

UC Irvine

UC Irvine Previously Published Works

Title

Ratna Kapur: Gender, Alterity, and Human Rights: Freedom in a Fish Bowl

Permalink

<https://escholarship.org/uc/item/93s9166c>

Journal

Feminist Legal Studies, 27(1)

ISSN

0966-3622

Author

Ballakrishnen, Swethaa S

Publication Date

2019-04-01

DOI

10.1007/s10691-018-9395-y

Peer reviewed

BOOK REVIEW

Kapur, Ratna, *Gender, Alterity, and Human Rights: Freedom in a Fish Bowl*, London: Edward Elgar, 2018, 328 pp., ISBN: 978 1 78811 252 9

Ratna Kapur's latest book *Gender, Alterity, and Human Rights: Freedom in a Fish Bowl* masterfully tackles a normative claim that has been gaining increasing momentum over the last few decades: the human rights agenda has hit an impasse and needs serious transformation. Using unique comparative contexts, Kapur illustrates how the liberal rights regime - despite gesturing towards freedom enhancement - operates as a counter hegemonic governance system furthering mainly state and market interests. But unlike other critical scholars who have similarly criticized the rights project from the perspective of reviving or resurrecting it, Kapur's contribution is decidedly committed to a retreat altogether. "The grim truth" Kapur asserts, "is that, on some level, our rights-related liberal projects are on life support and further palliation is pointless" (2018: 172). The weighty metaphor of a fish bowl is pointed because it highlights the trapped, contingent freedom that the rights agenda offers, keeping out of reach a fertile expanse of alternate possibility beyond it.

The book, however, does not merely offer rebuke. Instead, in its quest for consequential freedom, it engages with a rich tapestry of unexplored material and historical experience to offer new sites for locating possible rights alternatives. Kapur writes with the assured confidence of the erudite theorist she is and her voice demands audience as she integrates seemingly disparate nodes from feminist affect theory to Sankara's *advaita*, from Sufi poetry to Jain *Santhara*, from the 14th century Kashmiri mystic Lal Ded to Foucault's theory of political spirituality. In sync with this confident narrative is the clarity of her response to the rights-freedom conundrum: if meaningful freedom is what we are after, she counsels, we need to look past the language of human rights towards the transformative potential of other, non-liberal registers. Extending her own metaphor, it is not just about changing the water or the container, reward lies beyond the fishbowl altogether.

Overall, Kapur's *Fish Bowl* does at least three things with skilful clarity. *First*, it adds to an important literature that has long been agnostic about the value of the human rights agenda by offering clear application. Using the examples of queer homonormativity (Ch. 2), sexual security regimes (Ch. 3), and veil emancipation (Ch. 4), Kapur reveals how liberal human rights have enabled new forms of

imperialist counter hegemony rather than creating freedom for their disenfranchised subjects. She argues that within each of these cases exist a deeply embedded liberal binary logic (straight v. gay, security v. surveillance, secular v. religious), which sets out clearly the kind of emancipation, allowed, deserved, or representative of the particular system, i.e., the actual fishbowl. Gay rights, for example, predominantly serve the happy, market-friendly, hetero-institution-loving gay subject¹; contemporary feminism is embroiled in a strain of western debate and thought that does not readily apply to the global subjects it is eager to rally on behalf of; and secular understandings of modernity are opposed to specific religiosity without accounting for the possible agency within the “others” that it tries to “free.” In each of these examples, *Fish Bowl* shows rather than suggests how the liberal rights discourse, despite its emancipatory claims (and often *through* the promise of these claims), cements a range of normative prescriptions, which reproduce hierarchy by offering circumscribed freedoms.

Second, the book goes beyond critique and application to offer extension. Kapur concedes, paraphrasing Spivak (1994: 278), that human rights are universal and necessary tools that we cannot *not* want (2018: 9, 190). She warns us of its particular “dark side” (Kennedy 2004): liberal values and agendas are not just self-serving, they are also actively implicated in the production of the “unfreedom

