

Sexuality & Harassment

centre for studies in
gender and sexuality



PARTNERS FOR LAW IN DEVELOPMENT

A One-Day Round Table December 1, 2018 | India International Centre

INTRODUCTION

The debates around sexual harassment in the wake of the #MeToo movement seemed saturated in terms of meaningful dialogue. The purpose of this one-day round table was hence, to reopen this dialogue and move beyond cautionary tales about perpetrators and narratives of victimhood in order to see how we can radically challenge the ways in which we sexually relate to and work with one another.

These conversations, organized jointly by **Partners for Law in Development** and the **Centre for Studies in Gender and Sexuality**, spread across three panels, looked at the many dimensions involved in sexual desire, attraction, boundary setting, agency, and transgression. It addressed questions such as:

- Can we universally codify what it means to be in a consensual relationship?
- How do adults navigate the realm of intimate pleasure-seeking relationships at their workplace?
- Do we understand the cultural undercurrents and the formal structures that inform our agency to give consent, as well as the power differentials that underpin it?
- How does the law deal with the range of ways in which people communicate their sexual desires or lack thereof?

OPENING REMARKS

Madhu Mehra, Executive Director of Partners for Law in Development, and **Madhavi Menon**, Director of Centre for Studies in Gender and Sexuality, Ashoka University, made the opening remarks at the round table. Madhu said that it was impossible to do justice to the discourse on sexual harassment without engaging fully with “sexuality”. Madhavi remarked that the aim of the round table was to disarticulate the term “sexual harassment”. The reason behind calling it “Sexuality and Harassment” was to enable a more nuanced conversation that would encourage us to think about the complexities involved in sexuality and desire.

Madhavi also introduced the three panels that would direct the conversations of the day. “Psyche” which should remind us of the people involved in the act of sexual harassment, lest our sweeping generalizations on such an issue should forget our psychic limits, psychic annoyances and psychic preferences. We move on from there to talk about “agency”, to look at the socio-political forces involved in making us agents of our own sexuality, and further explore how the individual gets linked with the social sphere. We finally end with “law”, not because it is the most important, but because we need to see how varied approaches might contribute to questions of legality.

11:00 A.M. - 1:00 P.M. | Panel Discussion | Psyche

Speakers: Shifa Haq (Assistant Professor, Ambedkar University Delhi), Amrita Narayanan (Psychotherapist, Writer) and Divya Rastogi Tiwari (Psychotherapist)
Moderator: Madhavi Menon (Director, Centre for Studies in Gender and Sexuality, Ashoka University)



Amrita Narayanan (Psychotherapist, Writer):

Amrita laid out the relationship between gender and sexual expression by referring to Sigmund Freud's writing on Eros. In a 1912 article tellingly entitled "On the universal tendency to debasement in the sphere of Human Love" [1], Freud pictures Eros as a subterranean reservoir, a mystical pool having two streams - the sensual and the affectionate currents - the former corresponding to possessive lust and the latter to tender affection [2]. Possessive lust seeks to be gratified imperiously. It cares only for its own needs. Tender affection takes into account the other person and allows for the delay of lust gratification. "Healthy love" unifies both the sensual lust stream that pushes for individual satisfaction, together with the tender affectionate stream that delays gratification and takes pleasure in mutuality [3].

She talked about how gender might affect access to each of the two streams. Women have been over-recognized as brimming with the affectionate stream ("naturally" maternal and giving), and men have been over-recognized as brimming with lust ("naturally" aggressive, "boys will be boys"). This gendering is a problem because the aspiration to "healthy love" which combines possessive lust with tender affection cuts across gender; but qualities required for healthy love - erotic agency, that is the capacity to feel and act on lust, and tender affection, that is the capacity to forestall lust in the interest of the other - are not equally distributed between the genders.

In a 1931 article in the political magazine *Kuti Arcu*, Tamil political activist T.D. Gopalan problematized the gendering of lust and affection, accusing middle-class Tamilians of falsely splitting and gendering lust and love. Women, wrote Gopalan, had equal wishes for *Kadal* or *Kamam* (desirous possessive erotic love), *Anbu* (affectionate tender love) and *Inbam* (ecstatic pleasure that could be derived from sex, relationships, experiences, and achievements) [4]. Social attitudes and child-rearing practices, said Gopalan, which taught women that they needed to protect themselves from lustful men were a form of oppression. These attitudes he said, created an aversion to sex in women by diminishing what sex could be: by cutting off the stream of *Anbu* and *Inbam* from *Kadal*.

The idea of femininity as affection and vulnerability, and masculinity as aggression and lust, is known in psychoanalysis as a rigid gender identification that belies the truth of human sexual desire [5]. Every one of all genders has lusts that want satisfaction, and vulnerabilities that need tender affection. But there is pressure to associate with qualities rigidly ascribed to one's gender, not only in who you desire, but also in how you desire. This association is reinforced not just by identification with early caregivers in the family, but also by external power structures such as the work space that rewards men for signalling immunity to the affections of family life.

Homoerotic group forms of bonding in community life, such as *Karvachauth* in North India or its equivalent, *Sharadapandigai* in Tamil Nadu, also reify rigid gender identifications. Sexual harassment and gang rape are examples of a more violent homoerotic form of bonding that valorise rigid gender identifications: whether in a male or female victim, what is being attacked is "feminized" behaviour, femaleness and vulnerability, while masculinity and aggression is celebrated.

The constellation of rigid gendered identifications in the family and the community, matched by external power structures gives desire a "heavy undertow" [6] stemming from forbidden identifications tied to gender, pushing for what is not given. In such a situation, sex, always as much a project of imaginative identification as it is of bodily attraction, becomes deployed to reclaim the denied identification which is doomed to fail.

To understand how denied identifications function and fail, Amrita asked us to consider a family and community structure where lust is marketed as a predominantly male identification. Then, in women's imagination, their access to lust (and to external power) is increased if they signal themselves open to lustful men, given that the possibility for women to independently channel their lusts into their own power and wealth is restricted through the external power systems. So what might attract women to powerful men is a wish for a piece of that unbridled lust, a form of identification that confers erotic agency, a wish for power in a world that distributes power unequally between the genders.

That is not to say that women who gravitate towards lustful men want to be abused, nobody wants to be abused.

On the side of the harasser, the imperious lust without affection is related to a failed attempt to identify with his own vulnerability and consequent inability to regard vulnerability with compassion. This happens because the man's vulnerability had to be disowned because it was treated as both unbearable and feminine. For the harasser, the sexual act or threatened act evokes the vulnerability in the other person as a substitute for his own alienated vulnerability; he destroys and disowns the vulnerability in the victim and shores up his own power identification, repeating a process upon the victim that was in some form enacted upon him. If as a child the harasser was deprived of maternal, vulnerable or affectionate identifications then the victim becomes his way of describing what was once done to his most vulnerable self in the name of masculinity.

