

## Editorial

Conventional conceptions of violence have undergone substantive changes over the past few decades. Simplistic notions of violence as being based primarily on the use of physical force have paved way for more incorporative notions that include psychological, sexual and economic violence as well, whether inflicted individually or collectively, and maybe even self-directed. Since 2002, the World Health Organization defines violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation". Significant in this definition is the recognition of the use of 'power' in the basic understanding of violence.

In recent times our country has been witness to unprecedented people's outpouring and passionate debates on violence against women. In March-April this year, a new *Criminal Law (Amendment) Act, 2013* was enacted by the Parliament. This was a significant step forward. Forms of violence like acid attack, sexual harassment, voyeurism, stalking, trafficking, gang rape, and acts with the intent to disrobe a woman were included within the ambit of criminal law. The definition of rape was expanded beyond peno-vaginal penetration. The quantum of punishment was increased in severe crimes to imprisonment for twenty years or the rest of natural life. A clause was also added to prosecute public servants for dereliction of duty.

Yet, the law also faced criticism for frittering away the opportunity to address festering issues like – marital rape, removing the legal impunity for the armed forces in instances of sexual assault, recognizing systemic sexual violence against tribal/dalit women or during communal violence as aggravated rape, or the possibility to introduce a gender neutral definition of 'victim' in cases of sexual assault so that same-sex violence could also be addressed. In times, when young people led the outrage against sexual violence from the front with their cry for 'aazadi' (freedom), it was also ironical that the 'age of consent' was increased from sixteen years to eighteen years, thereby, making an increasingly sexually active population of young people susceptible to the charge of statutory rape.

Perhaps at the heart of the entire debate lay the issues of just how the state seeks to redress violence against women. On the one hand is the response to the sheer brutality of sexual violence in specific instances, but on the other is the urge to recognize and address systemic or structural issues related to such violence. The *Criminal Law Amendment Act, 2013* represents the former, while the Justice Verma Committee Report represents the latter. The former embodies the urge to redress crimes 'after' they occur, while the latter seeks to address the root causes of such crimes through a plethora of constitutional, policy, administrative and other reforms aimed at 'prevention'. Yet, on the whole the developments have been positive and the return of men in the cause of women holds promise for the future.

This brings us to the concerns being addressed in this issue of *Summerhill: IAS Review*. We have four research articles that address different issues of violence in very diverse ways. Of course, it is impossible to address violence in a comprehensive manner in a single collection of essays. Questions of caste violence, violence against children and the elderly, or against tribals or the environment etc. remain unaddressed here, as are debates about non-violence or arguments in favour of justifiable violence. However, all the articles are notable for addressing the structural aspects of violence.

The essay by Dr. Sunera Thobani, 'Stress Position: The Racialization of Muslims in the War on Terror', explores the evolution of the discourse on Muslims and Islam in the unfolding war on terror by the West. Tracing the roots of the excesses in Abu Ghraib and Guantanamo Bay to the colonial history of modern nation states that were enmeshed in race and violence in the shaping of modern laws, she argues that the early twenty-first century is witnessing the reformulation of the race question. With Muslims being reconfigured as the embodiment of terror and Islam as the root of fanaticism, the Muslim 'other' is being 'racialized' not just in the Middle East and Central Asia, but also within Western societies, causing a setback to multiculturalism.

The shocking photographs of the same torture in Guantanamo Bay and Abu Ghraib are approached in a different way by Prof. Arindam Chakrabarti in his essay 'Towards a Moral Ontology of the Hand: From Torture to the Healing

Touch.' The triumphant hand gestures of private Lyndie England during the dehumanising acts of brutalization of Iraqi prisoners, he argues, comprise a theatre of cruelty, a performance or act put up during photography. Comparing the "sick exhibitionism" of that hand gesture to those of Bharata's *Natya Shastra* he argues that perhaps a "tenth" rasa needs to be added to the ensemble. The main argument of his essay is that the *Mahabharata* and the Buddha were prescient in diagnosing that "a certain kind of shameless cruelty springs from rampant inequality of power and conspicuous consumption." Bringing a wide array of ancient and contemporary views into play he makes a case against cruelty.

In her article, 'The Abducted Woman in the House,' Prof. Ayesha Kidwai revisits the partition through the writings of Gandhian social workers like Mridula Sarabhai and Anis Kidwai, and parliamentary debates around the *Abducted Persons Recovery and Restoration Act* promulgated in 1949 and periodically renewed till 1957. Abducted women from both sides of the border, she argues, posed serious challenges to patriarchy, the state, law, families, social workers and to themselves, with many of them refusing to return. The social workers who relentlessly worked and spoke for the cause of abducted women could not resolve questions regarding the right of women not to be victimized for rape or of their sexual autonomy. These unresolved questions, she argues, have resurfaced in the anti-gang rape movement of 2012 and are indicative of the journey made so far and the travails that still lie ahead.

In another essay, Sukumar Muralidharan examines the profound moral, ethical and political questions entailed in the imparting of death penalty, with the recent public debate being merited by two quick executions carried out in India in late 2012 and early 2013 after a prolonged undeclared moratorium. In 'Crime and Punishment in Liberal Democratic Doctrine' he traces the genealogy and legacy of the ideas of early European liberals and the modern liberal-democratic order and its judicial processes. Revisiting the Constituent Assembly debates and many subsequent judicial observations, he points to the inherent contradictions entailed in the imposing of death penalty, wherein, a relic of the old despotic order still survives in the modern state. The newfound enthusiasm for the death penalty, he argues, springs more from political exigencies and the convergence with the West over a focus on terrorism.

These diverse studies of structural violence traverse different but interlinked terrains of violence across the globe and in India. We hope that these essays will provide food for thought to readers of this volume.

ALBEENA SHAKIL

Besides seminars by National Fellows, Tagore Fellows, Fellows and Visiting Scholars at the Institute, in the course of this year, IAS has been involved in organizing the following: 'Two Schools on Gandhi' (15-17 February and 7-9 March 2013); National Conference on 'Social Epistemology and Ethics for Dalit Emancipatory Discourses' (22-23 March 2013); Seminar on 'Ordinary Lives in a Conflict Zone: Voices from Kashmir' (3-5 June 2013); Shimla Retreat III: International Seminar on 'The Social Dynamics of the Urban' (10-11 June 2013); 2nd International Workshop on 'Advances in Astroparticle Physics and Cosmology' (AAPCOS-2013) (14-17 June 2013); National Seminar on 'Dalit Kavita: Asmita aur Pratirodh ki Sanskriti' (23-24 July 2013); National Seminar on 'Waves in the Silent Pool: Literatures of the Modern Indian Languages' (11-14 August 2013); Colloquium on 'Language and Cognition: Why Does it Matter' (18 October 2013); Artist Workshop on 'Mood' (25-28 October 2013); Colloquium on 'National Education Day' (11 November 2013); Symposium on 'Secularity, Secularisation and Secularism' (9 December 2013); International Conference on 'India's Political Economy in Transition: The Crisis of Governance, Democracy and Development' (21-22 December 2013).