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Indian feminisms: law, patriarchies, and violence in India

Geetanjali Gangoli, Ashgate Publishing Limited, Hampshire, UK and Burlington, USA, 2007, 149pp., ISBN: 978-0-7546-4604-4, £50.00

This book provides a comprehensive survey of the mutually evolving constitution of institutions of justice on the one hand and feminist struggles around violence, regulation of sexuality and exclusion from rights and resources on the other, since the 1970s in India. Tracing well-known feminist movements through a focus on legal interventions and reform, this book serves as an accessible account of what is 'Indian' and globally relevant about 'Indian' feminisms. Geetanjali Gangoli examines a range of sources to provide an illuminating set of cases for students interested in the intersections of law, state and social movements.

Gangoli's contribution to scholarship on law as site of feminist subversion is to bring together a comprehensive range of issues, hierarchies, silences and exclusions within civil and criminal law, in order to reflect on the comparative power of legal and non-legal methods of feminist activism. Gangoli's overall argument is that groups mobilizing for women's rights bear a 'troubled relationship with law', which has frequently been an agent of patriarchal violence (p. 30). However, she concludes by arguing for combining the less-alienating non-legal methods with legal reform – 'For many women abandoning law is an impossibility, and a reluctance to engage with the State a luxury that they cannot afford' (p. 125). Gangoli comes to this conclusion by constructing Indian feminisms in terms of their 'passionate allegiance to polyvocality, and respect for difference' (p. 13). She shows through examples such as the Shah Bano case and custodial rape that the polyvocality of Indian feminisms is a mutually constitutive outcome of state activity that 'grows out of the irreconcilability of conflicts within society' as officials, legislative debate, and judicial discourse juggle multiple identity and interest groups (p. 40). Indeed, law itself cannot be seen as 'a completely homogenising discourse', but rather one that reflects these conflicts in society (p. 123).

In Chapter 2, Gangoli reveals the streams of 'difference' within national and local, party affiliated and autonomous women's organizations to show how Indian feminisms have themselves variously essentialized women as victims, romanticized them as mothers and wives, privileged class over gender identity, or given precedence to minority status over citizenship. At the same

time, analysing social and legal conflicts such as instituting a uniform civil code in the Shah Bano case where a divorced Muslim woman went beyond Muslim Personal Law to seek the right to maintenance under Indian civil law; Gangoli shows in Chapter 3 how concepts from feminist theory such as intersectionality can be useful in reconciling state, community and individual conceptions of rights, disadvantages and advantages.

The question of sexual control of women within the family undergirds criminal and civil law. In Chapter 4, Gangoli shows that because women's sexuality is normatively assumed to be restricted to and controlled by heterosexual marriage, the reality of sex work, marital rape, single women and homosexuality provide opportunities for further subordinating women and legitimizing heterosexuality in legal and state institutions (p. 62). For example, marital rape is dismissed as an oxymoron, sex work is variously labelled immoral or as a kind of social work that ensures that 'good' women are not attacked by men (p. 67), and lesbianism is simply regarded as non-existent. Gangoli argues for addressing sex workers' right to livelihood and conditions of sex work although refusing the moral regulation of conservative perspectives. Chapter 4 ends by reflecting on the feminist activism on sexuality that highlighted homophobia within Indian feminism, despite calling for decriminalizing male homosexuality, legally recognizing lesbian women's sexuality and combating the representation of women in media.

Chapter 5 focuses on custodial rape by police and other state officials, in jails, remand homes or hospitals. The feminist group, Forum Against Rape, went beyond the proclivity to see rape in interpersonal terms of male power, studying instead different kinds of rape as expressing multiple claims to power. Gangoli also points to legal academic critiques, which questioned problematic judgments in rape cases and propelled amendments of rape laws in 1983. These amendments prohibited press coverage, made the exemption of marital rape inapplicable, and placed the onus of proof on the accused. At the same time, Gangoli documents legislative debates and court statements to show how vehemently men have fought criminalization of marital rape, how pervasively state and legal actors believe that a woman's testimony is admissible only if she is a 'woman of honour', and how frequently the requirement of corroborative evidence produced conditions for denials of justice (p. 93). Chapter 6 studies campaigns against domestic violence reinforcing the fact of refusal, discomfort and blind-spots of legal institutions in redressing the pervasive experience of violence within the home.

It ought to be said in closing that the reader will often miss a deeper theoretical discussion. To take just one example, Gangoli questions the focus on moral regulation in questions of women's sexuality and violence, but this is a peremptory and one-dimensional view of morality. After all, feminist calls for justice and surely justice itself are fundamentally animated by contestations over morality. To view morality as something only conservative agents engage in

is to depoliticize morality, treat it as a domain of culture warriors, and leave it untheorized when in fact morality is a contested social outcome most at stake in these struggles. Theory apart, Indian Feminisms provides a rich overview of developments in judicial reform and feminist struggles in India.

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