BOOK REVIEW


This book is an important new contribution to the emerging field of transnational legal feminist scholarship. It seeks to fill the gaps in existing legal and policy frameworks that are increasingly called upon to address issues which arise in countries with significant migrant populations. The author makes a strong and convincing case for a contextual and evidence based approach to policy-making that should emerge in the fuzzy terrain between universalism and cultural relativism. Thus the author argues that an assessment of whether or not a practice like sex selective abortion, which is the primary focus of this work (or veiling, another theme on which the author devotes one of the final chapters of the book), should be legally banned must be based upon the demonstrated harmful impact of the practice in the specific context in which the ban is being proposed.

Addressing such demands for sex selective abortion bans that have grown in many parts of the United States since around 2009, Kalantry demonstrates the dangers of a universalist Human Rights discourse which is based on a “decontextualized” understanding of cross-border practices (see chapter 1), i.e., practices which are seen as carried over by migrants from the country of their origin to that of their destination. She convincingly shows how the anti-abortion advocates in the US have been able to forge an otherwise unlikely consensus over bans on sex selective abortions by treating migrant practices as part of a seamless unchanging culture, an argument that even the pro-choice advocates have been unable to counter, most likely because they also accept its underlying logic. Kalantry, on the other hand, proposes that “context” is more significant than “culture” (24–28).

Of course, context in the context, so to say, of this work, remains the context of a whole country (irrespective of its size and composition). This conflation of a political entity as a singular context is at the very least problematic if not entirely unavoidable in most circumstances. While the author does address, albeit briefly, some intra-country variations in the manifestations of a practice such as sex selective abortion in India and, in more detail, the variations among some specific migrant and non-migrant populations in the American context, she does not provide any clues as to how the proposed transnational legal feminist method would address the dilemmas that are bound to arise from a more nuanced understanding of context. What if an objectionable practice is found to be rampant in a statistically small population which is unlikely to impact the larger population but has serious consequences for the former? While no easy resolution to such a question is plausible, given that the argument formulates a basis of policy-making which heavily relies on evidence that can be shown to be statistically relevant,
the question of what the relevant units of population should be must be addressed before the general applicability of the approach is accepted.

Given the high stakes which are often involved in the terrain of policy-making, the question as to whether the requisite evidence can always and/or easily be generated about various kinds of practices, many of which may be covert, is another conundrum which needs to be resolved before we generalize the relevance of the approach. Even if the evidence exists, it may not receive the necessary attention if it is not convenient. Kalantry has herself shown how academic research was seriously misappropriated by interested parties and one-sided media representations fed into significant policy shifts on the issue of sex selective abortions. The fact that such material could be successfully used to sway pro-choice advocates to accept restrictions on women’s abortion rights without any significant opposition is very revealing and merits a serious consideration by those involved in policy relevant research, writing and representations.

The foregoing comments should however not be read as undermining the significance of this work. both with respect to the specific question of sex selective abortion bans in the United States as well as with regards to the transnational legal feminist methodology that it proposes. The chapters are well-organized and the book has much to offer to feminists and academics across a range of social sciences, as well as policy-makers. The effort would be particularly rewarding if it is able to curb the enthusiasm for sex selective abortion bans in the US which Kalantry strongly argues against.

**Notes on contributor**

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