

BOOK REVIEW

## Justice and Rape Trials in Rural India

*Semiotics of Rape: Sexual Subjectivity and Violation in Rural India*. By Rupal Oza. Durham and London: Duke University Press, 2023. xxvii + 208 pp. \$99.95  
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Courts and police in India have held for a long time the belief that most rape cases are false. Against this highly pernicious anti-women belief, feminists and anti-caste activists believe that often rape cases end in “compromise,” as the accused along with the state and its agents often pressurize the lower-caste victims and their families. In *Semiotics of Rape*, Rupal Oza deliberately studies the cases that ended in compromise, and some that were also false, to question these dominating narratives. She argues how these narratives, led by both state agents and the activists, are “insufficient in capturing the rape victims’ subjectivity,” as she explores “their quiet refusals, silent resistance, and deliberate disengagement by victims/plaintiffs as efforts to craft an alternative to the types of justice on offer through legal institutions” (p. 19). On the whole, she studies eight rape cases from Haryana—a northern Indian state that has become notorious in recent years for rape cases. Oza has followed these cases since 2016 and held a series of interviews with the accused, the women and their families, and the authorities involved to understand the subjectivities of rape victims.

The book is divided into four chapters that centre on “consent,” “compromise,” “land,” and “death,” respectively. In the introduction, she discusses her approach in which underlines the importance of the concept of “scripts,” as one Dalit activist explained to her that a rape case usually involves three different stories: “one crafted by the courts and attorneys, the other by a woman’s family, and the third by the women herself” (p. 4). In studying these cases, she explains that her emphasis is on the question of “subjectivity,” which she understands as the production of an identity by a victim; as she argues, “it is her story and her own sense of reality that I am most concerned with uncovering in this book” (p. 5). Navigating through different scripts, she argues that “a particular woman’s story is often more complex than what the script can accommodate” (p. 14).

In the discussion below, I will provide a chapter-wise summary and then I will discuss some of the implications of this book for scholarship on sexual violence in India. In Chapter 1, Oza deals with the question of “consent” in rape cases. It involves the study of a rape case of a young woman named Vineeta, who had consensual sexual relations with his lover, Pradeep. When Vineeta’s family discovered her relationship, they framed a false rape case against Pradeep and his friend. The case ended in a compromise. In her conversations with Oza, Vineeta argued that she had gone with Pradeep with her consent and she was satisfied that the case ended in a compromise. Unlike the juridical construction of consent, which “discredits legitimate rape charges while constructing women’s autonomy as immoral,” Oza argues, consent had different meanings in Vineeta’s script. She was not ashamed, but rather took pride in her sexual subjectivity. In the end, Oza argues that false cases are also, as Vineeta’s case suggests, “primarily about efforts to restore male authority over women’s libidinal autonomy” (p. 64). In Vineeta’s case, “the script was forged by the patriarchal family set up to restore their control over Vineeta’s

sexuality” (p. 102). In other words, though it was a false case—which echoed the claims of authorities that most rape cases are false—Vineeta herself was a victim of that falsity and, while the case ended in “compromise,” which most activists were reluctant to accept, Vineeta took satisfaction in the fact that it ended so, which demonstrates her subjectivity.

In Chapter 2, Oza studies three cases of compromise from three different villages of Haryana—Bhagana, Matpur, and Jaswadi. Though compromise is not technically allowed in Indian criminal law, usually witnesses turn hostile in the courtroom or they change their statements, which often suggests that the case has been compromised. She studies the “scripts” of “compromise” at the level of four “scales”—a concept that she has borrowed from geography: the district scale, the village scale, the scale of *basti* (locality) and home, and the scale of the body. At the district scale, the attorneys and police officers believe that most rape cases are false and that “compromise is a business” for illicit gains. Oza calls this disbelief “symptomatic of structural violence rather a reflection of arbitrary individual bias” (p. 75). At the village level, as Oza discovered, compromise is about “preserving village reputation and maintaining peace.” At the scale of home and *basti*, the compromise is “primarily concerned with the family’s loss of *izzat* (reputation)” (p. 84). In contrast, at the scale of the body, the meaning of compromise varies, revealing autonomy. The rape survivors that Oza interviewed perceived compromise in unique circumstances of their lives. For instance, Vineeta’s compromise, Oza argues, was “about an expression of sovereignty” and “her refusal to be disciplined by shame” (p. 95).

