# Section I: Gender-Based Violence

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## Abstract

This chapter is a transcript of an open-ended discussion that occurred between the authors when they met to discuss the subject matter of the first section of the book, which focuses on areas where serious ongoing problems of gender violence are receiving insufficient attention. The discussion took place after preliminary drafts had been completed and the authors share their thoughts on the subjects they will each discuss in more detail in the following chapters – including the cultural representation of historical gender violence in India, the treatment of women in Japan's sex industry and attitudes towards LGBTQ+ groups in South Africa.

*Keywords*: Gender violence; Japan; India; South Africa; gender equality; precarity

**Gray:** I think we can agree that this is a very broad topic and we are only likely to touch on some specific and quite focused areas of it in the following chapters. In this space though, we have a little more freedom to explore elements of the encompassing theme. If I can begin, I would like to ask if either of you have read Steven Pinker's *Better Angels of our Nature*? He argues that human civilisation has been steadily growing less violent and that we are becoming, and will continue to become, more civilised, including an increase in empathy and protection of various rights. I wonder if you feel that gender violence is in decline?

Personally, I think it's clear that there are significant improvements over past social norms. However, I have a deep thread of cynicism about political systems that always makes me fear the dystopian potential of civilisational change, the

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1984s and Brave New Worlds, the 'darkest timelines'. A decrease in overall violence that doesn't safeguard the fundamental rights of all people could be portrayed as a utopia for the significant majority that it benefits. However, in terms of gender violence, I have concerns that satisfaction with an overall improvement in well-being for the majority might make it easier for some minority groups to be consigned to potential abuse in the shadows of society. This is why I think it is so important to examine the marginalised and minority groups as they are the ones that are most in danger of being overlooked by people who might think that gender violence is decreasing and not realise that there are those who have been passed by and remain trapped in institutionalised systems of oppression, violence or exploitation.

**Dayal:** I agree Gavan, this section is quite broad and there are many different avenues that can be debated. Looking at South Africa, the 1994 elections saw citizens from all racial groups help to give birth to a new democracy that represented freedom, equality, social justice and opportunities for all. However, two decades later a paradox exists where, despite numerous new policies and legislation guaranteeing civil and political rights, significant levels of crime, corruption and human rights violations still plague the country. Despite the strong evidence for this, some people are in denial and claim that these high levels of crime and inequality are normal and on par with other countries. The fear of crime that exists is persistent and debilitating and hate crimes are a particular problem, including those that focus on race, nationality and sexuality. In 2016, a survey found that more than seven percent of South Africans have a fear of being targeted by hate crimes. There have been some recent victories though, where perpetrators faced legal punishments and in 2018 new hate crimes legislation focusing on the crimes against LGBTQ+ people was presented for passage. These new laws have resulted in a change in the type of hate crimes being committed. Where previously there were more overt hate crimes now you see more covert forms of discrimination. As you mentioned, Gavan, there seems to be a narrative expressing relief that gender violence is on the decline, but there are new and equally painful ways in which violence is being inflicted.

**Shrivastava:** Do you feel there is a particular way that sexual and gender-based violence is seen in Japan?

**Gray:** Of course, though it has changed a lot, especially in the past decade. Women had significantly lower status in Japan throughout most of its history. Similar to many societies, women had a much stronger role within the private family structure but publicly and officially they were almost invisible. It was only after the Meiji Restoration in the late 1800s that things began to change as a result of Western influence. My own university was founded by a woman, Umeko Tsuda, who travelled to the United States at just 6 years of age and on her return to Japan set up one of the first institutes of higher learning open to women. It was only after World War II, however, that women's rights became firmly entrenched in Japanese law. Ironically, the new constitution, thanks to the efforts of a woman called Beate Sirota Gordon, gave Japanese women even more rights than American women of the time; however, because they had not fought for these rights in the same manner as American women, actual deep societal change was

much slower to occur, which is one of the reasons why Japan still ranks very poor in terms of gender equality. To answer your question, there is a split between modern Japan, which views gender violence in much the same way as the West, and older attitudes whereby domestic violence can be considered a private matter, and where the wearing of improper clothing can still be viewed as being partially responsible for crimes that affect women. From my own experience, this is not a generational issue though, as much as it is one of lack of education on these matters. Well-educated older people are unlikely to hold the latter views and poorly educated young people are more so.

