

BOOK REVIEW

Capable Women, Incapable States: Negotiating Violence and Rights in India. By Poulami Roychowdhury. Oxford: Oxford University Press, 2020. 252 pp. \$110.00 (cloth), \$32.95 (paper). <https://doi.org/10.1093/oso/9780190881894.001.0001>.

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“Their [women’s] gendered ‘capabilities’ solved the incapability of a politically besieged, sexist and neglectful criminal justice system”

Although women in India have legal access to criminal and civil remedies for domestic violence, reporting and conviction rates remain dismally low. It is in this space between the law on the books and its enforcement on ground that Poulami Roychowdhury’s debut book *Capable Women, Incapable States* is situated.

Through two years of ethnographic fieldwork in West Bengal, Roychowdhury follows 70 women in their pursuit of justice. These women are exceptional in that they have recognized the injustice of domestic abuse and are seeking a solution by the time Roychowdhury encounters them. However, only three of them are seeking formal legal redress at the outset. Chapter 2—an excellent stand-alone resource on the social, economic, and legal conditions governing domestic violence in India—explains why. Marriage in this context is at once ubiquitous and highly unequal. Women’s exit options from marriage, and their bargaining power within it, are severely limited by their economic dependence on men and by gendered social norms that equate exit with ostracization. Meanwhile, the state and law enforcement are unfamiliar and unlikely allies to them: “Intimate violence was familiar in a way that the potential violence of the state was not” (48).

The puzzle, then, is not why so few women seek legal redress, but why any do at all. Roychowdhury describes women’s journey toward the law as “accidental but systematic” (14). The key lies with pivotal “violence brokers.” Chapters 3 and 4 explore these brokers’ identities, incentives, and sources of efficacy. Women brokers (*didis*) are mostly individuals affiliated with NGOs and women’s self-help groups, while the men (*dadas*) comprise party workers as well as individuals with

“dubious credentials” who have specialized knowledge of how the criminal justice system works, perhaps because they have been on its wrong side. Through material resources, legal advice, and support in the form of community, these brokers work to transform women’s goals from preserving their families to “running a case.” Access to an alternative community is crucial, in no small part because the women who speak up do so at risk of ostracization from their families. This speaks to an emerging literature on the power of women’s collectives for developing solidarity and achieving political and social gains in India (Deshpande and Khanna 2021; Prillaman 2021).

What happens when women approach the state? Roychowdhury convincingly demonstrates that the crucial factor driving state actors’ responses is whether the women making claims have organized support through connections to brokers. These connections serve as a credible threat to law enforcement personnel’s daily routine, livelihood, and safety and can make nonresponse costly.

However, state personnel’s responses rarely involve them “doing their job.” Rather, in a process that Roychowdhury terms “incorporation,” they outsource the work of justice. Ultimately, the women complainants and violence brokers take on all manner of tasks, from filling out paperwork to investigation to the physical recovery of assets. In a poignant illustration, a police constable stands by at a distance while a woman enters her husband’s house accompanied by NGO workers, screams at him, destroys possessions, and takes what she can with her (125). This response, Roychowdhury argues, is borne out of the limited capacity of an overburdened bureaucracy (see Dasgupta and Kapur 2020 on the phenomenon of “bureaucratic overload” and its negative implications for rural development program implementation across India).

Partisan dynamics are key to Roychowdhury’s account. First, there is an overlap between violence brokers and party workers, and mediating cases can be advantageous for workers looking to advance political careers. Second, electoral calculations often determine who bureaucrats feel compelled to respond to in particular cases. An unanswered question is how the gender identity of elected leaders might matter for outcomes. Iyer et al. (2012) find that a quota-mandated increase in women’s representation in Indian local government induces an increase in documented crimes against women and argue that this is due to women’s increased willingness to report. It is exactly the kind of qualitative inquiry that Roychowdhury engages in that could help explore this claim further.

Roychowdhury takes the normative stakes of her findings seriously, including the dark side of capability. She shows how “becoming capable” ultimately still leaves women vulnerable to all kinds of risks. Theoretically, her conception of capability comes up against that of Sen (1993): while Sen sees capability as the *outcome* of rights, for Roychowdhury it is the *alternative* to rights offered by a state that is incapable and unwilling to guarantee women’s rights (170–71). While Sen sees capabilities as freedom of sorts, in Roychowdhury’s account, capability is something women have no choice but to acquire.

Throughout, Roychowdhury is cognizant of how her identity shapes her access and relationships with various actors, and the danger of women “performing their

empowerment” for her benefit. The brief windows into Roychowdhury’s on-the-spot analytical decisions in the field, and her extensive discussion of methods in Appendix A will be especially instructive for researchers navigating their positionality in fieldwork.

Roychowdhury cautions against taking her work to imply that the policy solution lies in increasing state capacity. However, her contention about the irrelevance of the “good-bad victim” framework for understanding law enforcement’s responses has implications of its own. Several policy interventions seek to improve law enforcements’ treatment of marginalized groups through reducing individual bias among frontline personnel. However, if individual bias is not the key factor determining behavior, this spells pessimism for the efficacy of such interventions.

Roychowdhury’s findings suggest that the more potent solution may lie in approaches that credibly raise perceived costs of inaction for state actors, such as pressure from women’s organized interest groups. Weldon and Htun (2013) demonstrate how the strength of feminist organizing is a key predictor of progressive legal changes in policies addressing violence against women. An important implication of this work is that organizational strength may be equally important for understanding what happens after legal gains have been achieved.

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