¹ To make her point, Kapur employs the case of the popular Bollywood movie *Dostana* – more evidence of her ability to weave together seemingly disparate archive sources together to articulate her argument – to make the case for the kind of happy queer subject that has public sanction (2018: 72 – 75). In the movie, two upper middle class straight Indian men pose as gay to secure the lease on a penthouse apartment in downtown Miami. Her argument about the normalizing function that portals like this offer for precarious desire is powerful – the protagonists are liberal enough to not worry about being seen as gay, especially since they are *only* performing and gay men in this imagery have exquisite, expensive tastes (the recognizable, *happy queer* model). Equally powerful is her argument that the film purposefully invokes the consumer citizen in an emerging global market, where, sexuality aside, the cosmopolitan queer is known for their particular economic participation. Not only is such model queerness acceptable, its acceptance is repatriated back into the market: *Dostana* was one of the highest-grossing films of the year. Both the portrayal and the commercial response to this movie makes one think of Sudhanshu Saria’s movie *LOEV*, set in Mumbai, about relatively unhappy and complicated queers who, despite their pleasure in unattainable market rewards (e.g. an open-top rental car for a road trip, luxury hotel rooms paid for by their company), refuse to perform normativity through their choices. The economic and personal proclivities of the two protagonists – best friends, one openly gay and in a relationship, the other a normative banker visiting from the U.S. – are explored more critically, with little or no attempt to pinkwash its subjects, and its market appeal mirrored this subjectivity. Although the movie was well received in international film festivals, its grit and the story of these “unhappy queers” was not a commercial success: it released mostly only to niche audiences, and took almost two years after it was made to be released online (although not in India) on Netflix.

of ‘Others’” (2018: 140). *Fish Bowl* admits that engagement with human rights must continue but that they cannot be relied upon because they operate from an underlying goal of homogenous and orderly assimilation that is antithetical to the viability of true freedom (2018: 146, 152, 161). In short, they cannot give us “what we want”, i.e., real freedom (250). Yet, unlike other scholars who identify the limitations of the rights regime only to follow up with a perfunctory return (Ch. 5, using examples of Brown 2015, Douzinas 2007, Santos 2015), Kapur emphasizes the crucial need for alternate, non-rights and non-liberal registers from which to access substantive freedom (Ch. 6). Human rights might well be necessary for a certain kind of survival, she concedes (2018: 108, 366), but the survival it offers is limited to specific coordinates, whereas true freedom lies beyond the “asphyxiating parameters of liberal legality” (2018: 184). Even if not enough to offer neat outcomes or resolution – and Kapur is the first to admit that they might not (2018: 251) – this call for a radical, epistemic shift (2018: 240) is a bold, provocative intervention that gives us new tools to theorize about the futurity of the relationship between rights and freedom. Critics might argue that this proposition to leave human rights behind is “too radical” or implausible – but what feels central to *Fish Bowl* is its “audacious” (2018: 23) determination in looking elsewhere for resolution.

The book’s *third* – and in my opinion, most significant – contribution comes from the sources where Kapur suggests we look for these alternate registers of freedom. The theoretical, radical crux of the book is that it draws from – and deftly repurposes for its argument – a wealth of global spiritual text, commentary, and praxis. Other critical scholars have been hesitant to explore these resources as forthrightly, and, as Kapur offers, the few who have (Ch. 6, focusing on Eve Sedgwick’s turn to Tibetan Buddhism and Michel Foucault’s theory on political spirituality within the context of the Iranian revolution) have been relegated to relative inconsequence. Kapur’s focus on these scholars’ “minor works” (2018: 185) reminds the reader that she is serious about looking far away from the fishbowl and that she is committed to an utter change in perspective when it comes to her search for freedom. Kapur is in good company when it comes to this radical search: recent genealogies of Gandhian thought, for example, argue that Gandhi’s views on non violence and ethical *dharmic* duty were not merely spiritual, but pointedly radical and revolutionary philosophical subversions (Devji 2012). In exhibiting her ability to seamlessly repurpose historical scholars like Adi Śankara (a 8th century Brahmin philosopher usually co-opted by the religious Hindu right as an icon) alongside contemporary theorists like Butler, Kapur offers new tools for the critical scholars thirsty for optimistic alternate possibilities. It is not just where we look, *Fish Bowl* seems to tell us, but also how we see.

Kapur's *Fish Bowl* joins a rising, relevant, and radical literature that urgently calls for new epistemic shifts in theorizing about the relationships between justice, inequality, and ethics across contexts (e.g. Haraway 2016 on sustainable ecological futures, Povinelli 2016 on power in late liberalism) while offering tools for inhabitable everyday praxis (e.g. Ahmed 2017 on feminism, Natarajan et al. 2016 on TWAIL). Its calls for more thoughtful quests for freedom are likely to offer refuge and hope to theorists interested in truly critical intersections between law, gender, and globalization. Yet, it is in the very nature of the alterity that *Fish Bowl* recommends which sets the book up for its main critique.

