

Gendered Criminalization and the Feminization of Suspicion in Megha Majumdar's *A Burning*

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Abstract

This article offers a socio-legal reading of *A Burning* by Megha Majumdar, arguing that the novel represents female characters as becoming criminally legible not primarily through evidence or demonstrated conduct but through gendered structures of suspicion. The article draws on feminist legal theory, particularly scholarship on gendered credibility and disciplinary power. Drawing on Judith Butler and Michel Foucault, the article introduces and operationalizes the concept of feminization of suspicion. The concept refers to the process through which female speech, visibility, and affect become pre-structured as incriminating within legal and public discourse.

Three interrelated dimensions of this process are examined. First, Jivan's conduct is rendered criminally readable before evidentiary assessment. Second, Lovely's testimony is subordinated within credibility hierarchies structured by gender and social marginality. Third, suspicion becomes normalized as a governance technique operating across legal institutions and media. The novel, treated here as a site of socio-legal imagination, reveals how

criminalization can come to appear natural and inevitable, not because evidence is overwhelming, but because the accused is already positioned as suspect. The article thus contributes a conceptual framework for analyzing how gendered suspicion structures criminal legibility in literary representations of law and in socio-legal discourse.

Keywords: Feminist Legal Theory, gendered criminalization, feminized suspicion, socio-legal analysis, South Asian fiction.

Introduction

Megha Majumdar's debut novel *A Burning* (2020) narrates the arrest, trial, and execution of Jivan, a young Muslim woman from a slum in an unnamed Indian city. Jivan is charged with abetting a terrorist attack on a commuter train. The novel is structured around three voices: Jivan, who narrates from prison while awaiting trial; Lovely, a hijra aspiring to be a film actress and Jivan's informal student; and PT Sir, a physical education teacher whose ambitions align him with a right-wing political party. The central legal plot concerns whether Jivan, who posted a critical comment on Facebook the night of the attack, can be proved guilty of a crime she did not commit. The narrative therefore stages not only a question of proof but also a question of how certain subjects become prosecutable before formal adjudication begins.

The novel has attracted attention for its portrayal of state violence, media complicity, and the spectacular politics of terrorism charges. Yet the precise mechanism by which Jivan becomes a target, and remains one throughout the novel, warrants closer examination. She is not simply the victim of a miscarriage of justice in the conventional sense. Her guilt is

assumed before evidence is gathered, and her denials are absorbed into the structure of suspicion rather than disrupting it (Majumdar, 2020, "Jivan," arrest and first lawyer meeting). The very qualities that constitute her subjectivity—her voice, her visibility, and her emotional expression in the courtroom—are interpreted as incriminating rather than exculpatory.

This article argues that the narrative represents not only political persecution and populist criminalization, but a distinct mechanism through which female conduct is made criminally legible. Any application of this model to actual legal practice is offered as a hypothesis for empirical testing rather than as a demonstrated fact about courts. The analysis draws on feminist legal theory and on Judith Butler's account of subject formation as the reiterative production of intelligible identity. It further engages Michel Foucault's analysis of disciplinary power, particularly his argument that modern institutions produce subjects through surveillance, normalization, and classificatory regimes.

To describe this process, the article introduces the concept of feminization of suspicion. The concept captures how suspicion as a mechanism of criminalization is distributed and activated along gendered lines. It functions as a socio-legal analytic that bridges literary representation and legal epistemology. Specifically, it identifies how gendered credibility assessments pre-structure the interpretive field within which evidence is evaluated. When Jivan speaks in court, her words are read as performance; when she expresses distress, it is treated as manipulation. When she attempts to conceal visible evidence of police abuse, the gesture is met with unease rather than evidentiary weight ("Jivan," first court appearance).

Lovely's testimony on Jivan's behalf, though direct and factually consistent, is dismissed by the judge partly on the basis of her status as a hijra and a street beggar ("Jivan," verdict). By contrast, PT Sir, a man of middling status who provides demonstrably false testimony, is integrated into the formal legal apparatus without challenge ("Jivan," trial day five; "PT Sir," post-election). This contrast is not incidental. It illuminates a structure in which certain speakers are pre-positioned as suspect and therefore unable to enter legal discourse on equal epistemic terms.

Scholars engaging with *A Burning* have generated diverse critical readings of the novel's engagement with marginalization and state violence. Linguistic analyses show how Majumdar's use of socially marked English reflects hierarchical stratification and constrains characters' access to voice and justice (Handique & Bajpai, 2025). Other studies examine the systematic silencing of subaltern subjects, demonstrating how Jivan's criminalization operates through overlapping structures of economic precarity, communal othering, judicial coercion, and digital surveillance (Khan et al., 2025). Intersectional approaches draw on Kimberlé Crenshaw's framework to analyze how gender, class, and religion interact in shaping vulnerability and aspiration (Zahra et al., 2025).

