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## Sexual Violence and its Discontents\*

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### Abstract

The stories about how sexual violence comes to be constituted as an object of research offer complex commentaries about the operations of public secrecy in the realm of law, kinship, nation, and the state. Rape emerged as an anthropological object of research when anthropologists compared whole cultures to challenge the universalistic assumptions underlying a natural history of rape. Anthropological focus has now shifted to the situated nature of imagination, language, documents, and techniques that craft the silences and speech around rape. Recent anthropological research critiques the social, juridical, and political discourses complicit in the construction of rape as a public secret, offering an important route of engagement with ethnographies that recursively speak of rape as a situated category.

## INTRODUCTION

The political invitation to imagine spaces of freedom from sexual violence resounded in the streets of Delhi in the winter of 2012–2013. Unprecedented protests transformed the discursive and juridical landscape by pointing to the need to do justice to those who reveal the public secret of rape. State response ranged from police action that directed water cannons and batons at protesting crowds in the heart of the capital to spectacular performances of law reform. For the first time, everyone was talking about what is generally known but not usually spoken about (Taussig 1999). Living these moments also meant inhabiting an affectual economy of images produced by repetitive, obsessive, and sensationalizing publicity. Attention was also drawn to the paucity of research in the field of sexual violence, for now more than ever before rape seemed to be constituted as a legitimate object of research. In this sense, researching rape is embedded in contesting historical, social, and political processes (Herman 1992).

I focus on rape (or its legal redefinition as sexual assault) to mark the distinct challenges of researching rape in the field of gender violence (McChesney & Singleton 2010). I suggest that anthropological focus has shifted from earlier inclinations that compared whole cultures to the situated nature of imagination, language, documents, and techniques that craft the silences and speech around rape. These writings tender powerful critiques of social, juridical, political, and academic discourses complicit in the construction of rape as a public secret (Nordstrom 1996, Taussig 1999). These new approaches offer an important route of engagement with ethnographies that recursively speak of sexual violence as a situated category.

## AGAINST A NATURAL HISTORY OF RAPE

Turning to the scenes of research in the 1940–1950s, rape was seen as a psychopathological problem. The psychopathological model of rape constructed rapists as abnormal, suggesting that, compared with other criminals, rapists experienced greater castration anxiety and feelings of phallic inadequacy (Albin 1977). With Brownmiller's (1975) influential work, rape came to be seen as a preferred form of political violence against women, rather than an expression of overpowering or pathological male lust. Rape was defined as a normal mode of exerting patriarchal power—as intentional and premeditated political violence. Feminists argued that rape is not isolated, aberrant, or pathological. They challenged the myth of stranger rape given that most survivors are related to or acquainted with their assailants (Estrich 1987, Sanday 1996). In response, researchers conducted many feminist sociological and anthropological studies that shifted the emphasis from the pathological to the normal. Statistics were compiled to indicate that high rates of rape are related to greater sexual inequality (Baron & Straus 1989). Sociological studies indicated not only that high rates of rape signal a statistical normality in the Durkheimian sense, but also that rape is an extension of normative heterosexual sexuality. Despite a recent resurgence of biological and evolutionary theories of rape (Palmer 1989, Thornhill & Palmer 2000, Travis 2003), Martin (2003, p. 378) points out that a universalizing natural history “amounts to an incitement to rape” because rape is listed among behaviors that are unchangeable (also see Sanday 2003). By representing rape as an act of lust or a consequence of natural sexual difference, it is neither regarded as an act of political violence nor situated as the scene of historical discrimination.

Feminist scholars turned to anthropology to define rape as the signifier of universal domination of women (Brownmiller 1975). Sanday's (1981) cross-cultural analysis questioned the construction of rape as universal on the grounds that the cultural context matters to explanations about why some, but not other, societies are prone to rape. In her framework, rape-free societies are marked



by greater gender equality as well as high levels of women's participation in decision making and in the public sphere (Sanday 1981, 2003). Rape-prone cultures are characterized by male domination and high rates of interpersonal violence and masculinities, which express and experience selfhood through violence (Sanday 1981). Exemplifying this framework, Sanday's (1990) later research on gang rape in fraternities in North American universities suggests that sexual conquest among young men lays claims to a specific form of male bonding and women's bodies become sites for men to forge relationships among themselves.