Going with radical confidence where others have hesitated and shedding light on non-liberal registers of possible freedom is *Fish Bowl's* most solid contribution. At the same time, it demands acknowledgment that scholars from the critical left have avoided theorizing too deeply from spiritual sources for a range of interrelated – even if varyingly valid – reasons. *Fish Bowl* is, similarly, varyingly satisfying in its defense of this choice. For instance, a preliminary critique against this line of thinking could be that seeking refuge outside liberal discourses could pose cognitive threats with the potential of triggering “epistemic free-falls” (2018: 3,203). Still, as Kapur persuasively argues, human rights are messy in themselves (2018: 60) and the lethargy for new cognitive workouts is hardly reason to not engage in them. Similarly, there exists the possible critique that seeking alternative registers, especially from traditionally religious *petri dishes*, could easily be re-co-opted for “myopic and destructive ends (2018: 217). Kapur's recollection of similar critique levied against Foucault's theorizing about the Iranian revolution (2018: 195), and the potential for dangerous misunderstanding and re-interpretation from the non-secular sources she herself draws upon (2018: 216) is proof that she is cognizant of her vulnerable proclivity. And here too, her thoughtful position (2018: 216) – that we cannot constantly operate from a place of fear – deserves attention. In fact, a refreshing strain that stays with the reader long after *Fish Bowl* is over is its continued commitment to a critique divorced from paranoia (2018: 184), nourished from a starting position that embraces expansion by rejecting fear.² Reclaiming source texts that have been

² This form of radical social critique emerging from expansive self-positivity rather than from paranoid reflexivity has been adapted by many contemporary spiritual philosophers (e.g. Buddhist writers like Pema Chodron, Tchich Nhat Hanh) and is increasingly becoming popular in radical contemporary writing (e.g. Ysra Daley-Ward, Sharanya Manivanan, Nayyirah Waheed). It is however, much less popular is critical academic scholarship, whose call for the radical at the individual level still is primarily subsumed in the acceptance and activation of anger's potential. The reclaiming and compassionate theorizing of anger is important and necessary (e.g. Sara Ahmed's

monopolized by a conservative agenda through focused critique is an important goal that critical scholars have been deeply reluctant to engage with and Kapur's willingness to problematize their encroachment is laudable and an intrinsically radical stance.

However, a third possible - and more focused - critique could be levied against Kapur's specific choice of sourcing this alterity - i.e., the choice of keener philosophical interrogation of the self to appreciate the possibilities of real freedom (2018: 23, 229). Although *Fish Bowl* uses a range of sources to make its case for alternate registers, its main source for re-conceptualizing freedom rests pretty stoutly on the possibilities offered by non-dualism or *advaita* (Ch. 7). From this philosophical perspective, and from the myriad examples Kapur employs in the *Epilogue*, transcending confining structures requires self-inquiry and self-recognition that can lead to subversive self-emancipation. Despite the promise it holds for self-discovery, this call for a "turn inward" that necessarily requires a "self-transformation of the subject" (2018: 23) is a troubling path for the possibilities it simultaneously holds for the possible blame it might levy on those seen as not doing enough to transcend their structures³. Even within traditions committed to a focus on the self, increasing critical attention is being extended to the inevitable interactions such ontological resolutions have with the structures they are embedded within.⁴ Kapur

breathhtaking concept of the feminist killjoy) and nobody can read *Fish Bowl* and ignore the theoretical work of a similar anger (after all, it is a book about the frustration with liberal rights and a radical call to walk away from its agenda). But alongside this in the *Fish Bowl* is Kapur's work to reclaim and re-valorize what might otherwise be associated with non-radical affect (2018: 229) - kind self-inquiry (i.e., the internal work required to attain wholesome freedom), and self recognition (i.e., the spiritual inroads needed to recognize the core of *advaita*, or the recognition of the self as the other).

³ Even if this suggestion to turn to one's self might be useful in the case of gendered alterity - the main focus of Kapur's book - it might be more problematic for other kinds of economic and ethnic inequalities. How would one, for example, "completely displace human rights" (2018: 221) by just turning inwards when stacked against hierarchical institutions like education and employment in a decidedly capitalist world? How could we ignore the problems of the potential alternate register that might encapsulate a "class blind" or a "race blind" future? Further, what good would further self-correction be if not met with structures that recognize or value this revolutionary progress? These are not questions meant to disable the power in these alternate registers, but instead to offer the duality of violence they can inherently hold within them.