Dismantling rigid gender identifications and redistributing lust and affection beyond biology, is therefore quite important to fighting the problem of harassment. A deep solution to the problem of harassment would aestheticize or rebrand lust, vulnerability, and dependence for all genders. The law might help, by providing safety, and sponsoring visibility for a range of gender identifications in the public sphere, and by supporting a range of behaviours that re-distribute affectionate caring across the genders.

Aside from the law, reducing sexual harassment requires finding ways to affiliate with group histories that aestheticize lust, and valorize vulnerability, affection and dependence for all genders. The poems of the Tamil Sangam or the Maharastrian Gattasaptasai that aestheticize female agents of lust; the gender fluid Bhakti poems that elevate lust to love; the Kama Sutra lifestyle that beautifies and makes lust graceful; male surrender to mature female sexuality in Radhika Santawanam; the male to male aesthetics of loving surrender in Sufi love; the myriad folk tales that speak of unusual and gender-fluid affectionate parenting; these are just a few of the many appealing possibilities that could re-furbish our unconscious with fluid identifications between lustful desire and tender affection.

[1] Freud, S (1912). On the Universal Tendency to Debasement in the Sphere of Human Love (Contributions to the psychology of Love II). The SE of the Complete Works of Sigmund Freud.

[2] Kakar and Ross (1986) Tales of Love, Sex and Danger. Oxford University Press: New Delhi, p.178

[3] Ibid.

[4] Gopalan, T.D. quote in Srinivas, M Conjugality Unbound in Srinivas, M. Wives, Widows and Concubines: The Conjugal Family Ideal in Colonial India, Basu, S. and Ramberg, L. (2015). Conjugality Unbound: Sexual Economies, State Regulation and the Marital Form in India. Women Unlimited: New Delhi.

[5] Rose, Jacqueline. A woman's agency. The London Review of Books. 22 February 2018. P. 11

[6] Mitchell, J quoted in Rose, Jacqueline. A woman's agency. The London Review of Books. 22 February 2018. P. 11



Shifa Haq (Assistant Professor, Ambedkar University Delhi):

Shifa reflected on the recent exposures of sexual harassment in the workplace, specifically the University and the classroom. [1] She said that it is important to recognize the presence of “desire” in both the classroom and in therapy, and to talk about desire is to work with the excess, of repression or dissociation, in language and in embodied subject positions.

For a student, the affective turn inwards, the invitation to revisit the self that is lost in language - the structure of the unconscious - enlivens deep connections with one’s story. Slowly, anxiety and inhibition become replaced with questions about historical and social conditions, mourning, reparation, and the renewal of passion for creative living. The same process uncovers the polymorphously perverse baby [2] whose desire and sexual choices, the “trick or treat” situation of infantile and adult sexuality, is slowly undone. From compliant little children needing approval and protection from parental figures, the student begins traversing the field of sexuality with her own curiosity - navigating sexuality without censorship. This is made possible by a teacher, the potential hero, who offers recognition of these desires in the classroom. An impossible feat, it seems; an adult who can speak about sex and sexuality, between adults, like an adult! In celebration of what feels like an emancipatory moment, what runs the risk of being forgotten is the gender inequality that installs us as sexual objects/subjects in hetero-normative patriarchal discourses.

This situation is ripe for provocation too, so far as one dares to ask difficult questions or challenge established notions. This is a relationship between two unequals, the teacher and the student, between the one who asks and the one who knows - a complex inter-personal field that requires further unpacking. The asymmetry between the two is a site of unconscious fantasies and wishes. For the student, it has special significance for it is in this relationship that they stage, yet again, conflicts of mutuality, recognition, and desirability; to know and to be known; to witness the creative yearnings for knowledge and knowledge of the other. How do we attend to these fantasies? What will be the registers of this development - the intellectual life of the two participants or their psychic life? As we go close to the mind, can the body be left far behind? Can an analysis of the classroom reveal dynamics that we anxiously avoid? That the classroom is a complex field of knowledge-desire-power, not very different

from the world outside, needs to be illuminated.

It is not always possible to know when the enactment, of wordless feelings, between a teacher and a student starts and whether it occurs in one or both persons at the same time. There is, however, a performance—a collusion—that veils even as it reveals, the enigmatic message of the unconscious (Atlas, 2016). For the student, the desire inaugurates a passion for learning, often first experienced as passion of the object of desire, the teacher. The rapture, for the teacher, is indicative of a heterosexual gender hierarchy, a situation that gives rise to paternal or maternal transference, in the classroom just as it does in therapy [3]. It is no coincidence, for instance, that it is under the influence of teachers that students claim areas of exploration as “worthy” or “exciting”, while they disown some other (perhaps knowledge from their mothers), even personal questions, to enjoy a long season of mutuality with the coveted teacher. It is gratifying for the teacher too to be seen and known for his/her uniqueness, to be hailed as an insightful and imaginative authority. For the teacher, as for the therapist, the narcissistic gains - to be the one desired - must give way to gradual surrender of the coveted position. Such an idea, however, is premised on two assumptions: first, that the desire, between and within those who feel it, can be contained even when there is a failure of speech—an acknowledgement; second, the teacher-parent-adult knows how to regulate and wade through these difficult feelings.

We must consider that the desire to teach is also about power. The student and the professor are both gripped by a relationship to both knowledge and power. How much does this desire relate to sex? The recent exposure of sex and abuse of power in various universities shows us that sex is all about and forms the third vertex of the sex-power-knowledge triangle. It is no longer possible to think of sex in the academy as simply a matter of misconduct or of exception but as quite simply, a part of the norm, albeit a silent one. Who offers this knowledge, who is receiving it, these are all gendered locations.

Our desire for recognition and our unconscious fantasies are structured in relation to these discourses (and not merely outside of them) such that it becomes salient to ask: whose wish is gratified? Whose wish is traumatized? Fantasy has held a strange place in psychoanalysis. The debates around the seduction theory and accusations directed at Freud for deliberately ignoring those instances of real sexual abuse in the family in order to promote his theory of the fantasy of abuse [4] are relevant even today. In fact, aren't we at a similar place right now? Ever since the conversation around sexual harassment in academia began, many men and women in academia have taken it upon themselves to pen down their anxieties on what they call prudishness. There have been many a lengthy piece on how the current discourse around sexual harassment removes all the joy from relationships between men and women. Thus, as students begin to speak about what they see as an abuse of power, others in power are telling them that this is a misreading, a twisting of what is joyful in heterosexual relationships.

What we can see from both the debates surrounding them as well as the structure of a fantasy, is how much it veils the resulting trauma. It is when the fantasy is enacted that the individual meets her trauma: power is central to structuring trauma in one person and not in another [5].