Sanday (1981) has been critiqued for relying on male colonial ethnographies, such as that of LeVine (1959), which distorted the lived realities of indigenous and colonized women. Shadle's (2008) account of rape trials in the courts of Gusiland, Kenya, in the 1940s–1960s points out that LeVine (1959) did not observe the complex distinctions between elopement, abduction, and rape in colonized Kenya and, therefore, recorded alarmingly high rates of rape among the Gusii (also see Tiffany & Adams 1994). Emphasizing difference, Helliwell (2000) critiques the essentialization of rape, which sits alongside the tendency to universalize rape as an experience worse than death. Citing her conversations with the Gerai in Indonesia who were puzzled by the proposition that a penis could be experienced as a weapon, Helliwell (2000, p. 812) argues that “rape imposes difference as much as it is produced by difference.” The natural history of rape resolutely ignores the sexualized and racialized othering foundational to the projects of colonialism, slavery, and apartheid.

### COLONIALISM, ANTHROPOLOGY, AND SEXUAL VIOLENCE

The complex history of anthropology is intimately linked with the sexual and racial politics of colonialism (Scully 1995, Shadle 2008, Kolsky 2010). Stoler (1991, p. 67) has argued that the racist and sexualized images of black men, which attributed to them a “primitive” and “uncontrollable” sexual urge, rested in the images of the “Black Peril” in Africa, most of the British Empire (also see Davis 1983, Sharpe 1993, Stoler 1997, Paxton 1999, McCullouch 2000, Phillips 2011). In New Guinea and Solomon Islands, for instance, race-specific laws were introduced to punish by death or flogging any black man who raped a white woman or girl (Ingis 1975, Boutilier 1984). Despite a huge gap between rhetoric and the actual instances of rape of white women, race-specific rape laws focused on punishing black men while protecting white men against prosecutions of rape by colonized women. Stoler (1991) argues that this “metaphor” or “index” of imperialism mapped itself on three registers. First, the production, regulation, and circulation of such racial sexual threat heightened during political crises, such as in the accounts of mutiny in India. Second, sexual threat was also articulated when colonized men were perceived to transgress the social spaces inhabited by white women. Third, rape accusations against native men acted to cement heightened tensions within white communities. As a result, the rhetoric of rape mobilized racialized fears to consolidate colonial rule, without displacing the public secret that colonialism created new forms of sexual impunity.

Scully (1995) and Kolsky (2010) depart from the framing of rape as a metaphor or index of imperial anxieties to analyze how colonialism created the conditions of pervasive rape. In writings about colonial India, much ink has been spilled about native women's status as the site for inscribing difference to justify imperial rule. However, Kolsky's analysis of colonial legal records of rape trials suggests that law was not “mobilized by white men to save brown women from brown men,” thus instituting what Kolsky (2010, p. 1,115) calls “the rule of colonial indifference.” Her archival research suggests that the displacement of Islamic criminal law in colonial Bengal did not guarantee legal redress to rape survivors. Instead, conviction rates decreased with the codification of the British law on rape (Kolsky 2010). Making a similar point about colonial treatment of



intra-African rape, Shadle (2008) notes that the African courts, unlike colonial law, recognized rape as an offense against women rather than a property crime against men. Unlike British judges, Gusii elders expected the accused to prove consent, rather than placing the burden of proving lack of consent on the aggrieved woman. This critique of colonial law would echo much later in other postcolonies, for instance, the burden of proof was reversed in aggravated rape cases in India in the 1980s.

The legacies of colonial law continue to inform rape trials, thus making historical analyses of sexual violence highly relevant to ethnographic studies of rape (Benson & Chadya 2005). Until recently, colonial French law in Morocco under article 475 forced a minor to marry the man who raped her. In India and Botswana, the judge-made law on corroboration in rape trials hardened into a rule, leading to routine disqualification of rape survivor's testimony (Das 1996a, Quansah 1996). In Pakistan, Quraishi (1999) argues that the enunciation of the *Hudood Ordinance*, which blurred the distinction between rape and illicit sex, grafted another order of sexual impunity on the colonial definition of rape. Moffett (2006) traces the parallels, intersections, and divergences between the painful histories of lynching in the American South and the legacies of apartheid in South Africa. Moffett (2006, pp. 35–36) argues that the extra-judicial violence on black men by white masters “mimicked the pattern of lynching a black rapist who had dared to defile a white woman.” The script of “teaching a lesson” was a dominant “justificatory narrative” normalizing white-on-black violence during apartheid. In postapartheid, democratic South Africa, these justificatory narratives structure male narratives of rape as a technique of punishing women for expressing their subjectivity (Moffett 2006). This raises striking possibilities of comparative research with the Indian context where dominant caste scripts of sexual domination are populated with the humiliating language of teaching the dalits a lesson (Rao 2009). Although a comparative legal ethnography of the legacies of colonial law on rape has yet to be compiled, these writings suggest that the public secrets of rape are equally framed by the complex social and legal genealogies of sexual impunity and immunity.