Further work situates the novel within broader debates on communal violence and identitarian politics in Indian English fiction (Adish & Mathew, 2025). While these studies establish the novel as a key text for understanding state-mediated marginalization, they treat gender as one element within intersectional oppression rather than as a structuring logic of suspicion itself. This article addresses this gap by isolating suspicion as a gendered pre-

adjudicative formation. It traces how this formation drives Jivan's criminalization and positions other women in the narrative within the legal imaginary.

Socio-legal scholarship on gender and adjudication in India shows that courtroom processes are shaped by institutionalized gender norms. Ethnographic and jurisprudential studies of rape and related trials demonstrate how expectations about femininity, respectability, and credibility inflect judicial reasoning and evidentiary assessment (Baxi, 2014; Menon, 2004). These works document how legal categories reproduce hierarchies of vulnerability and trust. Most of this literature focuses on how gendered norms operate within adjudicative processes such as testimony evaluation, sentencing, or plea-making. However, it does not address the interpretive formation of suspicion that attaches to identity before evidence is formally evaluated. The present concept isolates that prior moment of intelligibility and theorizes how gendered templates pre-structure criminal legibility.

Scholars of media, crime, and law have shown that intense publicity and social-media circulation can undermine the presumption of innocence. It can also shape public and, at times, institutional perceptions of guilt (Greer & McLaughlin, 2011; Jewkes, 2015). In the Indian context, the Law Commission's report on "trial by media" documents longstanding judicial concern that prejudicial reportage may affect witnesses, courts, and the administration of justice (Law Commission of India, 2006). Recent legal scholarship similarly analyses how sustained and often sensationalised media narratives can blur the boundary between reporting and adjudication, challenging fair trial norms and judicial independence (Chaubey & Thakur, 2026).

Complementing these doctrinal analyses, a mixed-methods study of 450 practising Indian attorneys reports that many practitioners perceive media coverage as capable of shaping public opinion and indirectly pressuring criminal proceedings (Sastry, 2019). Collectively, this body of literature demonstrates how publicity reshapes the discursive terrain around a suspect. It does not, however, foreground how media-amplified suspicion becomes mediated through gendered norms of credibility within formal legal interpretation. The concept of feminization of suspicion specifies that mediating step by explaining how gendered evaluative codes shape the translation of media discourse into courtroom intelligibility.

A related but distinct body of scholarship addresses the procedural and doctrinal politics of digital evidence in Indian courts. Supreme Court jurisprudence on electronic records clarifies the technical and certification requirements for admitting social-media traces and other digital records. Key rulings include those concerning Section 65B of the Evidence Act (Anvar P.V. v. P.K. Basheer, 2014; Arjun Panditrao Khotkar v. Gorantyal, 2020). This jurisprudence foregrounds questions of authenticity and admissibility. It does not, however, analyse the interpretive labor through which such records are assembled into gendered character profiles. Such profiles can function as proxy indicators of credibility within criminal proceedings. The concept introduced here names that interpretive labor and connects evidentiary governance to gendered processes of pre-adjudicative suspicion.

Theoretical Orientation

The theoretical framework of this article draws on three related bodies of thought, each used to illuminate the novel's socio-legal imagination.

The primary framework is feminist legal theory. Legal scholars in this tradition argue that law presents itself as neutral and objective while embedding gendered assumptions about credibility, agency, and culpability. Catharine MacKinnon's foundational observation that the law's claimed objectivity functions to obscure the standpoint of the socially dominant remains relevant here (MacKinnon, 1989). So too does Carol Smart's argument that law disciplines women by claiming the authority to evaluate their stories (Smart, 1989). More specifically, feminist legal scholars have examined how the credibility of female witnesses and defendants is assessed not only on the basis of what they say, but on who they are taken to be. Studies of rape law and domestic violence proceedings show how women's emotional presentation, social history, and sexual behavior are often mobilized to discredit testimony regardless of its substantive content (Temkin & Krahé, 2008; Ellison & Munro, 2009).

Martha Chamallas's work on the gendering of legal categories, and Angela Harris's critique of legal essentialism, further illuminate how women from marginalized groups face compounded forms of discrediting (Chamallas, 1994; Harris, 1990). This body of scholarship provides the conceptual basis for reading the legal proceedings in *A Burning* not as aberrations but as expressions of recognizable institutional tendencies.

