



Narendra Subramanian. *Nation and Family: Personal Law, Cultural Pluralism, and Gendered Citizenship in India*. Stanford: Stanford University Press, 2014. 400 pp. \$65.00 (cloth), ISBN 978-0-8047-8878-6.

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## Family and Pluralism

How do nations (really states constructing the “nation”) engage cultural difference (especially, but not restricted to, religious difference) within their societies? Why and how have different nations evolved their policies of governance that account for cultural difference (for example, on secularism, multiculturalism, and gender equity) in markedly different ways? What would an analytical framework in comparative perspective on such questions look like? What are the implications of different policies on the citizenry (especially “minorities” and women)? This book by Narendra Subramanian engages the above questions, taking as its “entry point” the experience of India (over the last century) and attempting to explain the Indian trajectory by locating it within a far wider and comparative global canvas. In this process, we get a glimpse of, and a plausible explanation for, the differing but patterned dynamics at work within a very diverse range of nations on the question of cultural difference and the differentiated paths taken by them (or really by their political and policy elites).

The canvas on which this comparative exercise is conducted is remarkable: a geographical and social space-time matrix of countries and an incorporation of the fact that changes in their trajectories occurred over periods of history (for some nations more significantly than others). India then emerges as part of this diversity of national trajectories, being part of what the author calls a middling range of “moderate modernist” reformer states (along with Egypt, Jordan, the Philippines, Indonesia, and Pakistan until the 1970s) between the range of politico-historical possibilities of “extensive modernist” reforming states (for example, Turkey, Tunisia, and later Morocco) and “limited modernist” reformers (such as Al-

geria, Lebanon, and Syria) (p. 6). Further, Subramanian complicates the above classifications by including the mode in which elites envision their culturally constructed “nations” (a vision of the nation as “homogenous,” “majoritarian,” and “pluralistic”) and their embrace of “modernity” (p. 66). Moreover, the above categories emerge from a historical analysis within the book rather than an à priori ideal typology. Such is the ambitious scope of this book and its complex narrative.

The book takes as its master problem the presence of personal laws in independent India, laws that govern particular religious communities in society. In India, these laws have been historically based on a recognition of religious communities as based on cultural differences and with constitutionally guaranteed rights to that cultural difference. Why do personal laws exist, or more precisely, why were they chosen to be retained after independence? Why was Hindu reform more robustly pursued by the postcolonial Indian state from 1950s, in comparison to the reforms of minority religions (especially Islam and Christianity) whose reforms began officially only in the 1970s? In a tightly argued six chapters, the author explicates how a dominant form of nationalism came to shape (what Subramanian terms) “cultural accommodation” of the state (to the cultural difference it perceives in society) and the resultant forms of official multiculturalism and secularism in India.

The first chapter lays out the comparative canvas and then points to the widespread misrecognition of the “minority problem” in India today. According to the dominant view (in policy, scholarship, and indeed, the general population), personal law reforms in India were un-

evenly carried by the postcolonial Indian state (more on Hindu law and far less and later on Muslim law) because of the relative conservatism of Muslim clergy and leadership. Challenging this view throughout the book, Subramanian points to the rather long history of adaptation of Islamic religious scholars/elites (*ulama*) and religious judges (*qazis*) to the growing secularization of society even in colonial and precolonial times, and the restriction by the colonial state of the use of more progressive yet culturally rooted forms of jurisprudence and interpretation (*fiqh* and *ijtihad*) that were at work within Muslim communities. As we see in the rest of this book, such a perception also, alas, characterized the postcolonial Indian state.

The next chapter forms the theoretical/analytical backbone of the book. Using at times dense, but nevertheless cogent, prose and helpful visuals, Subramanian argues that discourses of community (and nation, family, and modernity) and state-society relations (especially social structure characterized through state-lineage or state-family relations, and political regimes and coalitions) shape policies on cultural accommodation and consequent reforms (to varying degrees) of personal laws across societies. Given that both these independent variables (discourses of community and state-society relations) varied across the societies in the postcolonial world of Asia and Africa mentioned above, it is not surprising that nations approached cultural accommodation in differing ways. The title of the book too embodies this key argument: discourses of community (especially, the “nation and family”) enable dominant political actors (such as policymakers, legislators, political party leaders, and community and religious leaders in the main) to work on the key sites where this discourse and relations materialize as power struggles (in other words, “personal laws,” the set of policies and legal practices of “cultural pluralism,” or the official mode of multiculturalism, and the related sociopolitical state of “gendered citizenship” or the unequal status of women and gender relations at the heart of the contestations).

Chapters 3 and 4 narrate an analytic history of how Hindu reforms came to dominate the work of the Indian state since independence, whereas chapter 5 focuses on reforms in Muslim and Christian customary and personal laws that proceeded with earnest only in the 1970s. After an initial engagement with the question of why Hindu reform was the sole focus of the Indian state for the first two decades after independence and its evaluations in terms of impacts on Hindu women, the author makes the case that not only was the amenability of the Muslim com-