### LAW, LANGUAGE, AND SEXUAL VIOLENCE

Feminists offer a powerful critique of the role of law, law reform, and law enforcement agencies in the operations of public secrecy. Feminist scholars have noted that rape trials fundamentally differ from other criminal trials (Feldman 1993). The nature of the loss of narrative control in rape trials differs from other criminal trials. The rape trial is a sexualized spectacle designed to frame the survivor's testimony as a pornographic vignette (Smart 1989). Positioned as a bystander in a case between the accused and the state, the rape survivor experiences the trial as Kafkaesque (Smart 1989). A rape survivor's testimony is distorted, rephrased, and disbelieved, inscribing blame and humiliation on her (Kannabiran 2008). As Feldman (1993, p. 17) puts it, “even when survivors of sexual assault, men and women, are allowed to tell their stories, they are constrained by the necessity of telling about a rapist's desire, his experience—projected, of course—and still cannot tell their story.” The rape trial is not a means of communicating the violence of rape; instead, by mimetically reenacting the rape, it sexualizes the woman's body (Lees 1997). The experience of testifying, characterized as a re-rape, is more than just a metaphor to describe the way law's violence is inscribed on the body (Mackinnon 1989).

Legal anthropologists have argued that the force of legal precedent cannot be fully understood by limiting analysis to written law. Darian-Smith (2007, p. 64) has argued that precedents of injustice are not merely “silenced and written out of the text of law, but yet periodically resurface over time at particular moments of perceived crisis and threat.” Departing from legal scholars who



rely on doctrinal law or the study of written precedents to analyze the rape law, sociolegal studies of courtroom talk have privileged the rape trial as a site to demonstrate the relationship between law, power, and gender (O'Barr 1982, Matoesian 1993, Taslitz 1999). Scheppele (1992) argues that lawyers deploy ordinary storytelling practices to disqualify women's testimonies to rape. Particularly instructive in this regard are studies that focus on the different ways in which women from different ethnic communities negotiate or construct narratives of sexual violence (Sorenson 1996, Lira et al. 1999, Trinch 2003). Focusing on three communities in the southwestern United States, Bletzer & Koss (2004) describe how women resource, construct, and revise "scripts of consent" and "scripts of coercion" embedded in local imaginations of rape.

The use of interpretative devices, or myths to justify and normalize rape is a shared discourse, inflecting the organization of rape talk in courts of law. Indeed, many commentators have noted that rape trials are imagined from the point of view of the assailant such that rape looks like sex. In their study of incarcerated sex offenders, Scully & Marolla (1984) found that rapists used a "vocabulary of motives" by presenting themselves in culturally appropriate ways to deflect the blame onto the victim. In other words, rapists did not use words such as "violent." Instead, they emphasized the sexual nature of the act, blamed the victim, or believed that "no" actually meant "yes." Such cultural assumptions populate rape trials and transform the testimony of rape into statements of consensual sex through courtroom talk (Matoesian 1993). During cross-examination, defense lawyers dominate linguistic space by using repetition as a strategy, whereby repetition of the description of the sexual acts, positions, and scenes amounts to judicial pornography (Das 1996a, Taslitz 1999). Reform discourses, however, ignore such linguistic and semiotic operations of power during the trial (Matoesian 1993, Frohmann & Mertz 1994, Ehrlich 2001).