Feminist legal theory therefore provides the central analytic lens for examining how credibility, agency, and culpability are gendered within formal legal proceedings. However, it does not fully account for how subjects come to be positioned as suspect before formal adjudication begins. To address that prior formation of suspect subjectivity, this article turns selectively to Butler and Foucault.

The article draws selectively on Judith Butler's concept of precarity as developed in *Precarious Life* (2004) and *Frames of War* (2009). Butler argues that vulnerability to injury, death, and abandonment is unevenly distributed across populations. This distribution is politically managed through mechanisms of recognition and misrecognition. Not all lives are equally grievable; not all bodies are equally recognized as capable of suffering or speech. Butler's framework is used here not to generalize about violence but to clarify how differential recognizability determines whose suffering and whose speech register as meaningful within legal proceedings. Jivan's exposure to state power is shaped not only by poverty and religious identity but also by the way these conditions intersect with gender. This intersection produces a subject whose testimony struggles to be recognized as credible speech. The novel's attention to Jivan's bodily vulnerability—her hunger, bruises, and physical exhaustion—foregrounds the struggle for recognizability that Butler theorizes.

The third theoretical resource is Michel Foucault's analysis of surveillance and normalization, drawn primarily from *Discipline and Punish* (1977). Foucault argues that modern disciplinary power operates not through spectacular punishment alone but through the normalization of surveillance. It involves the continuous monitoring of individuals against normative standards, making deviance visible and correctable. The panoptical logic Foucault describes induces individuals to regulate themselves through the awareness of being potentially observed.

This logic is relevant to the novel's portrayal of Jivan's social behavior. Her Facebook activity and public movements become retrospectively readable as evidence of criminal disposition. Foucault's insight that power produces subjects as much as it punishes them is

useful for understanding how Jivan comes to be positioned as already suspect before any formal charge is laid. Feminist legal theory explains how women's testimony is evaluated within the courtroom. Foucault helps clarify how subjects are constituted as deviant before legal judgment occurs. The article uses this framework narrowly to explain how the normalization of suspicion functions rather than to make broader claims about disciplinary society.

Butler's account of differential recognizability clarifies how some lives and forms of speech are less readily acknowledged as legitimate. Foucault's analysis of normalization explains how institutions operationalize such distinctions through routine procedures of surveillance and classification. Butler foregrounds how certain lives are rendered unintelligible or ungrievable; Foucault shows how institutions operationalize norms. Read together, they explain how gendered intelligibility is produced by both normative frameworks and routine procedures that sort, record, and normalize suspect profiles. In combination, they clarify how a subject can become legible as suspect before formal evidentiary procedures begin.

The concept proposed here is testable at the level of textual analysis. It would not apply in a narrative where (a) suspicion is triggered solely by demonstrable conduct, (b) female testimony is evaluated according to the same interpretive criteria as male testimony, or (c) character background is excluded from evidentiary reasoning. The analytic claim therefore depends on demonstrating that gendered interpretive assumptions structure suspicion prior to and independent of proof.

These three frameworks converge on a shared concern: how conviction can appear justified in the absence of adequate evidence. The reading proposed here suggests one narrative logic: in the novel, conviction is prepared not only at the evidentiary stage but at the level of gendered intelligibility. Framed as a conceptual hypothesis, this reading suggests an interpretive route for examining similar patterns in other narrative or institutional contexts. Jivan is already legible as suspect because of who she is: a poor, young, Muslim woman whose speech, visibility, and affect are filtered through a prior structure of suspicion. The concept of feminization of suspicion names this structure as a socio-legal process through which gendered intelligibility precedes and shapes evidentiary judgment. It specifies how suspicion becomes structurally attached to female subjectivity in ways that intersect with, but are not reducible to, other axes of marginalization.

For analytical precision, feminization of suspicion is defined as a socio-legal mechanism composed of three analytically distinct but jointly necessary features: prior suspect positioning, gender-structured credibility discounting, and dispositional substitution. Each feature corresponds to a different stage in the production of criminal legibility. None alone is sufficient to constitute feminization of suspicion; only their interaction produces the pattern traced in the novel.

Prior suspect positioning refers to the attachment of suspicion to identity before evidentiary evaluation begins. In *A Burning*, this is textually marked in several ways. Media and courtroom questions presuppose guilt — for instance, "When did you start planning the attack?" Jivan is repeatedly identified as "this Muslim woman" prior to adjudication. Procedural arrangements also treat her as potentially dangerous before proof is assessed, such

as the screening of witnesses behind a curtain ("Jivan," first court appearance; "PT Sir," news broadcast; "Jivan," trial, prosecution). These moments are identifiable because suspicion attaches to who she is rather than to established conduct. Without this preparatory positioning, later disbelief would operate as episodic bias rather than as structurally organized suspicion.