⁴ A fine example of this kind of radical voice is Chani Nicholas, a critical queer astrologer whose website (chaninicholas.com) offers a "feminist guide to the universe" offering tools for self-work while consciously locating it within the oppressive structures it operates within. Similarly, the work of Zenju Earthlyn Manuel, a Zen Buddhist priest of color offers routes to expansive self-exploration or "tenderness" by constantly acknowledging the powerful structural challenges that systemic oppression pose: a journey from, in Manuel's words, "wounded tenderness" to "liberating tenderness." No doubt the self might, as Kapur argues, "continually

is too skilled (and self-reflexive) a theorist to be unaware of this, and anyone familiar with her broader scholarship will not credit her with an incapacity for seeing across levels of analysis. But by ending *Fish Bowl* on this note that human rights could be “completely displaced in any pursuit of lasting freedom” (2018: 241) and not being explicitly forthright about the potential a theory of self-emancipation could have for ill-reading, she opens the possibility of this important work being dismissed as, she admits herself, “audacious.”

Of course, no book can do everything, and Kapur is aware of the extremity and messy ambiguity of what she is proposing.⁵ *Fish Bowl* is not meant to serve as a guidebook and Kapur does not claim to offer resolution (2018: 251). Instead, *Fish Bowl* accomplishes what thoughtful critical projects strive to: it complicates the narrative, and triggers spark for new revolutionary possibility. It urges us to look past our own fishbowls, recognizing there might be nothing but conditioned air for miles; and alongside this warning is possibility too. Our fears that keep us confined to the fish bowl might be erroneous. *We might be inside a fishbowl at the floor of a Deep Blue Sea. All we'd have to do is jump to discover the wide ocean beyond.*

exist and be experienced by the subject notwithstanding the employment of construct to such experience” (2018: 221), but, as writers similarly committed to the engagement and exploration through the self counter, even such realization by the self does not free it from the gaze and non-dual perspective employed by those interacting with it, or the structures within which this self is embedded.

⁵ For example, despite positioning herself as different from other kinds of human right critics, Kapur’s strategy reveals some ambivalence. At different parts of the book, Kapur reminds the reader that the call is both to turn one’s back on human rights (as a source of freedom) *and* to work alongside human rights (given that it continues to offer governing structures). Similarly, in parts of the book, it is unclear who the subject of this emancipation is, and on whose behalf this freedom is being sought. Kapur uses the *advaitic* metaphor of the snake and rope to offer transcendence of the distinction between the self and the other (or, the *advaitic* recognition of the self as the other), and to engage in the process of “self reflection” and “error correction” (2018: 12). Together, metaphoric transformation (2018: 11) of the object and non-object rests on the self scrutiny (presumably, on the part of the perceiver who sees the rope as there, and as a snake), and a turn inwards (presumably, both by the perceiver who needs to see that the snake is only there because she is being seen, and by the snake herself who is seeking freedom). Further, if freedom rests in the introspective process that expands awareness both in that a snake (a western threat) is actually just a rope (a non-threat), *and* in that the snake is only there at all because the perceiver sees her there (2018: 11) – this sounds like freedom for the perceiver, not the snake (if the snake was there at all).

Bibliography |

Ahmed, Sara. 2017. *Living a feminist life*. Durham: Duke University Press.

Brown, Wendy. 2015. *Undoing the demos: Neoliberalism's stealth revolution*. Cambridge: MIT Press.

Devji, Faisal. 2012. *The impossible Indian: Gandhi and the temptation of violence*. Cambridge: Harvard University Press.

Douzinas, Costas. 2007. *Human rights and empire: the political philosophy of cosmopolitanism*. London: Routledge-Cavendish.

Haraway, Donna J. 2016. *Staying with the trouble: Making kin in the Chthulucene*. Durham: Duke University Press.

Kennedy, David. 2005. *The dark sides of virtue: Reassessing international humanitarianism*. Princeton: Princeton University Press.

Natarajan, Usha, John Reynolds, Amar Bhatia, and Sujith Xavier. 2017. *Third World approaches to international law: On praxis and the intellectual*. 2017. London: Routledge.

Povinelli, Elizabeth A. 2011. *Economies of abandonment: Social belonging and endurance in late liberalism*. Durham: Duke University Press.

Rajagopal, Balakrishnan. 2003. *International law from below: Development, social movements and third world resistance*. Cambridge: Cambridge University Press.

de Sousa Santos, Boaventura. 2015. *Epistemologies of the South: Justice against epistemicide*. London: Routledge.

Spivak, Gayatri. 1994. Bonding in difference. In *An other tongue: nation and ethnicity in the linguistic borderlands*, ed. Alfred Arteaga, 273-285. Durham: Duke University Press.