Although sociolinguistics has made important contributions to our understanding of how rape survivors resist linguistic domination in the courtroom, Konradi (1996) argues that sufficient attention has not been paid to the way emotion crafts testimony. Konradi describes how rape survivors manage their emotions when they testify in the presence of the assailant and how they struggle to maintain their composure when confronted with their memories of the violence. In law, constancy is seen as an index of truth, even though the survivor's sense of narrative coherence is shattered (Scheppele 1992). The stipulations to recall in photographic exactitude what happened or to address questions about the duration of the rape, the positions, depth of penetration, the direction of emissions, and chronology of events produce extreme humiliation. Alongside these sit more ordinary forms of experiences in courts of law, such as the experience of waiting to testify, as "waiting is one way of acutely experiencing power" (Chua 2011, p. 128). In other words, studies of rape trials explicate the incommensurability of legal fictions with lived experience.

Das (1996a) argues that rape law lies at the intersection of the discourse on alliance and sexuality. The classificatory practices adopted by Indian judges reveal that rape is seen as an offense when it transgresses codes of kinship or alliance or when it violates what Das (1996a) calls the "matrimonial dialogue of men." In contrast, women who cannot be absorbed in the "system of alliance" or constructed as being without "virtue" are disbelieved. Other studies also echo this view that rape trials furnish anguishing accounts of the relationships among law, kinship, and violence. Analyzing the judicial interpretation of complaints of "false promise of marriage" as rape, Basu (2011, p. 186) locates the Indian rape law in "its embeddedness in property and marriage regimes within systems of exchange and kinship."

Mody (2008) elucidates how love affairs are classified as rape and abduction in India. Arasu & Thangarajah (2012) map how habeas corpus is used against lesbian women who choose to live with each other, often resulting in terrible separations marked by forced marriage, institutionalization, and suicide. The criminalization of love affairs as rape signals the place of law in regulating



kinship and alliance, while denoting the preserving violence of caste and class (Chakravarti 2005, Rao 2009). In such cases, the designation of a woman as the abettor of her own rape or kidnapping suggests that the legal subject as victim, abettor, and witness may simultaneously occupy different juridical identities (Baxi 2014).

Indeed, rape law cannot be fully understood without explicating the semantic and classificatory practices adopted by judges and the police who are invested in the politics of conserving structures of kinship and alliance. Even though the law may not mandate judges to recommend that a rape survivor marry the rapist, Indian and Chinese rape survivors are forced to marry the accused (Luo 2000, Basu 2011). The discourse of reconciliation, which is oriented toward preserving the family, frames conjugal violence complaints in women's police stations and family courts in Brazil and India (Santos 2005, Basu 2012). Where services such as shelters are provided for domestic violence survivors, institutional procedures deny similar services to sexual assault survivors (Mulla 2011b). The damaging imagination of the home as a safe haven leaves its trace in medical jurisprudence textbooks or forensic manuals, thereby limiting a therapeutic understanding of child sexual abuse (Mulla 2011b, Baxi 2014). Such adult imaginations of the home as a safe space among loving kin is "located within institutional protocols" (Mulla 2011b, p. 432).

The ethnography of a rape trial is not limited to the sordid scenes of testimony in court. Rather, different kinds of expert knowledge that translate, diagnose, classify, and objectify rape circulate at different institutional sites. Frohmann's (1998) ethnographic study highlights the interpretational and linguistic strategies deployed by prosecutors to file or reject a sexual assault complaint (also see Frances 1997). Mike Tyson's prosecutors, Modisett & Dreyer (2005) combine their prosecutorial experience with archival research to offer a unique ethnography of the impact of publicity on prosecutorial strategies in rape trials. These studies indicate that gender-neutral sexual assault laws continue to be framed by stereotypical notions of what constitutes "real" rape. Mulla (2011b) argues that forensic documentation in sexual assault interventions is shaped by the imagination that "real" rape is committed by a stranger, mostly male and almost never a kin, even though forensic practitioners challenge such mythic fallacies.

Analyses of the production of the category of expert evidence, the circulation of different forensic techniques, and the stabilization of certificatory practices offer a powerful picture of how rape is normalized by absorbing scientific authority in legal procedure (Smart 1989, Robertson 1998, Temkin 1998, Hengehold 2000, Vigarello 2001). The medicalization of falsity and consent marks the distinctive nature of rape trials in India (Baxi 2014). In the United States and the United Kingdom, several scholars have noted how the intersection of legal, forensic, and psychiatric expert knowledge in rape trials has resulted in psychologizing consent (Smart 1989), inflicted humiliation by using the polygraph on rape survivors (Sloan 1995), medicalized trauma (Burgess & Holmstrom 1974, Bourke 2012), and evidenced the body through rape kits (Du Mont & Parnis 2001) and DNA fingerprinting (Holmes 1994, Winkler 2002). In sexual assault forensic examinations, "the forensic photograph effaces the singularity of a particular victim-patient, replacing it with a representation of victimhood that mirrors popular imaginaries" (Mulla 2011a, p. 289). The gaze of the camera in the lithotomic site of therapy and forensics anticipates the expectations of the law. Calling rape sexual assault does not necessarily displace older notions of the rape trial as a sexualized spectacle (Lees 1997).