Gender-structured credibility discounting concerns the interpretive evaluation of speech once the subject has already been positioned as suspect. Its markers in the novel include the courtroom laughter at Lovely's testimony, the treatment of Jivan's emotional expression as manipulative rather than probative, and the judge's explicit weighing of "the word of a hijra" against institutional narratives ("Jivan," trial, defense; "Jivan," verdict). The defining feature here is that disbelief is grounded in identity-based perception rather than contradiction or counter-evidence. If testimony were rejected solely because of inconsistency, the issue would be evidentiary skepticism. It becomes feminization of suspicion when gendered and socially marked identity functions as the operative filter of credibility.

Dispositional substitution occurs when biographical traits, affective style, or social history are treated as functional equivalents of proof. The prosecution's narrative assembles Jivan's poverty, early departure from school, and critical Facebook speech into a character profile that stands in for demonstrable participation in the attack ("Jivan," trial, prosecution; "Jivan," trial day five). The textual indicator of this mechanism is the shift from the question "What did she do?" to "What kind of person is she?" Disposition becomes evidentiary proxy. Without this substitution, prior suspicion and credibility discounting would not culminate in

conviction. They would remain interpretive distortions rather than proof-replacing mechanisms.

The mechanism described here operates only where all three conditions are met: identity-based prior suspicion prepares the ground, gendered credibility norms structure interpretive evaluation, and character substitutes for act. Where suspicion arises solely from demonstrable conduct, where testimony is assessed independently of gendered intelligibility, or where character does not function as proxy evidence, the concept does not apply.

Method

This study adopts a conceptual and interpretive methodology. It treats Majumdar's novel not as a sociological document, a policy text, or a biographical source, but as a site of socio-legal imagination: a fictional space in which institutional logics, discursive structures, and subject positions are given narrative form. Within this framework, fiction is read as a structured representation of institutional reasoning and legal imagination. This allows patterns of credibility, authority, and exclusion to be examined through narrative construction.

The approach draws on the tradition of law and literature scholarship, which has long argued that narrative is central to the production of legal meaning (Brooks & Gewirtz, 1996; Cover, 1983). Legal proceedings are, among other things, contests over narrative: who can tell a story, whose story will be believed, and what kinds of evidence count as confirming or refuting a claim. A novel centered on a criminal trial is particularly suited to this form of socio-legal analysis because it both represents and enacts the discursive conditions under which legal meaning is produced. The analysis proceeds through close reading of courtroom

scenes, narrative focalization, and shifts in evaluative language to trace how suspicion is distributed and stabilized across characters and institutions.

The analysis follows a qualitative close-reading procedure. It focuses on scenes in which legal evaluation, testimonial exchange, and media narration are explicitly foregrounded. Passages were selected where suspicion, credibility assessment, or evidentiary reasoning are dramatized through dialogue, interrogation, courtroom exchange, or narrative commentary. Scene selection proceeded iteratively. Once key moments were identified, adjacent passages were re-read to preserve narrative context and avoid decontextualized citation. No author interviews, public statements, or secondary reviews were used to substantiate interpretive claims. The analysis relies exclusively on the internal textual structure of the novel in dialogue with established theoretical frameworks.

All textual claims are based on the first-edition ebook of *A Burning* by Megha Majumdar (Alfred A. Knopf, 2020; ISBN 9780525658702). The ebook format does not provide stable pagination across reading platforms. Quotations are therefore identified by narrative voice (Jivan, Lovely, PT Sir) and by internal narrative sequences such as the arrest scene, courtroom testimony, verdict passage, and media coverage sections. These locators correspond to structural divisions within the published text and allow cross-format traceability. All quotations were verified within the same edition to ensure textual consistency.

The article does not analyze authorial intent, nor does it situate the novel within the author's biography or cultural positioning. Instead, the analysis focuses on the internal socio-legal dynamics represented within the narrative. The argument advanced here is that these

narrative dynamics render visible a gendered structure of suspicion that precedes and shapes legal judgment within the novel's fictional world. The text is therefore treated as a narrative representation through which institutional assumptions about credibility, suspicion, and evidence become legible, rather than as sociological evidence of actual legal practice.

The concept of feminization of suspicion was developed through iterative engagement between theoretical literature and close textual analysis. Initial readings identified recurring narrative patterns of pre-emptive doubt, credibility discounting, and character-based evidentiary substitution. These patterns appeared across scenes involving police interrogation, media commentary, and courtroom evaluation. They were then abstracted into a conceptual vocabulary and re-examined through subsequent readings of the text. Passages were included when they foregrounded institutional judgment or testimonial evaluation and when at least two elements of the proposed mechanism were present.

