, *Dalit* and Muslim feminists, and metropolitan university students refused their production as either a ‘protectorate’ to be surveilled and regulated, or as bodies outside of the image of ‘*Bharat Mata*’, the wrong bodies to be disciplined into proper Indian womanhood, or otherwise dispensable. On International Women’s Day 2017, *Pinjra Tod* launched a campaign directly challenging the appropriation of women’s bodies via the idiom of *Bharat Mata*, titled ‘We will not Mother India’. In refiguring the motif of the sacrificial, honorable woman, willing to die in the service of her nation and its regeneration, they expressly rejected the very ideological basis underlying the (re)production of the nation via the normative female body. From these politics of feminists with a more critical disposition towards the nation-state emerges another potential strategy that quells the echo of the past: practices of what Muñoz calls *disidentification*.<sup>73</sup> Through creative processes of disidentification, subjects of sexual vulnerability refuse the terms and frames through which their bodies are placed as metaphors and sites of reproduction for

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<sup>71</sup> Menon, *The Impunity of Every Citadel*, 2013

<sup>72</sup> Angela Davis, ‘The color of violence against women’.

<sup>73</sup> José E. Muñoz, *Disidentifications: Queers of Color and the Performance of Politics* (*University of Minnesota Press*, 1997), p.101

the nation. Muñoz describes disidentification as a transformative political strategy that neither conforms, assimilates or resists the dominant ideology, but rather 'works on and against' dominant ideological interpellation. These subversions are performed not from a position outside these fields, but from within them – thus creating an alternate economy which resists the assimilationist modes of the hegemonic nationalist frame to subversively re(use), re(think) and re(frame) representations of the female body otherwise projected as natural and objective.

Disavowing an identification with the (re)production of the nation, *Pinjra Tod's* 'We will not Mother India' campaign demanded '*Ma se Azadi, Ma ko bhi Azadi*' (freedom from the Mother India, but also freedom for the Mother). Expressly recognising how *dalit, adivasi*, Muslim and other 'wrong' bodies were made invisible and even criminalised through the very discourses that produce normative Indian women as worthy of protection (and available for surveillance and control), the campaign sought liberation from the figure of *Bharat Mata*, and the rationalities and boundaries that secured her. Germany similarly witnessed disidentifications with nationalist narratives of sexual violence, and the re-emergence of transnational feminist solidarities. While initial responses in Germany to the attack in Delhi were primarily shaped by discourses of civilizational superiority that framed the violence as a logical consequence of the backwardness of the Global South, it also led to a public reckoning with the presence of a vibrant feminist movement in India. Several feminist groups and outlets declared their solidarity with affected people in India, and invited feminists from the region as experts and political interlocutors. Such efforts were also evident following the New Year's Eve attacks in Cologne, a moment replete with calls for renewed transnational solidarity in Germany. While these efforts were complicated by the risk of selectively integrating voices from the Global South in configurations that cemented rather than challenged imperialist tropes, there remained sustained efforts to transcend these pitfalls.<sup>74</sup>

In order to effectively resist both global imperial hierarchies, as well as domestic recourses to the frame of the nation, transnational feminist solidarity entails not only a disidentification with the normative women-as-nation but also a disidentification with feminist progress narratives that position contexts like Germany and India in different temporalities of political advancement.<sup>75</sup> Such efforts can be observed recently in transnational feminist actions like the performance 'El Violador Eres Tú' that spread from activism against sexual and gender based violence in Chile and Latin America to feminist marches in India and Germany. Here, the resonant echo of the colonial past is quelled through a cacophony of voices that demand responses to sexual violence that are insistently transnational, and delivered not via but in response to the violence of the state. Through such efforts we catch a glimpse of practices that hold the potential to extricate

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<sup>74</sup> Kira Kosnick, 'Aus westlicher Sicht: das "Ereignis Köln" und Perspektiven transnationaler feministischer Solidarität', *Feminina Politica*, 25:2, 2016, pp.147-155.

<sup>75</sup> Clare Hemmings (2010), *Why Stories Matter: The Political Grammar of Feminist Theory*. (Durham: Duke University Press).

the politics of sexual violence from the nationalist policies of the state and that work towards transnational, intersectional and anti-imperial paradigms of justice.

### **Conclusion:**

The attacks in Cologne and Delhi occurred in markedly different contexts, one within a former and continuing European imperial power, and the other within a more recent, postcolonial (and now also colonising) state. Based on readings of these contexts through a hegemonic, colonial lens, the two do not immediately appear to share much in terms of the politics of sexual violence: Germany is commonly championed as a bulwark of feminist emancipation and female empowerment, while India is condemned as home to the 'rape capital of the world', besieged by an intrinsic cultural pathology of male violence. In the aftermath of Delhi and Cologne, this discourse seemed to be operative in state practices that produced different subjects for surveillance and regulation in response to the attacks. In Germany, racialised migrant men were constructed as threatening the presumably sexually liberated white woman, while in Delhi securitising measures congealed around the victim subject, focusing on the policing of the normative Hindu woman through strategies of punitive paternalism.

Yet, as we have demonstrated in this article, India and Germany also bear striking similarities in state dispositions to addressing sexual violence, and there is much to be learned from thinking transnationally across the two. Both contexts are united by a securitising impulse in response to sexual violence, and the ideological basis of the expansion of the state's securitising function is also shared: i.e. an entrenched understanding of the nation as/through the normative female body. In the case of Germany, this figuration works through colonial histories that have long secured German conceptions of citizenship through gendered and racialised constructions of the nation, while in India it is transmitted through the historical production of the *Bharat Mata*, and the motif of the imperilled Hindu woman. While these enduring affective attachments to the nation as the normative female body are produced through distinct historical circuits, both contexts carry a resonant echo of past projects of nation-making that have long placed the security and purity of the female body at the centre of forging the myth of the nation.

Returning to the scenes of Delhi and Cologne provides crucial insights for analyses of growing nativist nationalisms in both contexts. In India, recent exclusionary amendments to citizenship laws have once again invoked the image of imperilled Hindu daughters and daughters-in-law in their justification. In Germany, the rise of the far-right, that has culminated in a series of terror attacks on racialised minorities, continues to be fuelled and legitimised through racialised discourses of sexual violence. By attending to what is shared and what is distinct in the contexts of India and Germany, we have provided an account for why and how, across contexts in the (post)colonial world order, the politics of addressing sexual violence lends itself so readily to the entrenchment of violent nationalisms. Revealing the ideological and discursive roots of this dangerous

entanglement has allowed us to identify and amplify intersectional and transnational feminist approaches to addressing sexual violence that reject these premises. We have underlined that transnational feminist solidarity vis-a-vis sexual violence does not only entail a disidentification from the martial powers of the state but also from civilizational progresses narratives that sustain hierarchical relations between the Global North and the Global South. Speaking within a long legacy of transnational feminist scholarship, our intervention, contributes not only to the urgent and complex project of producing a feminist politics of sexual violence that is resistant to entanglements with exclusionary nationalisms but also highlights that an attention to sexual politics is crucial to any analysis of nationalism and right-wing ascendancy in the political present.