Both the clinic and the classroom run on the modality of speech. The enchanting promise of psychoanalysis, to discover in speech what lays banished in thoughts, remains a cornerstone in modern thought. It is perhaps correct to say that the imagination of classroom, as a liberal space, is not very different from the psychoanalytic suggestion. It is in speech we discover the forbidden or the forgotten. It is through speech that we encounter, co-create, and inhabit different possibilities.

[1] The presentation carries excerpts from a paper co-authored by Karuna Chandrashekar and Shifa Haq in the Annual Review of Critical Psychology—special issue—Sex and Power in the University, titled, 'A Charged Conversation- Between the Clinic and the Classroom.

[2] See Freud, S. (1910)

[3] The wish to be taken under the wing is a repetitive and significant fantasy for students and students who seek therapy. Many therapists would testify to the complexity of relationship between a teacher and a student, its intensities and passion similar to an oedipal drama of childhood.

[4] Janet Malcolm has documented this debate well in her work "In the Freud Archives" (Malcolm, 1984).

[5] When a student and a professor begin a relationship for whom is the secret direr? The one who is beginning her career or the one who has established it? For that matter, who institutes the secrecy of the relationship to begin with?

Divya Rastogi Tewari (Psychotherapist):

Divya commented that delineating the words "Sexuality" and "Harassment" carries potential for making a difference. The conjunction AND makes it possible to hold two different experiences together, in a way that not only allows each to be experienced and explored in their own distinct ways, but also leaves room to think of potential relationship(s) that may exist between the two, without annihilating either - which means, without reducing either experience, by seeing it only through the lens of the other. She admitted the challenges of trying to define and understand "sexuality" which lies in the realm of experience and by its very nature, is ephemeral and ineffable. Any attempt to make it tangible runs the risk of making it concrete - which by implication means we stay with only a part of what it is. That which is visible. The body. The action. The appearance.

Divya used a few images from the clinic to illustrate how action tends to become the cornerstone of one's identity, one's sexuality. In these instances, the self-narrative becomes — "I must be this because I

am behaving like this or not behaving like this.” She further added that it is a risky proposition to arrive at this principle of causation, because it forecloses the possibility of any understanding. Before meaning can be made, conclusions are drawn and value judgments are passed. What this does is that —

- We begin to focus on defending ourselves from those value judgments OR;
- we begin to identify with what we think we must be OR;
- we bury ourselves in shame and guilt, having become what we think we have.

As a result, it no longer concerns sexuality. It is now to do with social perceptions and social constructs, and that takes us into another space altogether—a space of strife where sexuality is struggling to be registered as a legitimate human experience. In a social climate like this, it is no surprise that sexuality comes garbed in a language of dissociation, paranoia and violence, if not as an act of rebellion, or a form of protest.

She also used the example of Bollywood film *Veere di Wedding*, which, she said, portrays women as sexual beings in a very distorted way. The idea of (female) sexuality and freedom is depicted by showing complete disregard for the other (male). One needs to think—if dismantling or ousting the other is to be the definition of sexuality, of how one experiences and expresses love and desire, then what form must hate and repugnance take? It becomes deeply concerning to believe one can only claim one’s sexuality by tearing apart the basic fabric of human relatedness.

While having a wider vocabulary has given us a way to talk about different incarnations of sexuality, it does not necessarily mean one has found a way to think about sexuality. Does then “talking the talk” become another kind of un-metabolised action?

She observed that her work with young adults and adolescents is characterized by conversations of repeated hook-ups and breakups and endless sex in the name of freedom, without any pauses, punctuations, or reflection. As a clinician, she is concerned about what makes sex so rampant while sexuality remains to be understood.

If sexuality is about freedom of expression, must it not be accompanied by a sense of responsibility towards self and others? If the experience is oppressive and violating - on any side, to any gender - can it really then be about sexuality?

She invited us to think about: when sexuality remains to be understood, does it call for corrective punitive interventions or does it need ways to integrate one’s experience of both mind and body so that

one could begin to make sense of oneself? She proposed the possibility of imagining a structure that feels more inclusive, less judgmental, and sensitive to human needs and desires.

She emphasized that while it is important to find ways of demarcating boundaries for the other in order to not be objectified, we also need to find ways to make sense of our own minds and bodies, in order to begin to exist as subjects to ourselves first. She said that the body alone does not constitute sexuality. It is a repository for psychic experiences that haven't yet found a way to be represented and hence been assimilated in the psyche. It is also a medium for evacuation and release, in the absence of affect regulation.

It helps to understand that one's sexuality is shaped by the psychic representations of one's parents' unconscious as well as socio-cultural discourses. So then, could there be a possibility of finding helpful conjunctions in our daily lives that allow us to hold together passion along with tenderness, freedom along with responsibility, mind along with body?

Follow-up Discussion:

The discussion that followed was marked by thought-provoking questions from the audience. In response to a few audience members' demand for prescriptive rules and solutions to tackle sexual harassment, the panelists emphasized the need to grapple with the problem in all its complexity rather than focusing on the need for a solution. With regards to dealing with someone who has been sexually harassed, the panel recommended that we listen without doubt so as not to create a "second site of trauma" that is identical to the first one. While psychotherapists supposedly have it easy as they deal with their client's subjective experience of harassment, the challenge for them is to locate the incident in a "social site", which means having to traverse the murky realm of sexuality and desires.

There was discussion on why people, at times, feel violated in a sexual encounter despite having initially consented to it. The panelists said that a feeling of violation could result from the absence of sufficient amount of affection in a sexual encounter. While it is not always easy to understand one's own desires and know what one wants from a sexual relationship, one should set boundaries regarding what makes them uncomfortable. The concept of "mutuality" is vital to negotiating a sexual encounter -once mutuality is established, even terrains of "dark" fantasies can be traversed by the two partners together. However, mutuality should not be understood as a complete symmetry of power and desires. The partner wielding more power in a sexual relationship has a duty to understand the fantasies of the less powerful one, failing which there is a breakdown of mutuality. However, power itself should not be understood in an oversimplified manner. We all intersect with power differently in different situations.

For example, in a classroom setting, it cannot be assumed that the teacher automatically has more power over the student at all times.

As far as the domestic setting is concerned, Freud had recognized the family as a site for absolute trauma early on. In instances when harassment takes place at home, it would be useful for women to reclaim the word “violation” and violate social norms and heteronormative gender roles, because without violation there can be no social change. The panel also recommended that we work at becoming better listeners. Recognizing children as sexual agents who intuitively like to discover and play with their bodies, it is important to listen to them carefully if they express a sense of discomfort with the way they are being touched by an adult.