The claims advanced in this article are therefore interpretive rather than empirical. The analysis does not establish the prevalence of the mechanism described here in contemporary legal systems, nor does it treat the narrative as documentary evidence about courts or media institutions. Instead, it proposes a conceptual model derived from literary analysis that may illuminate comparable socio-legal dynamics and could be tested through independent empirical research. The analysis adopts feminist legal theory and critical social theory as interpretive frameworks, reflecting a theoretical commitment to examining how legal systems distribute credibility and suspicion across gendered subjects.

Analysis

Gendered Criminalization

Jivan's criminalization begins structurally before she is arrested. The opening chapter of *A Burning* presents her as a young woman watching the aftermath of the train attack on Facebook, commenting critically on police inaction. She posts a statement that later becomes the proximate cause of her arrest: "If the police didn't help ordinary people like you and me, if the police watched them die, doesn't that mean [...] that the government is also a terrorist?" ("Jivan," opening). The line appears as ill-considered and perhaps reckless, but the narrative makes clear that it is speech, not action. Jivan explicitly frames her own post as "a foolish thing" and "a dangerous thing" ("Jivan," opening), aware that its content exceeds what is socially safe for someone in her position. The distinction between speech and conduct structures the legal case against her. What the prosecution treats as evidence of terrorist intent is, in the narrative's own terms, an act of emotional and political expression made in a moment of distress.

That expression is almost immediately subjected to a gendered interpretive framework. When Jivan appears at court the following morning, she is surrounded by reporters who shout questions that presuppose guilt: "How did the terrorists make contact with you?" and "When did you start planning the attack?" ("Jivan," first court appearance). The presumption of guilt precedes any evidentiary finding. More significantly, the questions frame her as passive—contacted, recruited—yet also as an agent of conspiracy. This oscillation between passivity and agency—victim and perpetrator—is characteristic of gendered criminalization. The female accused is simultaneously cast as too weak to have acted independently and too dangerous to be trusted. Jivan's own statement — 'I am innocent! I don't know anything about—' — is neither recorded nor credited in this scene. It simply dies down, as the novel puts it, 'like a rooster's' ("Jivan," first court appearance).

The meeting with her court-appointed lawyer Gobind makes the logic of gendered incredulity explicit. Gobind reviews the evidence against Jivan — Facebook chat records, witnesses who saw her with a package, a signed confession. He then asks whether she is telling the truth. Jivan protests the circumstances of each item: the Facebook contact was with someone she believed to be a friendly stranger, the package contained schoolbooks, and the confession was extracted through beatings. The novel then inserts a single, devastating narratorial sentence: "A woman like me is never believed" ("Jivan," arrest and first lawyer meeting). The sentence signals a broader structural condition rather than a purely personal despair. The problem is not simply Gobind's individual doubt. Rather, her social position—poor, Muslim, female, from a slum—prepares a permanent credibility discount. Her credibility is therefore discounted before the trial begins.

This prior discounting is built into the architecture of the trial. The prosecution constructs a narrative in which Jivan is "unruly local youth, school dropout, angry at the government" ("Jivan," trial, prosecution), who cultivated a terrorist contact through Facebook. The prosecution does not claim the evidence is conclusive. Instead, it argues that the pattern is legible. The pattern includes her early departure from school, her poverty, her critical Facebook comments, and her social relationships. In effect, her life history is recruited as evidence of disposition, and disposition substitutes for evidence of conduct.

The novel represents a prosecutorial shift from act to character. The question shifts from "what did she do?" to "what kind of person is she?" Gender intersects with this move in specific ways. Jivan's expression of anger, her critical comments about the state, and her educational incompleteness are not, in themselves, criminally significant. But they become

criminally significant when assembled into a narrative of a certain kind of young woman — ungrateful, disloyal, potentially violent. Within this narrative, her speech becomes credible only when it is self-incriminating. The verdict confirms this logic: the judge declares that Jivan's lack of loyalty is "its own strong piece of evidence" ("Jivan," verdict).

The confession episode reinforces this dynamic. Jivan claims in court that she was beaten into signing a confession, and she lifts her tunic to reveal bruising on her abdomen as evidence. The gesture is both desperate and evidentiary. It offers physical proof of state violence against her body in a context where her words have already been discounted. The narrative records that "people shift behind" her as she does this, and that "the judge listens, his eyebrows raised" ("Jivan," first court appearance). The judge throws out the confession as inadmissible on this basis—a partial victory. But the broader arc of the trial is unchanged. The bruise is heard as an exception; the general structure of incredulity holds. Significantly, evidence of violence against Jivan's body is briefly believed while her verbal testimony is not. In this moment, the body becomes more legible than the voice, particularly for a woman whose social position has already marked her speech as suspect.