**Shrivastava:** How would you define 'commodified violence'?

**Gray:** I think it relates to the concept of 'precarity' that you speak about in your chapters so if perhaps you could define precarity first, I can build off that.

**Shrivastava:** Well, for me, precarity is the ontological state of being of an individual who is rendered powerless and vulnerable due to the circumstances they face and who may be left feeling helpless against the actors that are responsible for their situation.

**Gray:** Thank you. A common danger for women in the sex industry is that they can be viewed by many, both their customers and wider society, not as the workers of an industry but as its products. In this view, they are things and as such devoid of human rights. This is the nature of what I consider commodified violence: it depersonalises the subject and strips them of rights, dignity, agency and their voice. It is not so much about the action of 'sale' but the action of making them into a 'commodity' that can be traded without regard for how this act affects them on a human level. It certainly includes the elements of powerlessness and vulnerability that you mentioned. Of course, it doesn't apply to all women in the sex industry and some can take stronger personal control of their roles within it, but a great many are left in far more precarious states. Even where they can achieve economic stability, as long as they remain within the industry, their place in society remains fragile and open to abuse, whether by public discrimination or political exploitation.

**Shrivastava:** Are there any social or political barriers when it comes to reforming the sex industry in Japan? In India, for example, sex work is a controversial subject and NGOs or social workers are putting their lives at risk to try to break the chain of sexual trafficking. Also, the system in India is riddled with corruption which also makes the process difficult.

**Gray:** There is definitely not as much direct threat to life as might exist in India. From what I know from speaking to activists and people working in the industry, physical violence of any kind, while a constant threat, is not among the top concerns that sex workers have and it certainly isn't a significant problem for those working to support them. Generally, the problem is far more economic in nature. For the workers in the industry, avoiding becoming trapped in a spiral of debt and achieving economic stability and independence are key goals. For the majority of workers, alleviating economic pressure is the entire reason for their entry into the industry. However, those who are not in debt when they enter it are often forced into debt by unscrupulous business practices or by falling into the unhealthy lifestyle that surrounds much of the industry.

The average sex worker has little knowledge of how to handle money or deal with contracts that are often used to tie workers to specific shops or pressure them into work they would rather not do. Another key aim for many is to preserve their anonymity. Again, while they have chosen the industry as a means of addressing economic problems they may have, they typically wish to do this anonymously, to the extent possible. In other words, they want to keep their working life and personal life separate. The contracts they sign can be used, again by the worst companies, to pressure workers – by saying that if they break contracts, quit their job or fail to repay debts, the company will contact their families or they will sue them publicly, exposing their career choice to the world. For similar reasons, workers are often hesitant to file tax returns listing their employment as sex work, not because they want to cheat the system but because they are worried about loss of privacy. They are left with a choice of sacrificing their anonymity or risking falling foul of the law. This is a key element of the precarious state they exist in; their industry is legal in name but in practice lacks the support systems and access to official systems that other industries typically have. Because of the bias against sex work, there is a widespread image of those involved in it as shiftless, greedy or parasitical. As a result, the public, police and politicians often view them as a group that is breaking social or legal rules and which needs to be punished rather than a group that are pursuing legal work and who are in need of support to address the hazards associated with their industry. Beyond debt and privacy concerns, these extend to things like STDs, mental health, addiction, child-rearing, stalkers and more.

