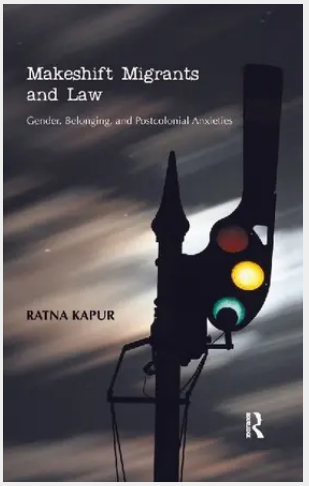
Kapur

Makeshift Migrants and Law

Gender, Belonging, and Postcolonial Anxieties

This book unmasks the cultural and gender stereotypes that inform the legal regulation of the migrant. It critiques the postcolonial perspective on how belonging and non-belonging are determined by the sexual, cultural, and familial norms on which law is based as well as the historical backdrop of the colonial encounter, which differentiated overtly between the legitimate and illegitimate subject. The complexities and layering of the migrant's existence are seen, in the book, to be obscured by the apparatus of the law. The author elaborates on how law can both advance and impede the rights of the migrant subject and how legal interventions are constructed around frameworks rooted in the boundaries of difference, protection of the sovereignty of the nation-state, and the myth of the all-embracing liberal subject. This produces the 'Other' and reinforces essentialised assumptions about gender and cultural difference. The author foregrounds the perspective of the subaltern migrant subject, exposing the deeper issues implicated in the debates over migration and the rights claims of migrants, primarily in the context of women and religious minorities in India.



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