The prosecution's witnesses include forty persons — old neighbors, a doctor, and an NGO representative. Their testimony systematically fills in the portrait of Jivan as a particular kind of woman: poor, marginally educated, prone to anger, and ungrateful to benefactors. Their testimony is received behind a white curtain, ostensibly to prevent Jivan from intimidating them with eye contact. The scene underscores a structural irony: the accused is excluded from the legal discourse in which she is the subject.

The most pointed betrayal comes from PT Sir, her former teacher, who testifies ambiguously: she was 'always separate from the other girls,' she 'disappeared,' and 'maybe she got involved with criminal elements after leaving school' ("Jivan," trial day five). His testimony does not establish guilt. It establishes disposition. Because the court is already oriented toward dispositional evidence about this kind of defendant, his testimony integrates seamlessly into the structure of condemnation. PT Sir is not, however, free from suspicion within the novel's world. His exposure to scrutiny is political and instrumental in character: he is monitored by the party, rewarded for complicity, and implicated in violence he dare not name. What distinguishes his position from Jivan's is that suspicion is managed through patronage networks rather than activated through gender. It is therefore experienced as a navigable risk rather than as a permanent condition of his credibility.

This distinction is conceptually important: PT Sir functions in the analysis not as an exception to suspicion but as a contrastive case that illuminates how differently suspicion operates across gendered and political subject positions. The interaction of prior suspect positioning, gender-structured credibility discounting, and dispositional substitution satisfies the definitional criteria of feminization of suspicion. Table 1 summarizes how these mechanisms produce different patterns of credibility formation across subject positions.

Table 1

Credibility Formation and Suspicion Mechanisms Across Subject Positions

Dimension	PT Sir	Jivan / Lovely	Mechanism illustrated
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Subject position	Male; salaried; politically connected	Female; economically precarious; socially marginal	Prior suspect positioning attaches more readily to marginalized female subjects
Institutional reception	Integrated into procedural routines	Filtered through credibility discounting	Gender-structured credibility evaluation
Mechanism of suspicion	Political instrumentalization	Feminization of suspicion (prior suspect positioning + dispositional substitution)	Character and identity operate as proxy evidence

As Table 1 illustrates, Jivan’s treatment in court reflects the combined operation of the three defining features of feminization of suspicion. Suspicion attaches to her identity before evidence is formally evaluated, her testimony is filtered through gendered credibility hierarchies, and biographical character traits are treated as evidentiary proxies. Taken together, these mechanisms convert suspicion into a structurally stabilized interpretation of guilt within the narrative.

Feminization of Suspicion

This section traces how the three features of feminization of suspicion operate across media and institutional channels. It shows how prior suspect positioning, credibility discounting, and dispositional substitution move from media framing and digital traces into courtroom interpretation. The argument here is not that women are surveilled or disbelieved

in general, but that suspicion is attached to female identity before adjudication and then stabilized through institutional reasoning. The novel also represents political suspicion, directed at anyone whose loyalty to the ruling party is uncertain. It similarly depicts class-based suspicion, which attaches to the slum-dwelling poor regardless of gender.

Television coverage first publicizes a gendered frame. Reporters and anchors repeatedly describe her as “this Muslim woman,” layering religion and gender into a single suspect identity. One program pathologizes her speech as personal hatred; another treats internet use as proof of radicalization ("PT Sir," news broadcast).

These mediated depictions do not merely report events; they pre-structure interpretive frameworks. In the novel, media frames supply narratives that courts and publics can read back into evidentiary patterns. This is the route by which mediated suspicion becomes legible within legal proceedings.

The media construction of Jivan is also notable for what it does with her class and religious identity. She is identified not only as a Muslim woman but as a slum-dweller, a school dropout, someone who grew up in poverty near a railway station. These identifiers function not as neutral background but as elements in a narrative of prior suspicion: this is a woman who was consistently positioned near the margins of what the state considers legitimate. The judge's verdict rehearses this media narrative almost verbatim. It finds that her disloyal speech is 'its own strong piece of evidence' and that soothing 'the conscience of the city' constitutes a legitimate interest of the court ("Jivan," verdict).

This entanglement of conscience and evidence is significant. It suggests that the legal proceedings are not primarily about determining fact but about managing the emotional and political state of the public. Jivan is required to absorb collective anxiety—the nation's fear after the attack—and the female, Muslim, poor body becomes the figure through which collective anxiety is displaced.

