



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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Developing Personal Laws and Balancing Multiculturalism in Postcolonial India

Narendra Subramanian provides a detailed historical account of the development of personal laws in postcolonial India. He analyzes this development through the ideas of cultural pluralism and gender equality. India is a multicultural, multireligious, and multilingual society with diverse castes and communities. In postindependent India, legislature has given due significance to the value of “equality before law” while passing personal laws concerning marriage, inheritance of ancestral property, and women’s rights in their spouse’s families. However, both the legislature and judiciary have been sensitive toward the concerns of different religious, ethnic, and caste groups. They have made conscious efforts to maintain balance between the value of “equality before law” and demand for “legal pluralism.”

Nation and Family raises similar concerns with detailed discussions and debates surrounding particular personal laws and legal cases. The book is thematically divided into six chapters which examine nationalism, minority accommodation, cultural mobilization, legal pluralism, secularism, and multiculturalism in India respectively. Subramanian successfully chronicles, analyzes, and charts the development of personal law in postcolonial India. He has extensively studied the exercise of law making, judicial recommendations, and court judgments for all major religious communities in India, namely, Hindus, Muslims, and Christians. Each chapter deals with separate stages of debates, discussions, and complexities involved in the formation and development of personal law in a multicultural and multireligious Indian society. Past heritage of colonial personal law and experiences of legal structures in other developing countries—such as Syria, Lebanon, Turkey, Iraq, and Iran—set the stage for further understanding and conceptualization of the study.

The conceptual blueprint of this book is the author’s

proposition of “interaction between state-society relations and discourses of community” that in turn shape nation formation and recognition of family law. He argues: “The two crucial explanatory variables, state-society relations and discourses of community, develop through such interactions with one another, and their interactions shape various policies, particularly those pertaining to the recognition, transmission, and transformation of cultures” (p. 46). This perspective is a new addition in the already existing frameworks of “nation-state versus community” and “majority versus minority nationalism,” adopted by other authors in their studies of personal law in India.

The author not only describes the colonial setting but also successfully brings out the interaction, communication, and conflict between law-making bodies, religious pressure groups, and the judiciary in India. The analysis shows how pressure groups of different religious communities have influenced and sometimes pressured policymakers to maintain certain cultural practices and norms of their respective communities. However, Indian courts have always respected and accommodated a progressive and gender-sensitive approach in their recommendations and guidelines concerning formation of personal laws. But there are instances when a progressive change in personal law that values individual and women’s rights has to be compromised over cultural and religious rights of particular communities. The *Shah bano* case (1985) is one of the most cited examples that reflects tension between the legislature and judiciary as well as conflict between women’s rights and legal pluralism.

Nation and Family’s beauty lies in its coherence and logical arrangement of events and court judgments. Here, the normally appearing dry subjects, such as reports of law commissions, court judgments, and recommendations, are arranged and analyzed in a rational and

engaging manner. However, in a few instances in chapters dealing with personal laws concerning the three major religions in India (chapter 3, 4, and 5), where one would expect an intense interaction between the proposed variables of “state-society relations and discourses of community” coming out through the analysis, there are glimpses of descriptive style and lack of in-depth analysis.

Further, there is a gap in Subramanian’s study regarding the much-needed understanding and analysis of demands and debates concerning religious minorities—the Sikhs, the Buddhists, the Jains, and tribal communities. Scholars have underlined significant moves of resistance against the absence of community-specific personal laws for such religious minorities as the Sikhs and Buddhists. Their cases fall under the Hindu Personal Law.[1] Scholars have also documented how there is a demand for making more gender neutral laws for religious minorities other than Muslims and Christians. For example, Rohit De has shown that tribal women in Himnachal Pradesh state secure property rights in their ancestral property.[2] Similarly, Natasha Behl highlights the inefficiency of legal and legislative approaches to achieve gender equality in her account of Sikh women’s citizenship.[3] Inclusion of such concerns of other religious minorities and marginalized ethnic groups in the overall analysis could have encapsulated other complexities of the personal law regime in India.

The publication of this book could not have been better timed than now given that the right-wing Bharatiya Janta Party (BJP) government is in power in India. BJP is well known for its support of a “Uniform Civil Code” in India and believes in having uniform civil law for all Indian citizens across religious, sectarian, and community

boundaries. How far the party could go and succeed in bringing all the religions and communities together and win their support for the proposed civil code is yet to be seen. Nonetheless, the book gives a relevant, comparative analysis of complexities involved in introducing change in any realm of personal law that concerns religious and communitarian sensibilities of different groups in a multicultural society. *Nation and Family* is beneficial for academics, researchers, and students of law in general and sociology of law, legal history, citizenship, and nation-states in particular. Moreover, the book’s lucid and jargon-free language and effortless free approach toward law and plurality also make it approachable and valuable for nonexperts.

Notes

[1]. See Mahajan Gurpreet, “Negotiating Cultural Diversity and Minority Rights in India,” *Democracy, Conflict and Human Security: Further Readings* 2 (2006): 111-121, http://www.idea.int/publications/dchs/upload/dchs_vol2_sec3_4.pdf; and Kharak Singh, “On Sikh Personal Law: An Abstract” (Chandigarh: Institute of Sikh Studies, 1998), <http://www.sikh-history.com/sikhhist/archivedf/feature-aug2001.html>.

[2]. Rohit De, “Personal Laws: A Reality Check,” *Frontline* (2013), <http://www.frontline.in/cover-story/personal-laws-a-reality-check/article5037670.ece?protect\ discretionary{\char\hyphenchar\font}{\ }css=print>.

[3]. Natasha Behl, “Situated Citizenship: Understanding Sikh Citizenship through Women’s Exclusion,” *Politics, Groups, and Identities* 2, no. 33 (2014): 386-401, <http://dx.doi.org/10.1080/21565503.2014.927775>.

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