Dwelling upon the call for punishment in the current public discourse on sexual harassment, the panel concluded that some of this drive might be the result of “failed mourning”. A sense of failed mourning arises from feelings of violation in one’s childhood that were neither confronted nor mourned. This is also a mourning for the Indian feminist movement’s failure to take into account the sexual desires of women.

2.00 P.M. - 4.00 P.M. | Panel Discussion | Agency

Speakers: Manak Matiyani (Executive Director, The YP Foundation), Ratnaboli Ray (Psychologist and Mental Health Activist) and Avali Khare (Student, MA in Gender Studies, Ambedkar University Delhi)

Moderator: Shohini Ghosh (Professor, AJK Mass Communication Research Center)



Shohini Ghosh (Professor, AJK Mass Communication Research Centre):

Reminding everyone at the start of the panel, of the debates and tensions within feminism, and its value in generating thought and learning for all of us, Shohini encouraged everyone to express differences without hesitation in the interest of a good discussion.

Avali Khare (Student, MA in Gender Studies in Ambedkar University Delhi):

She acknowledged the rich quality of discussions and exchanges she has been part of within her institution, and her location as a queer upper-caste person. In her view, the university space can be characterized as extremely hierarchical in many ways. The people that occupy the highest positions are vested with power, connections and resources to advance or greatly hinder one's career. Not only do people occupying such positions invariably come from similar social locations, with sexist and casteist undertones, but even the processes of knowledge production have historically been the domain of upper-caste cis-gendered men.

The changing demographic of students and the kinds of politics they are discussing within university spaces is creating anxiety within institutions, as these have historically worked on the premise of the exclusion of certain voices. Sexual harassment and abuse in these spaces can be viewed as

interconnected with the anxieties around what gets counted as knowledge and who participates in its production. LoSHA was crucial in the movement since it exposed that the hierarchy of university spaces is rooted within structural marginalisation and abuse of minorities. So beyond redressal itself, it raised the question of integrating marginalised representations within all administrative - including syllabi setting - bodies.

When we talk about sexual agency, we must take on board the ways in which agency is shaped by socio-political life, to say that sexual agency cannot be divorced from hierarchical manifestations of power and a larger existing culture of harassment and discrimination. She wants to move beyond arguing that sexual agency denotes the capacity to engage in or refuse sexual activity, but see it as embedded in cultures around sex.

The #MeToo movement has disappointed us in its discourse around consent and sexual agency. Whilst conversations are dominantly heterosexual, consent is merely seen as a marker of sexual agency which ignores the complexities of desire.

Even if sexual acts are consensual, there is significant distress and discomfort arising out of a hierarchy of entitlement to sexual pleasure and desires – we need to ask questions on: who gets to experience sexual pleasure, who gets to desire, who gets to be desired, whose autonomy in sexual encounters is valued, and the general pattern of sexual dynamics. Other things which need to be addressed include the potential of changing sexual narratives, the way we experience sexual relationships, larger cultures of the hierarchy of sexual attractiveness over experiences of bodily comfort, and the validation of the worth of two people based on their desirability. We also need to move beyond a discourse that establishes the dichotomy of consent - either there was no consent, which we could characterize as rape, or there was consent and so we do not need to challenge or question the nature/quality of these sexual encounters. This was especially evident in the Aziz Ansari case – where the idea was that one needs to separate rape from bad sex, but we need to see these things as a continuum, not just as polar opposites.

In conclusion, she also warned against movements that privilege certain issues and create certain narratives that do not speak to some.

Manak Matiyani (Executive Director, The YP Foundation):

As a male boss in a mostly female-constituted workplace, Manak acknowledged that it is difficult to navigate agency, consent, sexuality and harassment. Even in conversations between employees, though

both people are certain about their intent and their ability to negotiate it, others privy to this conversation might not share in this certainty. How does one deal with that, and if then following that, one were to be called out in the #MeToo movement? It is difficult to think about what is the feminist way to respond to an accusation of that nature and more so, to think about these instances in a space where comfort and familiarity are continuously shifting along with our notions of sexuality and desire, as well as harassment. Manak observed that a lot of men are apprehensive about whether their partners are enjoying themselves, but the room for this conversation also gets superseded by our focus on binaries.

On the subject of the #MeToo movement, Manak said that naming and shaming is not the only form of agency available to women when situations spiral out of control. One's agency depends on many identities like gender, caste and class. Naming and shaming clearly indicates privileges of access to language and anonymity. But the idea of the harassed against the harasser isn't necessarily useful to discuss agency, sexuality and harassment. The feminist movement has always tried to take the personal narrative and place it in a wider social reality, keeping both accountability and due process intact. We have to ask ourselves whether the idea of creating public testimonies runs the risk of becoming a sex offenders' registry which the movement otherwise opposes in other conversations.

From our moral high ground, there are still a lot of dilemmas for us to consider: Is sexual harassment or violation necessarily worse than other forms of violation? Doesn't one's desire influence how outraged one feels about a provocation? Isn't that desire navigated through a hierarchy of identities? Do we conflate sleeping around with harassment, as two linked characteristics of a sex offender? Though we have called out slut-shaming and victim-blaming through the lens of promiscuity, do those not get conflated in how we approach people who are named in these circumstances?

Manak said that we need to look at how we can take the best out of the naming and shaming tactic as well as the system of due process that we have fought very hard for. How do these two come together? How to manage the polarities? How do we have an inclusive conversation that holds both (instead of just calling out one as incorrect feminism)?

Public statements are just as important as conversations. Allowing people to speak out without clarity and therefore seek clarity together and build a dialogue is also very important.

Shohini Ghosh:

This moment does require more open conversation without dissent being devalued (especially when it is

our fighting ground elsewhere). There exists an exceptionalism in the #MeToo movement which needs to be critiqued in a learning environment.

Ratnaboli Ray (Psychologist and Mental Health Activist):

Ratnaboli started out by saying that she intended to add perspectives on irrationality, unreason, and perverse ideas in order to address the nastiness and fuzziness of these concepts. She drew attention to the fact that the institution of psychiatry has become fundamental to mental health services, and that everything proceeds from the starting point of a diagnosis (which also permeates to the social spaces one occupies). This means that being diagnosed with a psychosocial disability comes at a huge cost where the ulterior goal is 'going back to being normal', creating a tyranny of normalcy. How does one articulate desire in this complex web then?

Psychiatric diagnosis often pushes one to asexuality. Due to the historically uneasy relationship between sexuality and psychiatry, the diagnosis has an effect of pathologising one's sexuality and then one is told that certain sexual expressions are unacceptable. With diagnosis, with our socio-cultural norms, no matter where on the spectrum of mental health we lie, our capacity gets immediately questioned.

