



Book review: *The Illegal City: Space, Law and Gender in a Delhi Squatter Settlement*

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Datta, A.: The Illegal City: Space, Law and Gender in a Delhi Squatter Settlement, Ashgate, Farnham, 198 pp., ISBN-13: 978-1-4094-4554-8, EUR 120, 2012.

Ayona Datta's book works at the interstices of at least three significant bodies of literature in the social sciences. The first is a wealth of recent writing that has sought to theorize citizenship, class and exclusion in the informal city through ethnographic accounts of occupancies, insurgencies, stealthy advances, collective action and the politics of the urban poor (e.g., Bayat, 1997; Simone, 2004; Benjamin, 2008; Tarlo, 2003; Roy, 2003). The second is a body of literature on urban violence, focused largely on political, religious or communal mobilizations and their gendered dimensions (e.g., Hansen, 2001; Das, 2007). Third, a body of anthropological work has explored how law, development and the state operate to shape the subjectivities of everyday life in subaltern communities (Ferguson and Gupta, 2002; Li, 2007; Appadurai, 2001). Despite its rich referentiality, this book uncovers and illuminates a productive terrain of questions and relations that have remained underexplored in these bodies of literature.

The book yields a plausible mapping of the ways that the structural violence embedded in the rule of law converges with the machineries of urban development to produce effects of insidious, intimate violence within the neighborhoods and homes of a squatter settlement. The material for this analysis is drawn from Datta's ethnographic work in an illegal "camp" of squatters established in 1976 on the edges of a resettlement colony that she pseudo-names "Lakshampur" in southern New Delhi.

The book is framed around the "founding violence" of the right to property guaranteed as a fundamental right by the Indian Constitution, not matched by a similar guarantee for the right to shelter. Backed by the "maintaining violence"

of interpretation, administration and enforcement by various arms of the state – police, judiciary and bureaucracy – this legal structure positions squatters permanently on the wrong side of the law. Thus, the category of the "illegal settlement" is produced by a complicity between the fetishism of property rights in law and the state's upholding of property-based social relations under the rubric of a "rule of law".

The first part of the book sketches this backdrop, deploying a textured analysis of the violence of law, urban development and planning. It explores their structures, affiliations, categories and gaps in shaping the terrain of shelter rights in Indian cities. It outlines the disjuncture within law, between the Constitution and the state, and within the Constitution, between its enshrinement of property rights on the one hand and its channeling of entitlements to development resources via cultural identities of caste, tribe and religion on the other. Urban working-class squatters, rendered illegal by one part of the law, stake claims to justice via constitutional categories as lower caste or minority subjects.

The book situates itself in a problematic of an emerging "culture of legality" in Indian cities, inaugurated by a moment of rupture in 2000, when the Almitra Patel judgement reflected a new convergence of law and judicial pronouncement, building up into what Derrida calls the "force of law". This conjunctural moment reversed the precedent that had previously established shelter as a basic human right connected to the right to life. It served to criminalize squatting as trespassing and dismantled the state's obligation to resettle evicted squatters.

Datta's central argument is that illegal urban settlements are also caught up in this culture of legalism. The shifts in the judicial and urban social ethos represented by the Almitra Patel judgement made legality, as distinct from formality or security, a central idiom in the way that settlements of the urban poor define themselves and are perceived by the state.

The protections earlier sought through local political negotiations and patronage networks no longer have adequate purchase. The terms of inclusion are now seen even by squatters through a legalistic frame, calling for possession of the right documents, in what Datta calls a “fetishism of law from below” (p. 78). While squatters are distrustful of the law as articulated in state procedure, bureaucracy and rule, and cynical about the relationship of law and justice, they take constant recourse to the Constitution as a sovereign fount of justice.

The violence of law is backed, argues Datta, by the violence of urban development, which lies in the character of the Master Plan. The Plan positions slums as the outside, as spaces of exception, subject to the direct sovereignty of the state. Slums are thus sites of discretionary and flexible exercise of executive power, where schemes and programs can be deployed and withdrawn at will. Under the rubric of programs for poverty alleviation, development, gender empowerment and slum amelioration, targeting, enumeration and surveillance become the primary modes of granting slum-dwellers tenuous offers of citizenship. The terms of eligibility for state housing schemes have shifted periodically, from economic disadvantage, to caste and community identities, to, more recently, temporal longevity in the city. The violence of development, then, forces squatters to perform specific public identities of caste, class and gender to prove their “worthiness”, while living under the continuous threat of demolition.