Lovely's testimony is the novel's most concentrated exploration of the feminization of suspicion as a credibility problem. Lovely comes to court to testify that Jivan was delivering schoolbooks, not explosives, on the night in question. Her account is direct, specific, and consistent with the facts as the narrative has established them. She names herself, describes the teaching sessions, and challenges the court to consider whether those present are doing comparable charitable work in their own lives. The courtroom, the narrative notes, laughs twice at her manner ("Jivan," trial, defense). The laughter marks her speech as spectacle rather than testimony. She is, as the judge subsequently characterizes her, "a hijra, an individual who begs on the streets for money" ("Jivan," verdict).

The judge's explicit devaluation of Lovely's testimony on the basis of her social identity is one of the novel's most direct articulations of gendered credibility hierarchies. The judgment weighs 'the word of a hijra, an individual who begs on the streets for money, saying the defendant taught her English' against the architecture of suspicion constructed by the prosecution. It finds the former insufficient. The phrase "be that as it may" functions as a legal dismissal ("Jivan," verdict). It acknowledges Lovely's testimony while absorbing it without impact. What makes this dismissal significant in terms of the feminization of suspicion is not merely that Lovely is disbelieved, but the mechanism of disbelief. Her

testimony is not rejected because it is internally contradictory or because counter-evidence refutes it; it is rejected because she is not recognized as a reliable witness based on her identity. Gender, poverty, and non-normative identity combine to position her outside the circle of credible speakers.

The contrast with PT Sir is structurally illuminating but requires careful framing. PT Sir testifies in Jivan's trial with ambiguous but harmful effect, and has testified in other cases as a paid false witness on behalf of the Jana Kalyan Party. The novel describes his court practice in detail. He has learned to manage his anxiety, he is recognized by court guards, and he testifies against people he has never met by describing criminal acts he never witnessed ("PT Sir," false witness testimony). His testimony is received without challenge, integrated into the legal apparatus without scrutiny, and rewarded with social and financial advancement. His testimony is accepted not because it appears more credible. It is that he occupies a subject position — male, employed, educated, socially connected — that aligns with the court's implicit model of the reliable witness. He is not treated as inherently suspect in legal proceedings.

His complicity in the system, however, carries its own form of political risk: PT Sir is himself subject to the surveillance and discipline of the party, vulnerable to exposure, and haunted by what he has enabled. The difference is that his vulnerability is produced by political and institutional entanglement, not by the prior marking of his speech as gendered and therefore suspect. He is a contrastive case, not a counterexample. Feminized suspicion governs Jivan and Lovely; political instrumentalization governs PT Sir. Both forms of

suspicion coexist in the novel, but they operate through different mechanisms and produce different effects.

Foucault's analysis of normalization helps explain how the discounting of female credibility operates as a routine feature of institutional life rather than as a series of individual decisions (Foucault, 1977). What the novel depicts is not primarily the malice of particular actors, though malice is present. It depicts the way institutions—courts, media, schools—organize their procedures around normative assumptions about who counts as a credible subject. The surveillance of Jivan spans her childhood behavior on a basketball court, her Facebook activity, and her movements on the night of the attack.

These details are assembled retrospectively into a normalized profile of criminality ("Jivan," trial day five; "Jivan," trial, prosecution). Each piece of information might appear neutral on its own. Assembled under the sign of prior suspicion, each piece confirms the profile. This is how normalization operates in the novel's depiction of criminalization. It does not need to fabricate evidence; it needs only to select and arrange the evidence it already has.

The novel's title becomes legible in this context. *A Burning* refers ostensibly to the train attack with which the narrative opens. The phrase also captures the process by which Jivan is consumed through the erosion of her credibility, her voice, and ultimately her body. This erosion is produced by a structure of suspicion that preceded the attack and that she has no means to extinguish. The feminization of suspicion is not spectacular. It does not require a deliberate conspiracy against Jivan. It requires only that institutions continue to operate according to their existing criteria of legibility — criteria that are themselves gendered. It

equally requires that the public continue to consume media narratives that translate female political speech into emotional pathology.

In this sense, criminalization can appear natural, justified, and inevitable without ever being just. Lovely's courtroom dismissal demonstrates that the mechanism operates even in the absence of contradictory evidence. This confirms that the operative logic is identity-based suspicion rather than evidentiary failure. The novel thus stages how mediated and institutional routines converge to make a woman's speech function as presumptive evidence even when factual proof is lacking.