She believes that the whole notion of capacity in this framework is culturally and socially constructed, given that not everyone with capacity is rational and lucid all the time. To her, capacity is about a value and should never be conflated with competencies/skills/decision making. The ability to make mistakes or to be rewarded for their decisions is not accorded to ones with mental health conditions. For them, once diagnosed, every bad decision is medicalized, especially in terms of sexuality, completely taking away the ability to articulate desire.

In this unsoundness vs. soundness of mind articulation, the law has completely failed all of us because every desire that is not 'normal' is attributed to the unsoundness of mind. Though there is no clear articulation of the soundness of mind in the law, those that are 'unsound' are deprived of 250-300 odd domestic laws, especially in terms of property, relationships, marriages. This leaves people open to being taken advantage of.

How do you construct clinical legal consent in this backdrop? As mentioned earlier, a psychiatric diagnosis causes distress as well as isolates the person. But there is still a longing and a yearning for touch – something that Ratnaboli called 'skin hunger'. When touch is denied for a period of time, both skin hunger and soundness of mind tend to interfere with consent and what we might look at as sexual

agency. Consent takes a back seat. Speaking of consent and agency as a domain is important, but its articulation becomes a problem when all we have is a “Yes/No” model.

Ratnaboli points out that we should be working more with the unconscious, because that’s where desires emerge (the ‘perverse’, ‘non-normal’ ones), and we cannot talk about consent and agency without engaging with these fuzzy areas. It would help us entangle and understand the harassment we talk about in light of the #MeToo movement.

Follow-up Discussion:

Ratnaboli opened the discussion by saying it is important to reflect upon what lens do we use to approach the world around us. Is it the intellectual lens, the cognitive lens, or do we want to approach our inner and outer world through the lens that is not talked about i.e. the lens of feeling and emotions because somewhere we always privilege the intellect over feelings. On being asked by an audience member that what if there is ‘skin hunger’ but a fear of intimacy due to past experiences, she responded by saying that every desire runs the risk of being categorized in the binary of pleasure or danger. Having said that, if it triggers trauma, then people have to work on it. But skin hunger is definitely a reality and we have to take care of it, because it might create secondary trauma.

Shohini chimed in saying what if we saw pleasure and danger as braided together, meaning one has to risk danger in order to partake in pleasure? Ratnaboli said that she would like to think of it as an individual choice - how much danger is one willing to risk, assuming they know their mental landscape. Shohini agreed that since so much of sexuality is an individual choice, it becomes a problem when we try to talk about these things as a collective because then they become prescriptive.

Madhavi said that one of the ways of tackling the question is to ask ourselves if we can be more tolerant of failure. Do we always have to have good sex? Why is bad sex equated with harassment? The capitalistic insistence on everything being top-notch actually puts a lot of pressure on us. An audience member pointed out that we also need to think about the conditions under which bad sex comes to be classified as sexual harassment. Is it the dominant narrative of the time that bad sexual experiences are retroactively being called sexual harassment?

Shohini added that it takes time to figure what gives one pleasure in a sexual encounter. When one is left feeling unsatisfied or disappointed, it could be one’s own failure to understand one’s desires as well. Surely there must be a way to understand disappointing or infuriating sexual experiences other than the

framework of harassment. Because if we do not extricate sexuality from the framework of harassment and violence, then we will be back to the seventies. Ratnaboli said that while we are talking about extricating sexuality from harassment, we should also examine our own biases about what respectable sexuality is, what aesthetic sexuality is. Even the institution of mental health wants us to come back to what it considers “normal” sexuality.

Avali said that it is important to move beyond the binary of yes and no. If consent is given, do we just stop there and not analyze the experience – what does the “bad” in bad sex mean? Does it mean the same for both partners? What it means for a cisgender heterosexual man could be very different from what it means for a person from a gender or sexual minority. We need to have conversations that are not limited to promoting a culture of consent and talk about the other things that go into a sexual experience.

Manak added that we also need to have a conversation about dealing with rejection while we are thinking about consent. What kinds of bad behaviour do we allow ourselves when we are feeling rejected or disappointed?

Madhu said that since we have shifted the conversation from consent to agency in the panel, agency itself demands that we are able to communicate what we want and what we do not want. In an unequal and patriarchal world, we cannot put the onus on somebody else to automatically know what we want.

Another audience member, a legal rights activist, said that the good thing about #MeToo is that it has provided a giant box to contain a host of experiences that were untalkable and unspeakable before. Unable to navigate spaces determined by patriarchal relations, women are seeking to call everything harassment. Hence, she finds it worrying that language is so easily up for grabs, where words are being completely leached of their meaning. So, by repeatedly interrogating if something is “harassment”, we are not dismissing somebody’s subjective experiences of deep-seated patriarchy. That experience needs to be spoken of, just not in the basket of harassment. The slippages are happening because we haven’t created enough baskets to talk about all these experiences of inequality that young women are facing. But there is a reason for us to hold on to the meaning of words, especially when we navigate the fixed space of the law, and not just say that it’s all subjective.



4.30 P.M. - 6.30 P.M | Panel Discussion | Law

Speakers: Rukmini Sen (Professor, School of Liberal Studies, Ambedkar University Delhi), Mihir Samson (Advocate) and Siddharth Narrain (Lawyer and Legal Researcher)

Moderator: Madhu Mehra (Executive Director, Partners for Law in Development)



Madhu Mehra (Director, Partners for Law in Development):

Madhu opened the panel with a call to decentre the law in our discussions on sexual harassment. Although harassment, as many of the #MeToo accounts show, may arise from acts beyond those defined by the law, the centrality of the law forces all accounts to be measured against legal parameters, and boxed into narrowly defined forms of adjudication and punishment. Every testimony is collapsed into a given legal vocabulary leading to frustrations about evidence, due process, punishment and so on. With women's experiences playing a pivotal role in the enactment of the sexual harassment law, the despair now arises from the fact, that "our" law is not responsive enough. In part, this despair comes from the inability to recognise that while the law might confer rights to contest systemic wrongs, it is inevitably influenced by the structures of power.

She spoke of how the PoSH Act was born of a desire to formalise the structures administering the Vishakha guidelines within institutions. What was not anticipated during this process of drafting was that the criminal law relating to sexual offences would undergo a drastic change, as it did in 2013, escalating sexual harassment to a cognisable offence. The despair with the PoSH now has already triggered conversations on strengthening the law, and with it, further shrinking the possibilities to mobilise, adapt, innovate forms of redressal and justice. The presentations in this panel, she said, would bring out these fault-lines as well as the embeddedness of 'emancipatory' law in structures of power.