The enterprise of transforming the juridical and therapeutic meaning of rape institutes a reform apparatus replete with experts, manuals, techniques, and models. Indeed, the circulation of laws, judicial elites, forensic manuals, judicial training, participatory workshops, and models of reform has intensified in globalized contexts (Horney & Spohn 1991, Frohmann & Mertz 1994, Bevacqua 2000, Hirsch 2002, Menon 2004, Artz & Smythe 2008, Puri 2011). Although greater ethnographic research on the circulation of the reform apparatus is needed, Merry's (2006) ethnography of



international law on gender violence is instructive in signaling the politics of translation when experts are confronted with the idea that rape is a situated category.

## REFORMING CUSTOM

In 2002, Merry (2006) found herself in the conference room of the United Nations in New York, where an expert committee of the CEDAW (Convention of the Elimination of All Forms of Discrimination Against Women) heard a delegation from Fiji. The Fiji report noted that the customary practice of *bulubulu*, a ceremonial apology, had been appropriated to coerce out-of-court settlements in rape cases. The expert committee asked the government to abolish the custom, rather than examine the legal, political, and economic conditions that allow men to coerce out-of-court settlements. Indeed, the work of the women's movement in Fiji against the appropriation of customary law to coerce women (and children) to settle rape cases out of court challenges the essentialization of culture in life and in law. In *Roligalevu v. State* (2012) a fourteen-year-old girl was forced to present a *bulubulu* to the accused and the members of his household for having complained to the police that he had raped her. The Fiji High Court, however, recognized that the survivor had been forced to enter a *bulubulu* agreement and withdraw her complaint. The court held that "customs and traditions should never be used to restrict access to justice. If anything, customs and traditions should be a medium to correct the harm done to the victim by making the offender accountable" (*Roligalevu v. State* 2012, para. 9). In other words, the contestation between law and custom compels "courts and law to engage with the fluidity of culture and its contested histories" (Kapur 2005, p. 92).

In Fiji, customary practices of reconciliation (traditional apology) intersect with the documentary practices of the state (statutory written declaration). In India, state law devises its own forms of customariness that compete with, complement, or substitute the legal norm. The customary practices of state law manifest in the form of cultures of compromise, whereby illegal out-of-court settlements are forged to turn the prosecution witnesses hostile under the sign of restoring phallogocentric social order (Berti 2010, Baxi 2014). In compromise cases, the depositions of witnesses are perfunctory, the duration is abridged, in-camera proceedings are suspended, expert witnesses are dropped, and the juridical record erases the processes of compromise by producing a legal subject now labeled as hostile.

The racial and colonial constructions of rape as custom, which inhabited colonial ethnography, circulate in courts of law today. Furthermore, expert witnesses, especially anthropologists, actively shape these pictures of custom and customary law. Although cultural traits were ascribed to native communities according to caste, class, or race (Malkki 1995, Singha 2000), colonial ethnography represented sexual violence as a trivial matter in the everyday life of the natives. Bell (1994) argues that "pack rape" of Aboriginal women in Australia was characterized as an indigenous or traditional custom. Similarly, it was commonly assumed that colonized Africans did not take rape seriously and that the death penalty should not be pronounced in cases of rape of an African woman (Shadle 2008). Indeed, "rape is readily assumed to be a characteristic of "other"—especially black—societies" (Helliwell 2000, p. 793). Shalhoub-Kevorkian (1999, 2009) notes that labeling sexual violence as cultural violence in the occupied territories of Palestine has racialized sexual violence. Sexual violence operates as marked category in the context of the Third World, whereas sexual assault as an unmarked category in the Western world is not seen as cultural violence (Basu 2011). The explanations for sexual assault in the West individualize violence, whereas rape is seen as endemic to the culture and traditions of other (read: inferior) cultures (Shalhoub-Kevorkian 1999). Postcolonial feminism resoundingly critiques such Western discourses that constitute Third World women as object subjects in unchanging spaces of sexual exceptionalism (Kapur 2005). The



argument that racial politics must not be mobilized to foster the public secrecy of rape also takes shape in the appeal to constitute an indigenous feminist jurisprudence (Deer 2004).

