

## **Title: Gender, Kinship, and State Law**

Credits: Two

Objective: Drawing inspirations from generations of feminist scholarship, this course will survey rules and laws governing gender and sexuality which help keep the social and political order intact. It will highlight how ordering and re-ordering of gender-based hierarchies are central to any political project though studies on nation-states do not always delve on this aspect (or devote a separate section to take up the question). Anthropological studies on gender, kinship, and sexuality, hence, are not just critical to understand the patterns in social organization and cultural representations but also offer key insights into how modern states persevere and when/how they collapse. Additionally, the texts will also highlight how gendered subjects are created, how subjects evolve and, in turn, transform law and legal practice. Students will learn to view the relationship between public institutions and private subjects as intimate, dynamic, and dialectic by the end of the semester.

### **Course Topics:**

- To understand how sex, gender, and sexuality are encoded in social, political, and legal and state frameworks.
- To think beyond the dichotomy of traditional societies and modern nation-states when discussing gender/sexuality.
- Impact of national and transnational movements on family, kin groups and intimate relationships

### **Course Schedule:**

#### **1. Introduction** (March 7): Gender, Sexuality, Caste and Law

Read these two news articles: <https://www.theatlantic.com/culture/archive/2020/08/netflix-indian-matchmaking-and-the-shadow-of-caste/614863/>  
<https://www.indiatoday.in/magazine/cover-story/story/20131230-vikram-seth-on-gay-rights-homosexuality-769369-2013-12-20>

#### **2. Gender in Anthropological Perspective** (March 10)

**Reading assignment:** Sherry Ortner (1974) "Is female to male as nature is to culture?" pp. 67–87 in *Woman, Culture, and Society*, edited by M. Z. Rosaldo and L. Lamphere. Stanford, CA: Stanford University Press. **Special focus on pg 67-83**

Gayle Rubin (1984): *The Traffic in Women: Notes on the 'Political Economy' of Sex*.

#### **3. Family, Kinship, Incest Taboos** (March 14)

**Reading assignment:** MN Srinivas. *Marriage and Family in Mysore*. 1942. Chapters: **Introduction (I) and Kinship Terminology with Reference to Marriage Restrictions (IV)**

Lewis Henry Morgan (1871) *Systems of Consanguinity and Affinity of the Human Family*.

Trawick, Margaret. 1992. *Notes on Love in a Tamil Family*. University of California Press.

#### **4. State Formation and Early Legislations** (March 21)

**Reading assignment:** Chapter 2 from Das, Veena (2007) *Life and Words: Violence and the Descent into the Ordinary*. Berkeley: University of California Press. **Special Focus pg 18-29**

Ramamurthy, Priti. "The Modern Girl in India in the Interwar Years: Interracial Intimacies, International Competition, and Historical Eclipsing." *Women's Studies Quarterly* 34, no. 1/2 (2006): 197–226. <http://www.jstor.org/stable/40004749>.

#### **5. Sexuality and Governance** (March 24)

Puri, Jyoti. 2017. *Sexual States: Governance and the Struggle over the Antisodomy Law in India*

Vanita, Ruth. 2011. 'Democratizing Marriage: Custom, Consent and the Law' in *Law like Love: Queer Perspectives on Law* ed. Arvind Narrain. New Delhi: Yoda Press 338-354.

*Guest lecture by Dr Jayaprakash Mishra, IIT-Hyderabad*

**Reading assignment:** Mishra J. Understanding Re-partnership in Non-normative Conjuality: Narratives of Gay Men in Odisha, India. *Journal of Family Issues*. 2020;41(7):957-977.

#### **6. Personal laws** (March 31)

**Reading Assignment:** Introduction from Chitra Sinha, *Debating Patriarchy: Hindu Code Bill Controversy In India (1941-1956)*.

Sylvia Vatuk. 2008. *Islamic Feminism in India: Indian Muslim Women Activists and the Reform of Muslim Personal Law*.

Mid-term due by April 2

### 7. Legal Pluralism (April 4)

Merry, Sally E. 1988 "Legal Pluralism". *Law & Society Review*. 22 (5): 869-896 Recognition. *Radical History Review* Fall 2005 (93): 122-141.

Livia Holden (2004) *Official Policies for (Un)Official Customs: The Hegemonic Treatment of Hindu Divorce Customs by Dominant Legal Discourses*, *The Journal of Legal Pluralism and Unofficial Law*, 36:49, 47-74. [Special focus on pg 53-68](#).

### 8. Sexual Consent, Crime, Litigation (April 7)

**Reading Assignment:** Introduction of *Public Secrets of Law: Rape Trials in India*. By Pratiksha Baxi. New Delhi: Oxford University Press, 2014.

Halley, Janet. 2016. "The Move to Affirmative Consent". *Signs*. 42 (1): 257-280.

### 9. Love, Deviations, Social Change (April 11)

**Reading Assignment:** Osella, Caroline, and Filippo Osella. 1998. "Friendship and Flirting: Micro-Politics in Kerala, South India." *The Journal of the Royal Anthropological Institute*.

Ahearn, Laura. 2001. *Invitations to Love: Literacy, Love Letters, and Social Change in Nepal*. University of Michigan Press.

[Listen to:](https://www.youtube.com/watch?v=QBYgbckwmTk) <https://www.youtube.com/watch?v=QBYgbckwmTk>

### 10. Negotiations for a happily ever-after (April 14)

Rama Srinivasan (2018) *Courting marriage: juridification of intimate relationships in North India*, *The Journal of Legal Pluralism and Unofficial Law*, 50:2, 213-234. [Special focus on 216-230](#).

### 11. Global Circulations (April 18)

Sidharthan Maunaguru, *Marrying for a Future: Transnational Sri Lankan Tamil Marriages in the Shadow of War* (University of Washington Press) 2019.

**Reading assignment:** Samuel, Lina. 2010. "Mating, Dating and Marriage: Intergenerational Cultural Retention and the Construction of Diasporic Identities among South Asian Immigrants in Canada." *Journal of Intercultural Studies*. 31(1): 95-110.

### *Short lecture: Being an Engineer in Global Companies: Gender, Caste, Class, and Race*

Presentation by Dr Nora Engelbert on the challenges faced by IT professionals working outside India. Please come prepared with questions!

### 12. Presentation (April 22)

#### Grading Plan:

Type of Evaluation	Weightage (in %)
Mid-Term Exam	30%
End Sem Exam (2000 words)	50%
Presentation + class participation	20%