Rukmini Sen (Professor, School of Liberal Studies, Ambedkar University Delhi):

Rukmini outlined the legal timeline of the discourse on sexual harassment ('SH') from the standpoint of a university space. The 1997 Vishakha guidelines came from a case of gang rape to establish norms to deal with SH at the workplace. SH is defined in terms of unwelcome sexually determined behaviour or physical contact that causes humiliation/hostility in the workplace and is discriminatory. When engaging with the constraints of the 2013 Criminal Amendment and Section 354A, it is still important to remember the broadness of the Vishakha guidelines that connected behaviour, conduct and action to what it could create - discrimination in the workplace.

In 2013, alongside the Criminal Amendment articulation of SH under Section 354A, we received a definition that criminalised unwelcome behaviour/conduct that had sexual implications either directly or indirectly. However, this was added to the existing provision on Section 354 that is termed as 'outraging the modesty of a woman'. That is very distinct from the Vishakha articulation of connecting unwelcome conduct with hostile work environment/discrimination/humiliation.

To this formulation, there are further additions and the UGC brought forth the Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions Guidelines, 2015. As an effect, many universities that had set up their own mechanisms through their own democratic and electoral processes, had to now find their committees unrecognised in place of mandatory Internal Complaints Committees (ICCs). This also is the main distinction between a guideline (as in the Vishakha guidelines) and a legislation and yet the legislation is restrictive in terms of definition and brings with it a criminal law amendment in this broad background of legalities.

Over the 20 years that the Vishakha guidelines were brought into legal imagination, we have seen further laws materialise. However, it is more important still to engage in conversations around the infrastructure that we have, and research, as well as critically study how ICCs in various institutions function between these gaps. Though the actual workings are doused in confidentiality, there is a need for rethinking the possibilities and limitations of the committees and the language of the law.

This particular moment, #MeToo-LoSHA-#MeToo makes us confront on the one hand, institutions, power dynamics and its structures, and on the other hand, experience. Rukmini invited us to unpack and comprehend the experiential expanse and complexities of 'unwelcome' as pegged in the SH law. She said that there was an intersection at this juncture between institutional frameworks, experiential understanding and the larger politics in terms of the women's movement's engagement with the questions around sexual violence, power and patriarchy intrinsic to the institutions of marriage, State, workplace broadly. She proposed that the law fractures and interacts with each of these three planes - institutions through hierarchies, with experiences through constructions of evidence, and political discourse through State-driven engagement.

Given this background, she pressed on to interrogate the limits to speech in law in terms of how a testimony is articulated, who it speaks to and what is it that gets articulated. Though the law carries no script to express how this talking or silence through testimony is done, there is still an understanding that an experience when expressed or articulated must be through a language that the law should understand. The establishment of an ICC presumes a 'complaint' worthy enough to be written and articulated in a certain manner with 'evidences' to be assessed by the committee after being 'heard' in a certain manner before arriving at a 'decision'. Through this naming of the limitations of speech and more specifically, complaints, how does what we know of ICCs change? Do we entertain the silences in silence itself and presume that there is nothing to hold as true when an incident is not 'talked' about in a manner recognisable by formal process?

Rukmini further referred to Sara Ahmed's articulation of a complaint biography [1]- "A complaint biography would include those times we decide not to make complaints - not to say something or not to do something - despite an experience or even because of an experience. A complaint can mean being prepared to talk about difficult and painful experiences over and over again often to those with whom you have not built up a relationship of trust and those who represent an organisation that is implicated in some way in what you are complaining about." The law's intersection with the institutional, political and experiential planes therefore play a part in the narration of a complaint, and on a larger scale, the possibilities of how far one can reach by taking a complaint to an ICC. Are we so secure in our institution then to not ask for space for conversations that need to happen even when they are not in the nature of a complaint?

For the last peg of her speech, Rukmini then called for reflection on how the MeToo/LoSHA asks for collectivisation through new language as the way forward. Outside of formal gender sensitisation drives, how do we understand within our pedagogy the various responses of staff, student, early and mid-career faculty members belonging to a certain political-economy on questions of intimacy, relationships,

transgressions and violations? These are the gaps that our conversations need a burdgeoning shift to rather than the concreteness around law, especially in terms of shifting norms of intimacy and familiarity in our broader history of understanding the same. How do we talk about relationships between power and collective pressure, power and mobilization? What is the new language that you want to address these things in? If harassment is something we are feeling uncomfortable with, do we have to immediately think of another thing, or is it a spectrum of things that we have to actually articulate, outside of the complaint mechanism that the ICC articulates? Do we hold up our experiences in a spectrum of violence, violations and transgressions of various kinds?

[1] Sara Ahmed, A Complaint Biography, Feminist Killjoys Blog, available at <https://feministkilljoys.com/2017/08/09/a-complaint-biography/> (last accessed on 15 January, 2019).

Siddharth Narrain (Lawyer and Legal Researcher):

Building upon the two schema that surround the 'legality' of harassment that Rukmini spoke of, Siddharth began by reflecting upon the effect of the Vishakha guidelines and the infrastructure of the SH Act 2012 (ICCs) versus the Criminal Amendment 2013's Section 354A formulation as an effect of the Justice Verma Committee. He pointed to the fact that Section 354A's definition of harassment did not contain the linkages to sex discrimination that were important gains for the women's movement as a result of Vishakha (hostile work environment/health and safety of complainant). What does the criminal law addendum add to this mix and what effect does it have on the existing infrastructure?

In addressing the public spaces we inhabit, he set out the context of increasing criminalisation of the sexual space and sexuality under protectionistic fervour. This is particularly true for young adults in relation to conversations around age of consent and the sex offenders' registry when they are not allowed consensual intimacy or are subject to false cases of kidnapping/rape by families. Instead of the criminal enforcement of Section 354A to this space, he asked of the audience to think about imagining a situation with a more efficient working of the SH Act in place and to question what would be lost.

Jurisprudentially, we have held the rule of law closely which requires the law to be clearly defined such that people know the consequences of their actions. In context of SH law, for example, how does one construe 'unwelcome advances' criminally? Would it account for huge variations influenced by cultural codes, class, language, sexual identity and even physical ability against a higher burden of proof not embedded in the civil context of workplace harassment? How can we move towards that clarity?

Siddharth moved on to discuss the SH Act itself to understand its operational effects and dilutions over a period of time. He discussed the need for data on the procedures and processes of ICCs, the capacities of the committee members and the norms they enforce, to understand how these institutions function. It was also emphasized that adherence to principles of natural justice and other principles in nature of labour inquiries also needs to be brought into question.

In this respect, he also discussed the element of time and limitation periods in law. He questioned how the processes of harassment testimony are affected when it surfaces after a period of time - when it becomes difficult to gather evidence and people's memories no longer remain of a quality that holds up 'legally'. Drawing from the Kavanaugh hearings in the US, the use of psychiatrist's notes and a lie detector test brought up questions of evidentiary value (both in civil and criminal processes) and the precedential binding value of such an occurrence for the future. In thinking of time informally as well, he asked the audience to envision what happens to the spaces that we are a part of, post the hearing/decision or even a conviction? For a person to continue to be a part of the university space, for example, how do we think of social sanctions outside of formal sanctions?