### RISK, PUBLICITY, AND THE POLITICIZATION OF SEXUAL VIOLENCE

The picture of disorder in the post colony is heightened by the spectacular, obsessive, and repetitive citation of sexual violence statistics that produces affectual economies of fear and crisis understood as risk in the West (Comaroff & Comaroff 2006, Morris 2006). The construction of sexual violence as risk may be organized around three registers: risk avoidance, risk taking, and the medicalization of risk, each of which configures the politics and politicization of rape in distinct ways. First, neoliberal techniques of risk management and assessment shift the responsibility onto women who must now avoid risk; such techniques thereby repackage older notions of fear into newer representations of risk (Hall 2004). The neoliberal risk management apparatus produces repetitive and performative citations of sexual violence statistics that elide the fact that economic and political differences between women put women at varying degrees of risk (Hall 2004). Sharlach (2010) compares the move toward instituting insurance regimes for potential rape survivors in India and South Africa, which constitute rape as an accident following risk-taking behavior. Getting women to pay premiums to meet medical and other costs shifts the burden of financing the costs of rehabilitation and recovery onto the woman, rather than recognize the vicarious liability of the state. Second, critiquing the discourses on risk avoidance for reinscribing rape scripts, Phadke (2013) points to the potentialities of taking risk through the practice and metaphor of loitering to reinvent cityscapes as spaces of pleasure for women. Taking risks or being able to loiter inscribes a newer language of rights. Finally, the proliferation of techniques that medicalize risk assessments of sex offenders, institute therapeutic models of reform, and outsource prison management and the surveillance of sex-offender registries serves to map the medicalized cartographies of risk (Waldram 2012).

The discourses of risk elide the circulation of the pedagogies of sexual violence between everyday and extraordinary contexts. Rather than enumerate a list of the many forms of sexual violence, it is important to note that certain forms of rape are identified with states of emergency during conflict or war as collective, systemic, and targeted violence (Stiglmeier 1994, Nordstrom 1996, Littlewood 1997, Turshen 2001, Wood 2005, Wood 2006, Das 2008, Burnet 2012). Because all forms of sexual violence do not find a place in political imaginaries, we must note important work on how the politicization of sexual violence is deployed to entrench nationalism (Aretxaga 1997, Das 2008), communal politics (Chatterji & Mehta 2007), race (Moffett 2006), class (Clark 1987), caste (Jaoul 2008, Rao 2009), war (Faegheh 2010, Harrington 2010, Burnet 2012), competitive party politics (Baxi 2005), and sexual exceptionalism (Puar 2007).

Illustrating the difference between antirape politics and the politicization of rape, Posel (2005) argues that, after the brutal rape of a baby, the emergence of sexual violence as a public issue in postapartheid South Africa emanated from a crisis of masculinity in South Africa. The rape of the infant was “metaphorically constituted as a moral violation of the new nation,” and sexual violence now mirrored “the fragile normative foundations of the post-apartheid order as a whole” (Posel 2005, p. 241). The rapist now recognizable in the figure of the father (or the provider) who violates a pure and innocent child substituted the earlier idea that a rapist is inevitably a stranger provoked by a not-so-innocent victim. No longer could the victim be blamed for taking risks.

The actuarial practices of rape statistics in mediatized contexts also accompany thanatopolitics entrenching criminalization and the death penalty (Roychowdhury 2013), neoliberal politics annexing antirape reform initiatives (Bumiller 2008), and therapeutic politics to treat sex offenders