Discussion

The analysis reads the novel as depicting a process by which suspicion toward a female accused is narratively structured prior to formal evidentiary assessment. It suggests that gendered criminalization often operates not through overt prejudice but through the prior positioning of certain subjects as suspect before formal legal process begins. This positioning is reproduced through institutional procedures, media discourse, and everyday interpretive frameworks. It becomes most visible when a woman from a marginalized community attempts to speak in her own defense within a legal apparatus. The concept offers a framework for analyzing how credibility itself becomes gendered within legal and quasi-legal institutions.

Several features of the novel's narrative architecture reinforce this reading. The novel's triple-voiced structure—Jivan, Lovely, and PT Sir—allows the reader to observe the same institutional space from multiple positions of social legibility. PT Sir's chapters reveal

how the legal apparatus operates when its procedures are not filtered through gendered scrutiny. Testimony is accepted without verification, and witnesses are integrated into institutional routines without challenge. The gap between evidence and conviction is filled by party patronage rather than through gendered credibility discounting. Equally, PT Sir himself remains politically vulnerable. His position is contingent on the party's continued approval. This dynamic is a reminder that the novel does not reduce all forms of suspicion to a single axis. The feminization of suspicion is therefore proposed as one mechanism among others rather than as a totalizing account of power in the novel.

The novel also raises an implicit question about the relationship between legal proceedings and public discourse in the production of criminalization. The verdict passage is revealing in its acknowledgment that the court cannot trace the actual perpetrators of the attack: "They have truly disappeared into the night" ("Jivan," verdict). The judge then proceeds to sentence Jivan to death on the basis of disloyalty, Facebook speech, and the public's demand for justice. The narrative presents the court as substituting the management of public sentiment for the determination of legal fact. Feminization of suspicion operates within this substitution. Jivan's combination of gender, religion, class, and expressive behavior makes her available as the figure through which this substitution occurs.

The novel's ending illustrates precarity at its most extreme. Jivan's execution is narrated in the third person, with bureaucratic precision: "A doctor, standing by with what looked like a receipt book, noted the time of death. Then a clerk went inside and dispatched a letter by speed post to inform Jivan's next of kin—a mother, in the Kolabagan slum—that her daughter had been killed by the state" ("The Past Tense of Hang Is Hung"). Affect is

evacuated, while procedure continues. Her death is not acknowledged by the apparatus that produces it, and her mother's collapse in the courtroom remains the only moment in the entire narrative where her loss registers as irreparable ("Jivan," verdict).

This outcome is produced not by a single act of malice but by the cumulative effect of suspicion. Jivan's credibility, voice, and bodily security are progressively eroded through procedures that present themselves as ordinary. The argument therefore remains textually grounded. It does not claim empirical generalization beyond the novel but identifies a narrative logic that invites further socio-legal inquiry.

Future empirical research could test the concept proposed here through a structured mixed-methods design. One possible protocol would involve constructing a corpus of criminal trials linked to high-publicity incidents within a defined jurisdiction and time frame. For example, the corpus could include media-linked trials between 2015 and 2025 where substantial coverage coincided with prosecution and where trial transcripts or recordings are available. A coding scheme could then be developed using testimonial exchanges or judicial statements as units of analysis.

The identifying variables include prior-suspect framing, credibility discounting, dispositional substitution, speaker identity markers, and intensity of media coverage. After establishing appropriate inter-coder reliability, quantitative analysis could examine whether factors such as defendant gender correlate with patterns of credibility discounting or character-based evidentiary substitution while controlling for case severity and media exposure. A smaller purposive subset of trials could subsequently be examined through

qualitative discourse analysis to trace how media narratives and courtroom language interact in the construction of defendant credibility.

Conclusion

This article has argued that Megha Majumdar's *A Burning* represents a form of gendered criminalization in which female speech, visibility, and affect are treated as inherently suspect. The concept of feminization of suspicion names the mechanism through which women from marginalized social positions are pre-positioned as unreliable speakers within legal and public discourse. Their testimony is discounted through interpretive frameworks that attach suspicion to identity prior to evidentiary evaluation.

The analysis examines how Jivan's conduct becomes criminally legible through gender and social identity, how Lovely's testimony is devalued through hierarchies of credibility, and how institutional and media routines normalize suspicion. It shows how the same legal apparatus operates without gendered scrutiny when the witness is male and socially legible as reliable.

Gender is not the sole determinant of Jivan's criminalization; religion, class, and political context are equally constitutive within the novel's world. As a work of socio-legal imagination, *A Burning* renders this mechanism narratively visible. Whether and how similar dynamics operate in contemporary legal institutions remains a question for empirical research. The concept of feminization of suspicion is offered as a theoretical contribution to literary and socio-legal analysis, not as a generalized empirical claim.

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