**Shrivastava:** Do they have an avenue to speak/protest against the violence they face?

**Gray:** Although the sex industry has a centuries old history in Japan, in the past there was never any strong, centralised organisation through which its workers could find a voice. This doesn't mean that the industry was unsupervised. On the contrary, the Japanese government, for the purposes of disease prevention and simple efficiency, if not necessarily an interest in women's rights, has long had bureaucratic systems to regulate the rules governing the industry. In terms of safeguarding the workers' own interests, however, there has been little beyond loose collectives and affiliated publications that were small in size and wielded little political influence. In 1956 the government passed a law that would end legal prostitution and one of the groups, the Shin Yoshiwara Joshi Hoken Kumiai, criticised it by saying, 'We do not want to do this work but before you end it please tell us how we will feed our parents'. There are a lot of sex workers in Japan who still engage in their work to support parents who are poor, ill or in debt, to support their own single-parent families, or to pay for expensive college fees. Yet there are still negative stereotype of sex workers as people who are chasing easy money. There are groups that try to represent their collective voice, like the SWASH workers alliance, but there needs to be much greater support from outside the industry if the tired misconceptions, bias and lack of understanding are going to alter in any meaningful way.

**Gray:** Nidhi, in your chapter you focus on the violence women experienced during the Post-Partition period. I'm curious to what extent the events of this

period have been explored by female writers and directors? Have there been any? Were there any barriers to female voices arising in the artistic world?

**Shrivastava:** That is an excellent question, Gavan. Yes, there are novels and films by female writers, including Amrita Pritam who wrote the novel, *Pinjar*, which was made into a film in 2003. It was about a strong, female lead who is abducted and later forced to marry. However, she has conflicting feelings as her abductor is someone who has good values and who abducted her due to ancestral traditions. There are other authors such as Pakistani-American writer, Bapsi Sidhwa, who writes about her experience as a young Parsi girl witnessing the events of the Partition in Lahore in the novel *Cracking India*. Deepa Mehta's *Earth* dealt with similar themes, and then there is another writer, Anita Rau Badami, who has written a novel about the Canadian diaspora's experience of the aftermath of the Partition in *Can You Hear the Nightingale Singh*? Therefore, yes, there are numerous contributions of women writers and filmmakers who have worked on this topic and they have typically placed a strong focus on subjects such as rape, the abduction of women, the tattooing of their names on their wrists and so on.

I don't think there are any specific barriers against women's artistic voices. However, there was a popular Urdu writer, Ismat Chugtai, who explored themes of female sexuality and femininity. In 1942, her story *Lihaaf* caused an uproar because it dealt with themes of female homosexuality. She was, in fact, called to trial at the Lahore High Court for it. So, there are indeed female writers who have produced important works covering the treatment of women during that period.

**Gray:** As I mentioned in regard to sex work in Japan, the public view of the issue is often oversimplified and inaccurate. Is this the same case regarding the people's understanding of the gender element of genocide in India, or regarding the experience of minority gay men and women in South Africa? One concern I have with public attitudes to this issue in Japan is not that they are bad but, apart from within small, directly involved groups, that they have not really evolved in any significant way over recent decades. For those that are not directly connected, such issues are often presented to broader audiences by focusing on the most dramatic and titillating elements, reducing the subject to oversimplified tropes rather than really trying to educate people or generate a shift in perceptions. Do you experience anything similar in your own studies?

**Shrivastava:** Yes, you are right Gavan. In India, the Partition is seen as a dark chapter in India's history and it is often eclipsed by the topic of India's independence. It is also only in the last decade that there has been a felt urgency to memorialise the cataclysmic event. For example, the first museum on the Partition was established in 2017 in Amritsar, Punjab. There are also two new archives that have been established in Berkley, California in the United States and in Pakistan. However, the issue for the public is that it is still somewhat taboo. In fact, I have spoken with another Indian academic who said that only now, in 2021, was she comfortable sharing stories of the Partition with her family. Earlier, they had felt that the wound was too raw and painful to talk about. Thus, it is not shown in mainstream discourse, even in an oversimplified way. Rather, it was rendered invisible to the public until the last decade or so. I did not hear about the Partition

myself within my family. It was only as I pursued my academic career and began my graduate studies that I began to realise its importance, especially in regard to India's contemporary rape culture.

**Gray:** Nidhi, you mentioned that 'there is an inexorable link between genocidal and sexual or gender-based violence', and from what I know about the Partition this seems to be quite evident. I have read that the attacks on women are often for the purpose of humiliation and that, perhaps because of this, other women would often be involved in the attacks. Setting aside the inherent violent and sexual element of such crimes, do you feel that this element of humiliation is a significant part of why women are targeted? Perhaps, that they are seen as a symbol of cultural or ethnic purity and that by attempting denigrate them, the perpetrators can indirectly attack that which they are perceived to represent?

