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**Book Reviews**

Jinee Lokaneeta, Editor

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*Public Secrets of Law: Rape Trials in India.* By Pratiksha Baxi. New Delhi: Oxford University Press, 2014. 434 pp. ₹1,150.00, \$59.95, cloth.

Reviewed by Durba Mitra, Department of History, Fordham University

In the aftermath of the brutal gang rape in Delhi in 2012 and the international scrutiny of Indian rape culture that followed, protests against sexual violence quickly turned to the law as the primary site of reform. But what are the possibilities and limits of law in addressing the issue of sexual violence in India today? In its detailed analysis of rape cases, forensic medical practice, and the working of criminal courts, Pratiksha Baxi's *Public Secrets of Law* is a remarkable study of the public life of rape in Indian trial courts. As one of the first comprehensive studies of the working of criminal courts in contemporary India, *Public Secrets of Law* gives critical insights about the nature of the Indian criminal court that extend beyond cases of rape. The detailed ethnography demonstrates the contingent and highly subjective process of decision making by legal authorities in the adjudication of rape cases in local courts. She marks through her case studies the highly performative nature of power in courts in India today.

The introduction situates her study in relation to comparative ethnographic work on the law and a growing critical literature on law in postcolonial India. Baxi argues that the rape trials reinforce deeply violent "phallogocentric notions of 'justice'" in a performance of the "public secret" of rape in Indian trial courts. Baxi's study is based on extensive archival and ethnographic work conducted in the city of Ahmedabad, Gujarat from the late 1990s. The location of Baxi's study is key, the highly volatile city of Ahmedabad, defined by communal violence in 1992 and 2002 that resulted in horrific acts of sexual violence committed against minority communities in Gujarat. Baxi's introduction incorporates her own experiences of patriarchal hierarchy, sexual harassment, and even her violation at the hands of a judge, who describes how women's

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bodies “ask” for sexual violation by becoming physically aroused. Through this dialogue, Baxi reveals how danger and fear pervaded her ethnographic work. The judge expressed sexual excitement in his enactment of the rape narrative to Baxi and implied that he himself was aroused by the “facts” of violated women’s bodies.

In the second chapter, Baxi focuses on the medicalization of victim’s bodies and the way norms of forensic evidence medicalize consent and falsity. She critically examines the deployment of the “two-finger test” in case law, a “test” from the British colonial period where medical doctors test the elasticity of the victim’s vagina to determine a woman’s “habituation” to sexual intercourse. Medical jurisprudence in India imagines the victim’s body as the primary site of truth, where evidence on the body reveals the possibility of the “truth” of sexual violence. Baxi demonstrates how medico-legal evidence becomes a primary mode through which the defense cross-examines victims and reinforces the idea that women in India often bring “false charges” of rape.

Throughout her study, Baxi is acutely conscious of the vulnerability of victims who declare acts of sexual violence and seek recourse in the law. In Chapter Three, she emphasizes how the question of childhood is key in the determination of the “truth” of rape, where courts sexualize children and force children to testify to sexual violence in language that inscribes blame on the body of the child. The ethnography attends to the effects of this declaration, marking, for example, the profound meanings of the complaint in Gujarati, *fariyad* [literally, an appeal], a cry of pain or the naming of a violation. However, the *fariyad*, subject to police discretion, is often not converted into an official police complaint. Baxi documents how multiple patriarchal authorities foreclose recognition of acts of sexual violence. Further, she demonstrates the painful social effects of the disclosure of sexual violence where women and young girls often face social death as a result of disclosure.

The patriarchal transfers of authority—where women are trafficked in out-of-court settlements in rape cases—define the deeply troubling “culture of compromise” for rape cases. In Chapter Four, Baxi explores the frequency of compromises outside of the law, including the arrangement of marriage of rape victims to perpetrators and monetary settlements for the victim’s family seen to “restore” dignity to a family through the exchange of women. Women who refuse these compromises are murdered or forced to commit suicide. Rape cases also function to reinforce norms of sexual propriety and social hierarchy. In Chapter Five, Baxi demonstrates how families deploy accusations of rape to criminalize sexual relationships that transgress social bounds.

In the last sections of the book, Baxi explores the significance of rape in understanding the role of jurisprudence in the complex

social terrain of caste and communal violence. Baxi focuses on the largely neglected history and use of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act of 1989, which names the rape of Dalit (formerly “Untouchables”) and tribal women as an atrocity. Baxi innovatively shows how rape trials produce a language that obscures and naturalizes the structural violence of caste and the everyday humiliation Dalit women face as a result of sexual violence. Finally, *Public Secrets of Law* takes on the question of the significance of sexual violence in the making of communal religious violence, a question that continues to define the experience of sexual violence in Gujarat and across India. Temporality is key to the legal making of the event of sexual violence, where legal recognition of communal rape and sectarian sexual violence are seen as temporary anomalies, exceptions to the norm, rather than everyday structures that define women’s lives in contemporary India.

From these examples, one gets a sense of the diverse areas of inquiry featured in Baxi’s investigation of rape trials—from biases that travel under the guise of science, to the legal obfuscation of structural violence, to courtroom scripts that dictate how women and children are constituted as legal subjects. Beyond questions of sexual violence and the law, Baxi’s ethnography explores the understudied nature of the workings of Indian courts. Indeed, the study offers so much rich material that it could easily be two separate monographs, opening up more questions than it can answer. *Public Secrets of Law* will be of value to scholars interested in the growing field of South Asian legal studies, comparative ethnographies of trial courts, the study of women and children as legal subjects, and scholarship on law and sexual violence. Baxi provides remarkable insight into the everyday working of misogynistic legal imaginations of women in the courtroom and the naturalization of patriarchy in the legal adjudication of sexual violence. More broadly, *Public Secrets of Law* offers unique and important perspectives on the working and failure of criminal law in India.

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*Blinded by Sight: Seeing Race Through the Eyes of the Blind.* By Osagie K. Obasogie. Stanford, CA: Stanford University Press, 2013. 288 pp. \$24.95, paper.

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