Mihir Samson (Advocate):

Mihir spoke about his experiences litigating for queer desires as well as seeking redressal for harassment. In measuring the law's capacity to recognise desires and transgressions for the outliers of binaries, he exhorted that the law, in its machinations, worked very hard to enforce those binaries at the cost of breaking queer desires and identities. Though the law paints a grim picture, he acknowledged the ability for queer persons to assert certain rights through certain procedures within the given space.

Reflecting on the history of the legalities of relationships between queer persons, he spoke of how lesbian and trans couples were threatened with Section 377 of the Indian Penal Code. This despite the fact that Section 377 in a strict sense required penetration by a male person having a penis. Due to this overarching threat of incarceration on gaining visibility in the public space, he revealed that as lawyers, they would often erase the story of same-sex couples seeking to run away from familial violence, and ask their clients to hide their identities to be able to assert their rights. This went hand-in-hand with the law's tendency to perpetrate the myth that the family was a safe space, erasing the harm of family violence in delicate situations. The reading down of Section 377 brought hope that the petitioners' affidavits would not need 'cleansing' of this kind, but the stigma that seeped in through the walls of the judiciary proved to be an eye-opener. Mihir proceeded to illustrate the same with a case that he had taken on.

The case involved a romantic relationship between a trans-masculine person and a married woman who were colleagues. The woman's difficult marriage had brought them together and the couple started cohabiting after she left her husband. The family of the woman in question filed a police complaint against them. Despite the woman's repeated assertions that she wanted to live with her partner (Mihir's client), the police colluded with her parents and let them take her back. Even attempts to seek help from the 181 Women's Helpline were futile since they did not want to get involved in such a charged situation. The client was advised that he need not hide facts about his gender identity for the habeas corpus petition he filed.

It bears note that such petitions, a cornerstone of civil liberties in our jurisprudence, are usually listed with senior judges of the Court. The extensive experience and long-held commitment to the ideals of constitutionalism of these judges however, did not impede them from making their distaste known over producing a married woman from her father's house (not even her husband's as is the norm of custody for married women). From things as little as fussing over the right title to use between Ms/Mrs, the judges hemmed and hawed over the 'scandalous' romantic aspect of the relationship. They accorded the police over 24 hours to produce her, which was promptly used by the police to warn the woman against disclosing any natal family violence with the threat of the family being jailed if she chose to spoke. This erasure of family violence in Court was a further entry point for the judiciary to act as State-sanctioned third parents of the woman, reminding her of the ridicule she would face for being intimate with a transgender person, even though it was not illegal. The client's lawyers were also asked to be accountable for taking the woman out of her father's and her husband's home when the client presented himself with a woman's body even though NALSA rules this as irrelevant. However, the woman's unwavering will prevailed upon the case and serves as a marker of queer experiences with the law, more generally, that hollow the meanings of hard-won words we hold important - agency, dignity, liberty, equality, etc.

In another case of queer desire between two women, one of them sought refuge with the other from familial violence at the hands of her father and her brother. Though their relationship had subsisted for three years, this fundamental fact had to be hidden from the Court, because the girl who wanted to run away had just turned 18 and disclosing this would attract the mandatory provisions of POCSO.

On the issue of harassment more specifically, Mihir pointed to the cisgendered heterosexual understanding and application of harassment laws (even S. 354A). This erases the constant sex stereotyping queer persons experience as gender based violence. From enforcing gendered clothing norms to disregarding infrastructural issues (such as access to bathrooms and office ID cards that do not match one's self-identified gender), erasures are widespread. These act as entry barriers and contribute

to the systemic exclusion of queer persons from public and private workplaces. Even the framework of ICCs, as it currently exists, is not equipped to deal with such issues.

Follow-up Discussion:

In the discussion that followed, Madhu reiterated that while we should continue to engage with the law, we should not be too optimistic about it. As an instrument of enormous power, the law has never been emancipatory for gender and sexual minorities. So we should not expect it to be a fairytale. Responding to this, Mihir said that he still has faith in the law because for some people, there is no choice but to engage with it. It is only people with privilege who can shield themselves from the workings of the law, for instance, by having sex in private or evading family violence by getting a job away from home. But most people that he fights pro-bono cases for, are not in a position to choose. So for him, the law is not a space that he would ever cede. He said that the more we try to occupy this space instead of condemning it as working in favour of few, the more we would be able to reform it.

The panelists were also tasked with confronting the question of social sanctions, the question of who should be boycotted – socially and academically – and for how long. Siddharth said that he has himself been part of conference organizing committees where they decided against inviting certain people because of the “allegations” against them. Inviting them would feel like breaking the consensus because the person has otherwise not been held accountable. But he posed a slightly different question to the audience – what when the person has been held accountable through a working mechanism? How do we, then, move on? He urged the audience to think about a time limit for such sanctions, while acknowledging that the internet makes moving on and public memory much more complicated.

Rukmini also urged us all to make an attempt to move beyond the law and think about the radical potential of informal activities and coalitions such as Ambedkar-Periyar study circles – what kinds of questions do they throw up and why are they considered so much of a threat that institutions need to ban them?

6.30 P.M | Panel Discussion | Final Thoughts

Speakers: Madhu Mehra (Executive Director, Partners for Law in Development), Paromita Chakravarti (Professor, Department of English, Jadavpur University), Shohini Ghosh (Professor, AJK Mass Communication Research Center), Madhavi Menon (Director, Centre for Studies in Gender and Sexuality, Ashoka University)



Paromita Chakravarti (Professor, Department of English, Jadavpur University):

Paromita remarked that the #MeToo movement has forced feminists to look within and interrogate our psyches. She emphasized the need to historicize this moment, as one of the things to emerge from the movement is a generational divide between feminists. Hence, we need to reckon with our own histories and acknowledge the specificity of this moment.

She also asked us to examine how the increasing privatization of our economy has led to widespread depoliticization and the targeting of some of our most liberal institutions. This turn of events has also revealed cracks within the “liberal” bastion itself - making us question exactly how liberal has the university space really been. We have been forced to confront if liberalism has in fact always been an elitist ideological space, premised on the exclusive right it extends to a select few to be a “free citizen”.

These questions are not unrelated to the issue of “gender”, precisely because the #MeToo movement has problematized our political alliances by naming those men in the “Left” whom we have worked with in our institutions. As feminists, this has forced us to revisit questions of “social boycott”- asking ourselves, to what extent can we place sanctions against those we choose to sympathize with. At the same time, it has made us realize that perhaps it is time for us to sit back and introspect.