**Shrivastava:** Thank you for highlighting this point, Gavan. I do think a better word that speaks further of the idea that you are calling attention to is that of *shame*, rather than humiliation. Even though humiliation was definitely part of the violence the women experienced, I don't think it fully captures the reasons why the women in the South Asian subcontinent faced the treatment they did from not just their own kin but also their communities, as well as the newly formed India and Pakistan. Yes, indeed, there were multiple reasons why the women were seen as the ultimate target for violence. For one, the loss of their sexual honour would bring shame to the respective ethnic community. Second, rape is arguably a weapon of war – a method by which the female population can be controlled. However, during the Partition, these concepts were intertwined and complex in their own way, in that the fear of rape and abduction drove relatives, especially male members of a family, to encourage female victims to commit suicide, or to kill them themselves, in order to protect the honour of their family.

In my research, I came across the story of Bir Bahadur Singh and his mother, Basant Kaur. Kaur was among the women who had survived in spite of trying numerous times to jump to her death into a well. During an interview with Singh, he makes mention of women who jumped into the well survived multiple times, but he never informs the interviewer that Kaur was *his* mother. Later, the interviewee realises that that Singh 'had not mentioned that she was his mother because in having escaped death, she could not be classed with the women who had, in fact, died. Much easier, then, to speak of his sister who died an 'honourable' death than the mother who survived'.

This is part of the way that the ultimate goal of this genocidal violence was broader than the crime itself and sought to bring shame and dishonour to the other community. So, yes, I think you are right in stating that women's bodies, especially their sexual purity, are treated as what Menon and Bhasin have called, 'territories to be conquered, claimed or marked by the assailant'. But, the violence as you can see was multifaceted and the assailants were not just men from other communities, but sometimes men who were from the same family. This is one of the reasons why it is such an uncomfortable and uneasy issue that has been silenced over the years. Because it is something that touches on family honour and shame, it is something which can have generational impact.

**Gray:** Do either of you think that the forms of gender-based violence have changed from what existed in the past? Deepesh, I think you are looking at one form that has only recently been recognised, though, of course, that does not mean it has not always been a problem.

**Dayal:** Yes Gavan, whilst the forms of violence you mention are quite overt in nature, I have been researching the covert forms of violence called micro-aggressions. When these microaggressions are directed towards a person's sexual orientation they are referred to as sexual orientation microaggressions. Examples of these are when gay men are told that they are confused about their sexual orientation. Perpetrators also use derogatory words when referring to LGBTQ+ people. In my research, I have found that such microaggressions decrease social cohesion and adversely impact the mental well-being of gay men. In particular, I have been looking at their prevalence within the South African Indian community, microaggression perpetrated by South African Indian people against South African gay Indian men. This is something that has been written about in newspaper articles but it has not yet been properly studied through actual research.

**Shrivastava:** Gavan, you mention the impact of the COVID-19 pandemic and how it has affected the sex industry in Japan. I was wondering if you could speak more about suicide within the sex industry. Would you consider it as a form of violence as well? I'm wondering because mass suicides were common and part of the national narrative in India during the Partition.

**Gray:** Japan has a serious issue with suicide and has one of the highest rates for highly developed economies. I think the number is over 20,000 per year, which is actually a decline from past levels. However, in Japan it tends to affect significantly more men than women and the primary demographic groups it affects are company workers and the elderly. Of course, to say that women make up a smaller proportion of overall victims, should not be taken to mean that the impact on individual women is any less severe, or that specific groups of women might not suffer far higher rates. The increase in female suicide rates in 2020 is a strong sign that women have been disproportionally impacted by the pandemic when compared to men. Yet, the sex industry is simply one area of work in which women are especially vulnerable and trapped in an economically precarious position: these economic pressures also affect other women in temporary or unstable employment, or single-parent mothers. I don't think I would classify these broader economic forces as violence though, unless you think of them in the same way as the violence of a storm. Though generated by the economic system they do not have a direct source of agency, in effect, they are system-wide forces rather than targeted effects and I think in terms of harm done to women (and sex workers) it is the failure to protect them from the effects of this economic violence that is a charge that can reasonably be laid against the government. In other words, the government is not directly committing the violence that would cause suicide rates to increase, instead it is showing a high level of apathy towards those factors when it has the capability and responsibility to do something to offset them.