The second part of the book goes on to sketch the life and times of law in illegal settlements – its meanings, dynamics and valences. It follows closely the moments and mediations through which law is invoked, affirmed, interpreted, lived, but also bypassed and subverted in the squatter camp. It tracks the way that the ongoing status of illegality, “unevenly experienced and negotiated across different subjectivities”, shapes relationships *within* the squatter settlement, drawing hierarchical lines of difference along gender, caste, religious and ethnic axes. Squatters mobilize stereotypes and solidarities in their struggles to enter and engage with the legal idiom of the city. This part of the book examines how the weapons of the weak, forged by squatters to seek legitimation within a hostile legalistic urban culture, “are not just directed at the state but also at each other... in the process reproduc[ing] some of the very violence that they seek to challenge” (p. 12).

Among the most powerful and pervasive effects of the rule of law on the lives of squatters is that of uncertainty, of waiting, an extended status of transience. The time of waiting to be evicted, stretching over 10 years or more in this case, is “lived as a threat” (p. 3). It is this quiet insidious violence of uncertainty about habitation that produces the anxieties of squatters to be seen as legal, and fosters an understanding of resettlement – despite its well-known troubles and travails – as the only hope of gaining a legitimate foothold in the city, of escaping their status of exceptionality and becoming ordinary citizens.

Legal exclusion is analyzed in terms of its various intersecting effects in the intimate and everyday registers of home and family. Datta’s exploration of gender politics within squatter homes – the suspicion and subordination of working wives by unemployed men, the control over their bodies, movements and work – derives its salience from the violence of a rule of law which keeps residents illegal and insecure about the future of their homes.

In Chapter 5, the book explores how distinct gendered forms of local social and political organization within the camp operate and engage with law and legality, creating power rivalries, contestations and manipulations between the Mahila Mandal (a local women’s association linked to a feminist NGO in the city) and the male upper-caste-dominated panchayat (linked to political parties). These contentions over legitimacy are fundamentally about attempts to negotiate the violent exclusions of law and to build access to resources. Both collectivities seek in their own ways to do this through a performance of democracy and mimicry of state practices.

In Chapter 6, the book examines spaces of basic infrastructure – water and sanitation – in the illegal settlement. It shows how the squatters’ reliance on “public” spaces for these “private” amenities, and the communal and shared nature of their access, involving a “mixing of gendered bodies”, render these spaces sites of social contestation and subject-formation, and raise anxieties over the maintenance of moral geographies of social hierarchy. Thus, once more, the squatter community is segmented from within by meanings and markings of dirt, nuisance and transgression mapped onto specific sections – dalits, women, Muslims. This is again traced back to the status of illegality – “the criminalization of the sanitary practices of squatters... reworked the connection between sanitation and illegality to a validation and justification of entrenched social hierarchies within the camp” (p. 125).

Chapter 6 also insightfully presents the surveilled and pathologized squatter residence as *home*, a site of everyday domesticities as well as a protective retreat from the exclusions and marginalizations of the city. Domesticity itself is shown as a fraught construct in the squatter life world. It is an assertion, a performance, of stability and belonging in the city space, yet strongly colored with defensive overtones of their illegal status. Thus, patriarchal practices are normalized as a defense against the hostilities of the legal city, as culture speaking back to law. The intrusion of state as law into the home, particularly in its protection of women’s autonomy and individual rights, is seen to have “corrupted” women at the cost of the family, and is resisted through valorizing the home as the natural domain of women. Here, family and culture provide the affective relations of protection, belonging and moral citizenship denied to squatters in the public space of the city. The home is also a space for reaffirmation of male authority and masculinity, which is being steadily undermined in the city through the loss of male employment.

Thus, by connecting illegality of settlement, male unemployment and squatters' ongoing anxieties about demolitions with the tightened masculine controls over culture, morality, family and home, Datta makes a compelling case for seeing patriarchal oppression in the context of the encompassing violence of urban law and governance. However, the force of her arguments is weakened by the truth of the counterfactual, that controls over women's movements are not only found in working-class societies and illegal settlements. Comparative data on the legal settlement of Lakshmipur on the other side of the main road may have clarified the matter. If, as Datta claims, "those in the resettlement colonies regarded themselves as legitimate citizens", did patriarchy, caste and religious differences figure less or in different ways there?

Conspicuously absent in this book on illegal settlements is the concept of the commons. Datta's analysis itself appears trapped in the binary of public/private as modes of land tenure. For example, she describes how one of her informants, Sunitha, defended her use of the urban forest near the settlement for defecation by flinging at her challengers the question: "Is this your father's land"? Datta points to the irony of Sunitha's invocation of property rights to claim her entitlement to use public land; but this encounter loudly, if not explicitly, indexes the category of the commons, a class of resources that does not fit within the juridical binary of property types, precisely because it is actively *used* as a common resource.

The concept of the urban commons, gaining increasing currency in scholarship, is a particularly productive opening for engaging the problematic that Datta's book has framed. However, the book has shown that there is still a wealth of understanding to be gleaned of the articulations between state strategy and subject formation in the ever-expanding margins of law.

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