(Waldram 2012). These writings indicate that publicity does not do justice to the revelation of rape; rather, it is complicit in the making of the public secret (Ross 2003). We see this in the tenacious circulation of photographs of raped and mutilated bodies in the visual economies of humanitarian aid in Congo (Hunt 2008), the modalities of citation of a publicized rape in Kenya in the American press (Hirsch 1994), graphic footage on television in South Africa (Posel 2005), or the televisionary activism in Nicaragua (Howe 2008). In the context of the Partition in India, Das (2006) describes the afterlife of the revelation of the public secret of rape as poisonous knowledge. Mookherjee (2006) traces the effects of the publicity directed at the *Birangonas* (war heroines) raped during the Bangladesh war of 1971 by the Pakistani army. Similarly, the way insurrectionary or revolutionary violence is framed and remembered in popular culture erases the narratives of sexual violence by those celebrated as the “liberators” or “heroes” of armed struggles (Mark 2005, Roy 2012). Roy (2012) argues that the revolutionary Naxalbari movement in Bengal politicized rape as the signature of state repression, but it did not construct rape within the movement as a product of its militarized political culture. Indeed, the social, political, and historical perils of speaking against the trauma of sexual and reproductive violence remain a public secret (Das 2008).

### AUTOBIOGRAPHICAL ETHNOGRAPHIES

Speaking of the difficulties that ethnographers face while researching sexual violence, Bourgois (2004) points to the limits of rapport with men who share with him narratives of gang rape that mark Puerto Rican neighborhoods in East Harlem, New York. To conduct her ethnography in sexual assault forensic units in Baltimore, Maryland, Mulla (2011a,b) first trained as a patient advocate. As a white feminist, Bell (1991) was critiqued for talking about intraracial rape among the Aborigines in Australia, given the histories of the racialization and sexualization of indigenous communities in Australia (Bell & Nelson 1989, Atkinson 1990, Larbalestier 1990). In response, Douglas (2005, p. 184) defines her project as one that seeks “to expose the limits and the failings of the white legal system,” rather than claiming to speak on behalf of indigenous women.

Autobiographical ethnographies of sexual violence interrogate the complicity of anthropological theory and research in public secrecy (Moreno 1995, Huff 1997, Mattley 1997). Recent writings by women who have experienced sexual assault in field settings mark a critical moment in theorizing gendered fields and the embodiment of the field through sexualized violence as the experience of alterity (see Winkler 1994, Moreno 1995). These anthropologists have inaugurated new forms of ethnographic writing and institutional practices (Winkler & Hanke 1995, di Leonardo 1997, Pandey 2009). Winkler’s (2002) autobiographical ethnography marks a departure from canonical anthropological representations of the field and the fieldworker by critiquing a series of epistemic and institutional responses to sexual violence. The disclosure of sexual assault during fieldwork to supervisors or colleagues leads to blame and questions of competence (Moreno 1995). It is as if “anthropologists do not get harassed and raped. Women do” (Moreno 1995, p. 246). Pandey (2009, p. 114) struggled against the expectation that she write a dissertation without writing about the experience of sexual assault, even though fieldwork is about “putting yourself right there.” McChesney’s (2010) fieldwork among the Hopi women potters taught her a different cultural awareness, helping her to understand the traumatic sexual violence she had experienced as a child. In this sense, “ethnographic knowledge. . . provides a means to amplify a transcultural understanding of traumatic phenomena” (McChesney 2010, p. 36).

Reflecting on the need to bear witness to her experience of sexual violence in France, philosopher Brison (2008) suggests that one must give agency to time: At some point, the rape narrative is no longer central to one’s biography, yet speaking out and with others who have been silenced is about etching solidarity. Indeed, one of the few books on male rape narrates such a journey of



reframing the experience of sexual violence as a strategy to resist the silencing and stigma of the rape of men by other men (Scarce 1997). Autobiographical ethnographies, however, are not confessional narratives, just as vulnerability is not a sign of weakness. As Feldman (1993) argues, the value of speaking about rape from a personal position does not lie in the confession of the event. Rather, testimony “works as an act, a reclaiming of history, and does so in a particular manner which asserts the fragility of the silence which counters it. In this way, testimony is a coming to voice, an insistence on speaking and not being silenced or spoken for” (Feldman 1993, p. 17).