**Shrivastava:** You also mentioned something called 'father industries' in your article. I know that there is also a commodification of the Lolita girl culture and I was wondering if you could speak further to this point?

**Gray:** In Japan this is something now most commonly referred to as 'Papa Katsu', which means father activities, and it is similar to what would be called Sugar Daddies or 'sugaring' in the West. However, the cultural forces at play are quite different and this is something I will be looking at in my later chapter focusing on gender norms in Japan. Suffice to say, that it is an area with some serious unaddressed problems but also one that tends to be very poorly understood by the West, which tends to judge it through its own particular cultural lens. I think this is a good example of the problems that we face, though. Many issues, like the Lolita issue in Japan, can seem quite clear-cut to Western viewers. In this case, they equate it to paedophilia and wonder why Japan allows it to persist so openly. However, the nature of the problem, as well as the way in which it connects to society, traditions and norms, is very different in Japan and external perspectives are, generally and predictably, quite superficial in their analysis.

**Shrivastava:** Do either of you feel that governmental responses to these forms of violence are sufficient or effective?

**Gray:** I think one issue in this regard is the false choice between an immediate, shallow response or a gradual, deeper, long-term response. In Japan, with regard to the sex industry, some activists favour the Nordic model – which criminalises the purchase of sex – and this is typically seen as a step towards abolition of the sex trade. Others would prefer to see complete legalisation of the industry. In either case, these are both long-term goals and with Japan being an especially risk averse country, these would take years, if not decades to achieve. Regardless of which option you would prefer, the danger is that a lot of political effort can be focused on achieving only the long-term goals and that meaningful, immediate, short-term assistance can be neglected.

In Japan's case at least, I think these kinds of issues should always be approached in a two-track fashion, one that researches and considers long-term changes and others that look at current and on-going harm and how that can be alleviated in the interim. With the Japanese sex industry we can see very slow, long-term change occurring but more needs to be done to offset the persisting harm – such as by providing greater funding to NGOs that actually work to support the women who are affected. This is why, when you study issues like this, I think an interdisciplinary approach is an excellent basis to start from but it needs to evolve into an inter-institutional approach, where the various parties involved – those working on long-term aims and those dealing with short-term solutions – need to be sharing data and toolsets, learning from one another and supporting one another's goals.

**Dayal**: I think these types of flaws in government response, the apathy you mentioned, are quite common. Although the South African Constitution sets everyone on a nominally equal level, LGBTQ+ people still experience high levels of hate crimes which extends to violence, assault, bullying and cyberbullying. Although they have achieved certain rights, such as the rights to marry a partner of the same sex, adopt a child together and automatically inherit their partner's

estate, there are still many areas in which they are vulnerable and unprotected. As such, South African LGBTQ+ persons can be said to straddle two worlds, one that offers intricate legal protections and another, in which continuing and violent persecution is commonplace and where there is no abatement of these socially ingrained problems in sight.

**Shrivastava:** In my case, Partition has been seen as a dark chapter of India's national history and it is only in the last decade that we are seeing an increasing interest in its impact and the Diaspora community. Alongside the Partition archives that were created in the United States, there are also events happening in India itself to memorialise the event. In Kolkata, they have set up the first virtual Partition museum, which focuses on the collective trauma in Bengal during the Partition. But, with that said, the wounds are still continuing to heal as people slowly begin to confront the realities that their ancestors would have experienced during this time. While there is an increasing interest in the Partition, it's still not a primary focus in mainstream culture and I think it will take some time for both the government and public to come to terms with its full legacy. Of course, the first step in such patterns of change is to raise awareness of and become able to talk openly about these issues.