

Book Review

Public Secrets of Law: Rape Trials in India

By Pratiksha Baxi, Oxford: Oxford University Press, 2014. 496 pp. \$59.95
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Pratiksha Baxi's compendious book is based on a detailed ethnography of rape trials in the western Indian state of Gujarat. *Public Secrets of Law* attempts to unfold the rape trial as a pornographic spectacle as it is constituted in the everyday worlds of provincial courtrooms. What is revealed by the rape trial is not the gap between the law and its implementation, but rather how the written law is transformed beyond recognition by its localisation (xvii). The trial is not about uncovering criminal culpability. It is about the production and re-entrenchment of phallogocentric notions of justice. Far from being a public restatement of legal norms, the rape trial produces a theatrical space in which public secrets about rape – secrets that are widely known, but cannot be articulated – are produced, negotiated and managed. Baxi gives an instance of this management of a public secret in the first chapter. Here, she narrates the story of landmark rape cases – judgements “executed in the flesh of the women testifying to rape” (1) – to demonstrate how the violence that underlies rape law jurisprudence is narrated away when the courts appropriate the voices of raped women. Further, the fact that the rape survivor is called to give evidence in the trial means that she is forced to bear witness to the courtroom re-enactment of her own rape. The rape trial is therefore not a way to determine the criminal guilt of the accused or even to convey the violence of rape: “it becomes the occasion for sexualising the woman's body and re-enacting mimetically the desire of the rapist” (21). Baxi shows how rape law precedent, far from stating in what instances a rapist should be convicted, actually determines in what instances the rape survivor should be believed. In unpacking the various ways in which the trial re-enacts the rape, Baxi also deftly shows what an ethnographic approach to the trial court process can tell us about the law. Baxi's attempt is not only to show that the “image of the norm shifts as the case unfolds” (xviii), but also how a single rape survivor may occupy different juridical identities simultaneously.

In chapters 2 and 3, Baxi shows how these different juridical identities are made to testify against the experience of rape. In the second chapter, the book looks at the medicalised body in the rape trial. Invasive forensic

techniques, such as the two-finger test, are used to determine the truth or falsity of the rape allegation. Baxi argues that what is displaced by forensic techniques is the rape survivor's testimony and experience, so that the body of the rape survivor is made to speak against its experience of being raped. Apart from demonstrating the phallogocentric nature of the rape discourse, these forms of medicalization show "how the body is made to produce signs of its own subjection" (103).

The next chapter deals with how the rape trial splits the identity of the child survivor of rape. The shoehorning of the child witness into adult categories of rape means that she must inhabit her childhood innocence and simultaneously learn to gaze at her body as that of an adult. Through a meticulous, heartbreaking ethnography of a trial involving the rape of a child by her father, Baxi again demonstrates how the testimony of the child witness is wrenched away from her. In this case, as a result, the child survivor is caught in the split persona of a child-adult (161). The defence counsel attempt to lock the child witness in a double bind; in order to secure a conviction, they argue that the child witness must testify to the sexual acts done to her in adult terms, but if the child narrates her experience in adult terms, then her childhood is doubted and her childlike innocence is put on trial.

The next three chapters look at the shifting picture of rape law. Chapter 4 looks at the culture of 'compromise' that routinely leads to the acquittal of accused rapists. Though it is illegal to withdraw a complaint of rape, this compromise is effected through the survivor witness turning hostile. Baxi argues against seeing the rape allegation only as leverage in an on-going dispute, as women who do not compromise often face extreme violence. These cases are then framed against the collective rather than the individual woman's experience of sexual violence. In a case study, Baxi demonstrates the slow path to a compromise taken by the upper-caste father of a rape survivor, in order to maintain his family honour. The word 'compromise' then hides a violent culture and the maintenance of patriarchal authority. The rape trial becomes the occasion to manage social hierarchy, while for the woman involved, the rule of law gives way to a reign of terror.

Next, Baxi demonstrates another way in which rape law intersects with fraught social worlds. Here Baxi looks at a case where upper-caste parents file a rape case against their daughter's lower-caste boyfriend, to show how rape law is used in the 'criminalisation of love' (236). The woman is first framed as a victim of rape, then as a witness to her own rape, and then as a person who has criminally abetted her own rape. Baxi notes how the culture of

compromise detailed in the previous chapter enables this story to end with an acquittal, allowing the woman to finally be framed as a wife and assimilated into familial normativity.

The final chapter looks at a specific legislation that names rape of tribal and low-caste (or dalit) women as an aggravated offence. Here again, Baxi shows how the rape of dalit women is framed as an instance of persecution of dalit groups, rather than as a means of addressing the particularities of violence against dalit and tribal women. At the same time, despite the existence of the specific law, there is a refusal to name collective and spectacular violence against dalit and tribal groups as aggravated crimes. Baxi argues that the historical content of the law as well as the dalit woman's experience of being raped are emptied out when police, lawyers and judges operationalize technical distinctions contained in the legislation.

This painstakingly constructed book has engendered a conversation between feminist theory and legal ethnography to focus on the "valence that underlies the socio-legal processes constitutive of the rape trial" (340). The book will appeal to scholars interested in anthropological approaches to studying the law. In focussing on the everyday technologies of law such as police documents, cross examinations, modes of argumentation and court judgments, Baxi returns to the technical aspects of adjudication. In this way, her approach differs from much recent law and anthropology. However, what is at stake in the technicalities Baxi observes is not how the rule is applied, but rather, as Baxi shows, nothing less than the bodies of women upon which the rape trial is built. The book imbues mundane technologies with an urgent, ethical charge. The book therefore makes an important contribution to feminist legal studies by powerfully demonstrates the quotidian manifestations of patriarchal-state power and how doing things with feminism involves not grand juridical declarations, but calls for a clawing against the everyday.

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