



# Subversive Sites Feminist Engagements with Law in India

*Ratna Kapur, Brenda Cossman*

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"Subversive Sites explores the complicated relationship between women and the law, seeking both to define law's limits and to explore its possibilities for bringing about progressive change in women's social status. Through a selective but meticulous examination of a range of legal provisions--constitutional guarantees, case law, public litigation, legislative measures--the authors open up an area of crucial importance and interest for feminists working in the 'field' as well as in academia. Though the focus is on India, the relevance of the book's concerns go well beyond this specific context. . . . Simultaneously consolidating previous feminist research in the area and breaking new ground, Ratna Kapur and Brenda Cossman have produced a major work in the new and rapidly developing field of feminist legal studies. Their book is at once exciting and careful, provocative and responsible, challenging and cautious in the ways it combines, methodologically, exposition with argument, statement with speculation, and analysis with theoretical insight." --Rajeswari Sunder Rajan, author of *Real and Imagined Women: Gender, Culture and Postcolonialism*

"Ratna Kapur and Brenda Cossman have produced a book that is timely, vital, and necessary. Drawing on recent developments in feminist legal studies, poststructuralist theory, and cultural studies, *Subversive Sites* explores the complex relationship between women and the legal apparatus. . . . This book offers nuanced discussions of the debates on equality and difference, affirmative action, and rights in relation to the status of women in India. This it places the question of how women might use the law to challenge the status quo with diverse historical, theoretical, and political contexts. This is engaged scholarship that is committed to theoretical sophistication as well as to an emancipatory vision, and it is written with a lucidity that is becoming increasingly rare." --Ania Loomba, Jawaharlal Nehru University

"Ratna Kapur and Brenda Cossman's work significantly extends the growing literature on feminist legal studies. With great clarity, it elaborates an extremely complex reading of law as a relatively autonomous discourse of the state, a contradictory domain that is neither emancipatory nor inescapably an instrument of patriarchal power systems. Its critique of the liberal notions of law does not simply probe the limits and insufficiencies of existing laws but questions the fundamental assumptions of legal discourses to explore their ideological and economic moorings by drawing upon a wide range of social feminist and poststructuralist theoretical works. The contests over possessing the legal arena by feminists as well as by the dominant political and economic formations in India are described and analyzed with historical precision; they also reveal acute and original insights into recent political and economic changes. This reading suggests not an abandonment of the arena of legal changes but a critical reclaiming of the contested site through informed collective feminist struggles." --Tanika Sarkar, St. Stephens College, Delhi University

Examining both the limitations and possibilities of law in women's struggles for social change, *Subversive Sites* provides a feminist analysis of the laws that affect women in India. In their probing examination, authors Ratna Kapur and Brenda Cossman build on the feminist critique of the dominant constructions of gender, culture, and tradition in jurisprudential literature and argue that law should be revisioned as a site for discursive struggle. By analyzing the role of familial ideology in legal regulation and jurisprudence, the authors explore the extent to which assumptions about women as wives and mothers limit the promise of legal equality for women. Among the important issues discussed are the moral and legal regulation of women, the growing role of the Hindu Right, and the competing concepts of formal and substantive equality as evident in the judiciary's approach to sex discrimination. This book searches out alternative strategies for using law in struggles for women's rights and visualizes how the women's movement should strategize litigation, law reform, and legal literacy. Located at the intersection of law, feminist studies, and social theory, this major study offers new insights into the way in which law can serve as a site for ideological struggle and not just as a tool for social change for women. *Subversive Sites* will be of considerable interest

to all those involved in feminist legal studies, sociology, gender studies, women in development, law, and social movements.

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