The insistence on speaking and not being spoken for is also determined by libel economies. Instead of distorting her testimony, an author chose to publish under the pseudonym Eva Moreno. Nevertheless, anxious about liability, Routledge insisted that the identity of Eva Moreno’s assailant, already protected by the use of a pseudonym, be made even more anonymous 20 years after the rape (see Moreno 1995). In contrast, the *British Medical Journal* defended its decision to publish an anonymous account of male rape on the grounds that the issue is of importance to medical doctors and they wished to protect the survivor from the trauma that follows publicity (BMJ 1993, Brooksbank & Due 1993). This controversy points to the inflection of public secrecy of sexual assault of men by men in the economies of medical knowledges, and it also indexes the debate on whether autobiographical accounts must be allowed to appear in scientific journals. Anthropological writings, which source the experiential, offer a provocative alternative, as do publishers willing to risk publishing these alternatives.

### TESTIMONY BY OTHER MEANS

Jeganathan (1998) critiques the use of the analytic of horror as a response to the incomprehensibility of violence in anthropological discourse. Acknowledging this, Goldstein (2003) confesses that she was surprised when she heard women laughing as they narrated their experiences of sexual violence in urban Rio de Janeiro. Yet, this laughter was a form of resistance in a context where women’s fear of the police drives them to appeal to gangs for vengeance (Goldstein 2003). Although the threat of sexual violence by the police or army denies the material conditions necessary for testimony, this distrust of the state does not mean that testimony by other means is not possible.

Taking women’s skepticism of the state, family, and community seriously, Murray (2012) directs our attention to the relationship between law and art as a site of testimony and witnessing. Tracey Emin’s paintings are cited as an example of “worldbuilding” in which a series of pictures provide an imaginary justice system (Murray 2012, p. 1663). Emin “operates simultaneously as a witness, a prosecutor, a judge, and a punisher of her abusers and her society, as well as a prosecutor and defender of herself. Emin’s imaginary courthouse proves so intensely detailed that it comes complete with evidence, defendant confessions, and jury reactions” (Murray 2012, p. 1667).

Along similar lines, Das (1996b, p. 69) proposes that “some realities need to be fictionalized before they can be apprehended.” She cites Sadat Hassan Manto’s story entitled “Khol Do,” in which an aged father named Sarajjudin wills his raped daughter to live rather than die. Sarajjudin has been separated from his daughter when he reaches the other side of the border. He meets some young men acting as volunteers who promise to find his daughter. They find her and assure her that they will reunite her with her father. “We next see a clinic. A near dead body is being brought on a stretcher. The father, Sarajjudin, recognizes the corpse. It is his daughter. Numbly he follows the stretcher to the doctor’s chamber. Reacting to the stifling heat in the room, the doctor points to the window and says ‘Khol do’ (‘open it’). There is a movement in the dead body. The hands move towards the tape of the salwar (trouser) and fumble to unloosen (lit. open) it. Old Sarajjudin shouts in joy ‘My daughter is alive my daughter is alive.’ The doctor is drenched in sweat” (Das 1996b, p. 76). In this way, Sarajjudin departs from scripts of shame and honor by



substituting annihilating violence with a father's love to forge life in his daughter's body, which had been socially deemed a living corpse. These readings of works by Emin and Manto suggest that to imagine that justice will be done to the revelation of rape is to imagine an alternate world.

## CONCLUSION

As protests against sexual violence find newer forms of publicity, anthropological reflections on whether publicity does justice to the revelation of the public secret of rape gain importance. The stories about how sexual violence comes to be constituted as an object of research offer complex commentaries about the operations of public secrecy in the realm of law, kinship, nation, and the state. I chose to read this story to narrate how during the times of colonial rule racialized structures of sexual impunity were instituted and rape was designated as custom. Rape emerged as an anthropological object of research when anthropologists looked to other cultures, thereby comparing whole cultures to challenge the assumption of universality underlying the natural history of rape. As voices from other cultures critiqued the construction of rape as "cultural violence," the circulation of justificatory narratives of rape, race, and risk in contemporary postcolonial contexts finds sophisticated analysis. This review makes the argument that the Othering of sexual violence in former colonies as cultural violence that essentialize rape as a trait of "primitive cultures" must be challenged. Recent anthropological writings narrate powerful critiques of discourses on sexual violence constituted in the shadow of legal and scientific authority. These discourses suggest that the material conditions that necessitate testimony cannot be addressed through the apparatuses that govern risk, nor can they publicize the revelation of sexual violence. Narratives documenting skepticism of the state posit new imaginations of just worlds outside legal language. This review gestures toward the commitment of anthropology, as a site of witnessing and testimony, to produce knowledge that makes it possible to bear witness.

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