

Book Reviews

Mayur R. Suresh, *Terror Trials: Life and Law in Delhi's Courts*. Hyderabad: Orient BlackSwan, 2023, 272 pages, ₹1,135.

DOI: 10.1177/23210230231204673

Suresh's ethnography of the Tis Hazari trial court of New Delhi challenges the grand ideas that see courtrooms as theatrical spaces, with legal battles unfolding in intense performances and sensationalized narratives. It immerses its readers into the most mundane aspects of terror trials and urges them to look at the law's technicalities—the intricacies of legal language, the burdensome paperwork and investigative and courtroom processes—in a different light: as means to empower participants to navigate the complexities of courtrooms and as fissures that render the state vulnerable. Through what he calls 'modes of descent into the everyday world of the trial courts' (p. 33)—the police, legal language, paperwork and writing—he traces the experiences of 18 petitioners under trial for various anti-terror laws in India. The subjects of his research, as he calls them, are not abandoned souls but active participants in courtroom processes. They neither submit to the law nor resist it. Instead, they inhabit it. This entails employing creative ways to confront, demand and persuade, not by appealing to some elusive moral or political conscience of the state but by trapping the state into its own technicalities, into what it 'said' and must abide by.

A contentious concept introduced in the book is the notion of 'custodial intimacy' between the police and the accused. Here, Suresh seeks to capture the enigmatic zone of a relationship that, although undeniably operates within violent power dynamics, defies simplistic categorizations, such as mere strategizing on the part of the accused or a reductive manifestation of Stockholm syndrome. These instances of apparent camaraderie, however, are not meant to absolve the police of their role in perpetuating violence. On the contrary, they serve as a poignant reminder of how the police constitute themselves—through intimacy, which, far from being transparent, is opaque. They often lead to betrayal and unexpected outcomes, leaving the accused in perpetual limbo. This is well illustrated by the case of Nadeem and Faheem—two brothers entangled in the rivalry between the Special Cell of Delhi and Mumbai Anti-Terrorism Squad.

The accounts in the book prompt further questions on the nature and transformative aspects of custodial intimacy. Suresh refers to scholarship on 'identification' between subordinate police and the population they are meant to control but contends that his characters display changes in their subjectivities. However, it is difficult to discern how these changes are intertwined with the ascriptive identities and political leanings of the police vis-à-vis the accused, who are predominantly Muslim men. We are told that the police can be torturous, sympathetic and unpredictable, but not much is discussed about the role their own identities play in that process.

The book also departs from the idea of exceptionalism in terror trials, which students of political theory will find intriguing. Suresh argues that the execution of terror trials is nowhere near exceptional, as they occur within the same [ordinary] spaces and adhere to similar investigative procedures and paperwork. He also argues that terror laws are not the only laws that deviate from the established norms of the Criminal Procedure Code; so do laws concerning child sexual abuse and atrocities against Scheduled Castes and Scheduled Tribes. This deliberate conflation of the text of the law, the operational dynamics of trials and the politics surrounding them warrants further examination. For instance, reflecting on prison sociality, an integral part of the trial process should remind us that prisoners accused of sedition or terrorism often get ostracized and assaulted by their fellow inmates. A trial also produces official and popular narratives that shape perceptions of ‘terror’ and the vilification of Muslims. Hence, while terror laws and trials (as seen in the confines of courtrooms) share legal similarities with other laws, the larger political discourses and the tangible impact they have on the lives of the accused distinguish them significantly from cases of child abuse or the atrocities act.

It is also necessary not to equate exceptionalism with uniqueness. Concepts such as the ‘state of exception’, ‘exceptional laws’ and ‘extraordinary laws’ suggest distinct meanings, which Suresh himself acknowledges. However, he ends up merging the theory of the ‘state of exception’ with ‘exceptional laws’ when arguing to reject a blanket category of exceptionalism. Further, his suggestion that Agamben’s state of exception has been uncritically replicated and misread in earlier scholarship does not withstand scrutiny. Singh’s work on anti-terror laws in India, for instance, deploys the category of ‘complicity’ instead of ‘apathy’ against Agamben’s total withdrawal of the law. His idea of a complex interlocking system of laws and politics would align with Suresh’s proposition—that it is not the absence but the intensification of laws that characterises both colonial and post-colonial anti-terror legislation.

There is another way to look at exceptionalism, one which emerges from Habermas’s distinction between law as ‘principle’ and law as a set of ‘rules’. According to this view, even if the rules are intensified, the law can be deemed ‘withdrawn’ when the underlying principles of social justice and equality, which are fundamental to the legal system, are rendered insignificant. Either way, while students of law may find a departure from exceptionalism pragmatically helpful, students of politics will continue to find it unsettling, for Suresh’s conceptualization of law as what Skocpol would call ‘relatively autonomous’ may not withstand the challenges posed by the current political climate.

The central contribution of the book, however, still lies in how, unlike earlier scholarship, it makes visible the ways in which certain terror accused take matters into their own hands to survive, instead of solely relying on trust. Readers are then left to ponder this: What would ‘inhabiting’ law entail if the site of ethnography is shifted from New Delhi, *qua* capital of India, to another locale? Is there a latent hierarchy between those who can take matters into their own hands and those who cannot? And while this does not seem to be Suresh’s intention, must we revere the struggles of those who have no choice but to struggle?

ORCID iD

Sakshi Rai  <https://orcid.org/0009-0004-1883-0288>

Sakshi Rai 

*D.Phil. Candidate in Area Studies (South Asia),
University of Oxford, Oxford
E-mail: sakshi.rai@exeter.ox.ac.uk*