When #MeToo proved that the law was inadequate in delivering us justice, we were immediately anxious at the prospect of letting go of the power that the PoSH Act endowed us with. Hence, the current moment is a unique point of power and powerlessness where we can witness the re-articulation of student politics on the issue of sexual harassment. Paromita pointed out that we need to pay heed to these student movements, for similar questions had been raised in the past in campuses such as those of Jadavpur University and Jawaharlal Nehru University, and we had failed to deal with questions of the failure of “due process” back then as well.

Shohini Ghosh:

Shohini recognized the #MeToo movement as a moment of anxiety, which has caused a lot of disagreements across generations of feminists. But she also reiterated that disagreements are always welcome within feminism. Hence, she would rather view it as an intellectually challenging moment, which does not allow for neat responses. Neatness, however, is not desirable, either in politics or in sexual politics.

Referring to Carol Smart's *Feminism and the Power of Law* and Ratna Kapur and Brenda Cossman's *Subversive Sites*, she pointed out the law was never capacious enough to understand the intricacies of the lives of women and queer people. She cautioned against “#MeToo exceptionalism”, which is the dangerous tendency of treating sexual assault as a singular issue within the scope of the current moment. There is a tendency to believe that “due process” is not important, that we should accept “testimony” as binding evidence, and that presumption of innocence is not necessary. She pointed out that historically, the enactment of law does not usually follow our intentionality. Hence, there is no guarantee that the exceptions we are willing to make with #MeToo are going to be limited to it.

Furthermore, Shohini claimed that #MeToo is a product of the post-truth moment that emerges from the “confessional” mode of the internet. As in a confession, this movement's testimonies demand less evidence and more feeling.

She also urged us to think about how far we have normalized harsh punishment. We do not feel that justice has been served unless someone has been called out on social media and meted out harsh punishment. By doing so, we are not allowing people to have their own closures. Hence, within the context of #MeToo, she wants us to re-think the merits of public shaming. While it may be “payback” time for some, does this particular mode of punishment constitute justice, or do we dangerously end up

replicating behaviors that we otherwise condemn? She stressed the need to create an enabling environment, not an endless story of victimhood. Any movement has to have a theory of change, and we cannot have a theory of change if all we have is a narrative of endless trauma.

Madhavi Menon:

Madhavi pointed out that even though it is inevitable that our conversations become gendered when we talk about sexual harassment, there is a need to think carefully about “sexuality”. Is sexuality always experienced as trauma? If so, what does it mean to say that certain sexual acts and encounters are traumatic? If desire always comes across as a violation, then is that violation always a bad thing?

She pointed out that these questions are crucial yet absent from the landscape of our current conversations. This holds true especially for the law, which is only willing to encounter desire in its sanitized versions. What do we do with the possible subversiveness of sexuality, if we are busy sanitizing it for the benefit of the law?

Madhavi also asked us to contemplate our response to legal verdicts that do not accord with what we think is right. She referred to this specifically in relation to the current student movements around #MeToo, as well as “naming and shaming”, which seem extremely carceral, punitive and capitalist in nature. They seem to demand a shift in political alliances, which are not necessarily radical, but rather, imbricated with a sense of protectionism that students expect from the administration in the university space.

Amrita Narayanan:

Amrita stressed the limits of the law with regards to sexuality. Even if we were to think about the idea of “revenge”, there would always be an unsatisfactory and un-metabolized space that we would be left to contend with. Instead, she implored us to think about the conversations that took place at the round table as a form of mourning or grieving. It is also a “naming” of unfortunate, horrible things that have happened to some of us that we need to feel powerless in together.

She also cautioned against “negative narcissism” which is the feeling of having lost everything. In patriarchal cultures, women are rewarded for taking this position. The archetype of the suffering woman is very seductive to hold on to because it brings us attention and we are always hungry for attention. Thus, negative narcissism, if not watched out for, might lead to a narrative of endless victimhood.

Madhu Mehra:

Madhu pointed out that the post-2013 tensions with the law, including #MeToo, stem in part from an inability to recognize the law for what it is – particularly in terms of its limits. That is to say, under what conditions the law is most likely to deliver, what it can deliver and what it cannot. The task of drawing lessons from the feminist engagement with the law cannot be postponed if we want to find meaningful ways of working with the duality of the law – that is, its potential to challenge inequalities, while recognizing that law is embedded within structures of hierarchy, power and oppression.

Although driven by a zeal to transform the law, feminists' experiences with implementing the laws on violence against women tell a different story. Tracing the achievements of the women's movement vis-à-vis the law, Madhu recalled examples of new offences that reflect gendered realities of women, with changes in legal method, procedures and rules of evidence. The legal machinery was populated with women, assuming that their shared gendered experiences might yield sensitivity towards women victims. The PoSH went a step further in instating external members from women's groups to sit on the complaints committees. Despite the changes, the law remains difficult to access for those at the socio-economic margins, while offering notable successes, many of which ironically accommodate women's rights within discourses of heteropatriarchy, caste and class. The experience of using the Prevention of Atrocities Act tells a similar story. The accounts of using the law for trans and same-sex desiring persons will be the same, in terms of the law extending protection only when claimants conform to heteronormative standards.

Much of the demand for 'more' law as well as the despair in failure of due process arises from not coming to terms with law's duality and limitations. The question before us is not whether or not to engage with the law, but what do we seek from the law given our knowledge of how it works - who does the law work for, and who is it likely to work against? And following these, how much of the struggle for justice must be centered on violations of the law?

To answer these in the context of sexuality, we might want to debate our diverse understandings of sexual justice. What is our vision for bringing about sexual justice at a time of expanding criminalisation and increasing calls for punitive responses? These are relevant questions to ask at a time when strict liability, shifts in burden of proof and higher sentences, despite being available in the law, have not delivered. Given the long history of feminist differences vis-à-vis death penalty, fair trial and shifting the burden of proof in rape cases, the debate on 'more criminalisation', high sentences, strict liability and exceptionalism with reference to sexual offences, although fraught with differences, must be had.

With the increase in strict liability offences, introduction of sex offenders' registry, and calls for zero tolerance to sexual harassment, this debate cannot be postponed. Neither can it be substituted by statements protesting any one of these issues selectively, because each of these are part of an interconnected array of the 'deterrence' arsenal. Since feminist struggles intersect with other human rights causes, a discussion on feminist notions of justice must consider how our positions on sexual offences are likely to impact justice approaches across the spectrum of human rights issues.

Recalling the question posed by Rukmini Sen earlier in the day - how do we repoliticize, knowing what we want from law, when we know that the law cannot deliver? – Madhu said, that unraveling the lessons learnt from the functioning of the law, together with our vision/s of justice, might answer what we want from the law, and indeed, how much space do we want to give to the law in our struggles for sexual justice.