munity to reforms seriously (and tragically) underestimated by the key actors (though not all) within state and civil society, but the extent of Hindu reforms and their implications for Hindu women was also at times exaggerated in some dimensions and undervalued in others by many, including scholars. Parsing key extant feminist literature on the latter point, albeit a little telegraphically and at times pedantically, Subramanian successfully makes a point about the need to complicate dominant narratives by introducing consideration of the complex of registers within Hindu reform (marriage, conjugality, divorce, property, etc.), the various intersectional “identities” of the chief actors that produced a resistance to reform only on some registers and not all, and the ways in which major state representatives approached the idea of Hindu reform in its relation to reform of Indian society. On the last point, the author correctly identifies the hubris (shared by much of the early policy leadership who were cultural pluralists) of viewing reformed Hindu norms as standing in for India, an ironically enabling condition for the specter of a majoritarian right-wing Hindu movement that haunts India today. His other assessment is equally sobering—that reformed “Hindu law did not provide women more rights or individuals greater liberties after these reforms than the other personal laws did in various respects. For instance, Christian law, Muslim law, and the customary laws of various matrilineal tribes gave women greater rights to ancestral property, and Muslim law gave them more divorce rights, than Hindu law did” (p. 131).

The chapter on Muslim and Christian reforms narrates the history of how “cultural accommodation” was done on the biased terms of the policy elites which, for example, erroneously represented Muslims as a community that was entirely resistant to Enlightenment ideas of modernity, and hence opposed to reforms *in toto*. Consequently, the policy of reform did not take forward many of the demands and reforms that were already underway (from even before independence) within the Muslim community. In contrast, the author shows how attitudes toward the Christian minority bore the marks of caste contempt and paternalism despite the relatively more positive view of the possibilities of reform in this community. The discussion of the formation of the Muslim and Christian communities and their leadership during the colonial period is useful to note if only to trace the continuities with the postcolonial period when the rise of Hindu nationalism actually intensified the efforts at reforms within these same “minoritized” communities in order to counter perceptions of “Muslim backwardness”

(p. 223). Given such a compelling history of how the Hindu bias of policy elites consistently shaped reforms within Muslim and Christian communities, the phrase “minority accommodation” in the title of the chapter is a little unfortunate and misleading since it is not the argument that the narrative advances.

The final chapter then briefly summarizes the main analytical framework and reflects on the need for such an intellectual journey. The strong case made in the book that the Hindu majoritarian bias among policy elites prevented cultural pluralists in the founding decades to “recognize” minorities in a genuine manner leads Subramanian to think today that framing the reforms very differently then would have ultimately “enabled them [cultural pluralists in the regime] to counter Hindu majoritarianism more effectively” (p. 277). Such a point also throws light on what could be achieved even as the clouds of a Hindu majoritarianism gather with intensity today—to challenge head-on the narrowly conceived nationalist project (with accompanying narratives and discourse) of the current political regime with a pluralistic narrative that recognizes the force within minoritized communities that favor reforms that are culturally rooted.

The book is a tour de force on comparatively approaching the question of secularism and cultural pluralism in postcolonial societies in Africa and Asia. The analytical framework interweaving discourse with state-society relations that is advanced here is very powerful although some other factors could have enhanced the framework: for example, the varying strengths of civil society groups, including the new rise of media; the extent and nature of diversity itself in different societies; and, in the case of India, the ways in which gender, caste, and religion come together. Further, the concept “discourse” itself is not well clarified in the book and the reader does not get a sense of the micro-level existence of “discourse” beyond a general sense of ideological beliefs held by social actors. It would have been useful to explore how, why, and where discourses of community emerge and become “officiating strategies” and how particular social conditions of the actors shape their views? This would then make the term “discourse” materialize as a regime of truth in the narrative. The model makes some leaps with regard to how discourse materializes within micro-practices and everyday sites of community living.

Similarly, the phrase “cultural accommodation” is used by the author a little loosely in the Indian context. Policies of “reservations” (for castes and “tribes”) and land rights for “tribes” are clubbed along with the more appropriate culturally accommodative practices of personal laws. This confuses the important distinctions between religious, linguistic/ethnic identities on the one hand, and caste identities on the other, with “tribal” identities occupying an intermediate space. It is really only religious and ethno-linguistic groups that are arguably sought to be culturally accommodated by the state based on personal laws; “lower” castes and Dalit populations are better viewed as cases of “compensatory justice” (or positive discrimination) for historically stigmatized and marginalized populations, not as cultural accommodation to difference. Castes are after all based not on cultural difference but on claims of status difference of purported descent. The case of “tribal” people, by contrast, is a little more complex; their right to cultural difference (as “indigenous” people and as “minority” religions) exists only in severely contested ways due to a Hindu majoritarian state that denies their indigeneity and their autonomous religious identities. Yet the fact that they reside on land where important mineral resources and forest reserves exist highlights their economic and historical marginalization in stark ways alongside their cultural difference in ways that set them apart from the religious minorities.

Such distinctions gain importance in the Indian context since not all differences are necessarily cultural or even primarily cultural, a point recognized by the Indian Constitution, which is far more clear about the rights to cultural protection for religious, linguistic/ethnic, and “tribal” groups than to caste groups. Bhimrao Ambedkar knew this point well and hence made all the nuanced critiques that the book rightly points out about the need of the state to make customary rights subordinate to a standardized and modernized Hindu law since different Hindu communities were, for Ambedkar, nothing other than caste communities of caste Hindus. None of this detracts from the power of the book—to advance a plausible analytic that could go a long distance to explain the particular trajectories of postcolonial nations vis-à-vis secularism and cultural difference. It will be an excellent resource for teaching graduate courses and will become a standard study to be cited in scholarly debates on comparative secularism and multiculturalism.

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