In Chapter 3, Oza highlights the importance of land disputes in rape cases and argues that sexual violence is “on its surface not a story about land, but it is in fact almost always about land in some ways.” She studies how, in the village of Bhagana, four girls belonging to Dhanak (a Dalit caste) were gang-raped by five Jat men in 2014. It was widely believed that the violence was a result of a land dispute and the Jats wanted to teach Dalits a lesson. Oza concludes that rape “is part of a complex range of structures in which women and girls become vulnerable subjects in dispute that is ultimately not about them” (p. 129).

In Chapter 4, which centres on the idea of “death” in rape cases, she argues that death “adds gravity to a case that may otherwise be met with doubt” (p. 131). “The crime of rape is taken seriously when either the victim of someone in her family dies” or, as she says, “[r]ecognition is only possible for the injured body when death follows” (p. 149).

In conclusion, she questions the relevance of the “transactional framework of the legal adjudication of harm” where “the responsibility toward victims ends with the punishment of the perpetrators,” which “obfuscate[s] larger structures and their role in perpetuating violence” (p. 171). By exploring the possibilities of justice beyond this “transactional framework” and by paying attention to subjectivity, she concludes, “we can grasp and better imagine the range of possibilities for justice that may emerge” (p. 172).

The contribution of her work lies in establishing the importance of “refusals” and exploring subjectivities in rape cases, which the existing scholarship on rape cases in India has overlooked. For instance, the legal scholar Pratiksha Baxi has argued that most rape cases in India end in acquittals for the accused, as she argued that the jurisprudence and the state machinery were highly anti-women (Baxi, 2014). Is it possible that a number of these cases were compromised by the victims, as Oza suggests, to explore justice outside the boundaries of legal institutions? If we agree with Oza, then we may have misunderstood the long history of sexual violence against women. For legal scholars and activists, the justice offered by the legal institutions—incarceration and death sentences—remains the only measure of justice in these cases. We are measuring the extent of justice by employing the state’s logic of justice. Oza differs and demonstrates the limits and pitfalls of this understanding. She discusses the question of justice in rape cases without buying the state’s version of justice. I believe the book deserves serious engagement by legal scholars and activists to rethink the meaning of justice in rape cases.

Though it is thought-provoking work, Oza's approach also raises several questions. Is rape a crime against a woman's body or is it a social dispute? In the book, although she agrees with Pratiksha Baxi's well-known observation (see p. 2) that rape is often treated as a social dispute rather than as a crime against an individual, at the same time, Oza's approach is confusing, especially when she argues that rape cases are "almost always about land in some ways" (p. 105). I am uncertain what the author wants to suggest. Second, if it is possible for victims to be able to secure justice outside the legal institutions, then should we abandon the quest for justice from legal institutions? Though she seems to agree with the abolitionists, Oza has not clearly stated the alternatives. Moreover, even in the cases of compromise that she has discussed, compromise (as in Vineeta's case) might not have been secured in the absence of the threat of violence of legal institutions. In other words, such examples only reinforce the centrality of the state's logic of justice.

The book raises serious questions about what justice is and how its meaning changes with context. Since 2012, after a shocking rape case from Delhi that led to nationwide protests, the activists have demanded more stringent time-bound trials with severe punishments—usually death penalties—for the perpetrators of sexual violence. However, with more severe laws and punishments, sexual crime against women has not declined. In this context, Oza's work demonstrates the limits of the legal institutions and the justice that they offer. Overall, the book provides a bold perspective from which to understand sexual violence and deserves serious discussion amongst scholars and activists, as it broadens our understanding of what justice could be.

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## Reference

Baxi, P. (2014). *Public Secrets of Law: Rape Trials in India*. New Delhi: Oxford University Press.