

Book Reviews

Mayur Suresh. 2023. *Terror Trials: Life and Law in Delhi's Courts*. Hyderabad: Orient Blackswan. 253 pp. Notes, references, index, photographs b/w, tables. ₹1,135 (paperback—ISBN: 9789354426018).

Like voices in opera, the innumerable letters that Mohsin sent out, the obsessive writing of his diaries and the endless repetition of his narrative were on the brink of madness. But how else could Mohsin mourn for murdered pasts and futures? (p. 197).

In *Terror Trials*, Mayur Suresh illuminates the ways in which the trials of terror-accused make meaning through carceral socialities, bureaucratic and epistolary inscription and legal self-education and the ways in which they limit and hold possibilities for the envisioning of ordinary futures and hope for those accused of terror crimes. The author persuades us to pay close attention to the significance of law in people's everyday lives (despite its violence and the disruption it causes in the lives of people trapped in its coils) for, Suresh argues, 'it is the law's technicalities—the paperwork, legal language, and investigative and courtroom processes—that enables modes of participation and negotiation in the trial process', opening out 'conditions of possibility of life' (p. 15). In attempting this, they 'depart from understanding the experience of law solely as a process of loss of meaning and a deprivation of the possibility of justice' (p. 15).

The ethnography of terror courts is woven around the themes of 'custodial intimacy', 'recycled legality', the 'vulnerability' of the state, 'hyper-textuality' and inscription—'certification' and 'petitioning'. Important also, in my view, is the theme of 'lawscapes', that is, the spatial arrangements of and actors in conversations, gossip, rumour, arguments, writing and deliberations around procedural law (the back of the court, in Suresh's description, for example) and the shifting sites of their 'insides' and 'outsides' (to echo Philippopoulos-Mihalopoulos 2015: 2).

An 'ethnographic sensibility' (p. 54) helps us shift our gaze beyond a master narrative of the adversarial construction of the police that occludes

our perception of the ways in which relationships between the accused, their families, the police, and the law (especially in its daily travels) are incessantly crafted anew. The police figures in the terror trials are spoken about in a variety of ways—as a ‘monstrous presence’ bolstered through the circulation of rumour, with violence simmering ‘just beneath the surface’ and as a relationship that ‘tends toward friendship’ (p. 39). This complex, fraught intertwining of the relationship between the terror-accused and the police signal, in Suresh’s words, ‘[c]ustodial intimacy ... engendered by technicalities of the investigative and trial processes’ (p. 38) yet mindful of the ‘milieu of police violence’ within which such relationships are forged (p. 39). This makes the police intimate actors in the lives of the terror-accused while simultaneously (and because of that proximity) rendering their actions opaque, making for an almost intractable ‘ambivalent intimacy’ (p. 70).

All of these deliberations around the law make language central—speech, voice, translation and the written language of law. Legal language straddles formal law that is learned in the effort to participate in the daily life of living it. The forms of writing—epistolary, repetitive, evidentiary and procedural—translate the methods and languages of formal law into its lived forms and vernaculars. This then renders the language capacious enough to accommodate the experiences and hopes of the terror-accused, and, following Cover (cited in pp. 72–73), leads the terror-accused to ‘imagine new futures and to ‘create precepts and principles’ (p. 73). In ‘doing things’ with legal language, ‘the terror-accused came to understand the law by establishing a sensual familiarity with it. They copied out legal texts, translated them, shared legal language, and strategies’ in order to use such knowledge instrumentally—‘impeaching the credibility of a certain witness’ in the short term ‘while in the long term the desired result would have been an acquittal’ (p. 73)—encapsulated by the term ‘recycled legality’ (p. 75).

By ‘recycling’ legality—through a mastery of its language-at-work, providing new interpretations of rules (that ‘emerged ... through the push and pull of courtroom argumentation’, p. 99) and insisting that ‘the state had failed to follow its own laws’ (p. 93)—‘*the state could be [made] vulnerable* to its own utterances’, a vulnerability that ‘enabled the terror-accused to imagine a way to navigate the trial [and] shake the foundations of the prosecution by using the law against it’ (p. 92, emphasis added). But is the refusal not to be accountable the hallmark of state—and police—impunity? Is the state ‘vulnerable’, as Suresh argues, or does it—in major

and minor actions and speech—presume impunity? Can we argue instead that through recycling legality, litigants are in fact challenging impunity in the everyday business of the law as embodied in terror trials?

In looking at the fabrication of worlds through files—the ‘hypertext’—Suresh dwells on two aspects: the first is the legal and bureaucratic obsession with ‘paperwork’—‘*kagaz pe kagaz* [paper on paper]’ ‘that was written in that dirty language of theirs’, as one accused observed; the second to denote ‘the power of the state to fabricate different versions of reality through the file’. In other words, ‘hypertext conveys the idea of a state that cannot function without paper and, at the same time, a state that overwhelms anyone who comes in contact with it, with paper’ (p. 122). Also, yet it is not mere paper that hypertext alludes to but *certified paper* for ‘juridical truth is less a matter of finding “what really happened” and more about the competition between narratives that depend on the certificatory correctness of mere sheets of paper’ (p. 168). Three discrepant versions of the Masooda Parveen case (Parveen, the police and the army) provide an illustration of the paradoxical ways in which the hypertext intervenes in the life of cases (pp. 130–31)—discrepancies which enhance the hope of the terror-accused to challenge their conviction.

After surviving the trial by finding meaningful ways to participate actively in it and having reached the threshold of freedom, the terror-accused still must cope with ‘ethical loneliness’ (to borrow from Stauffer 2015)—‘parts of their past lives will never return, and they will be tormented by visions of what could have been ... It is these still-born lives—these forms of death—that will haunt those acquitted of terrorist crimes’ (208–209).

REFERENCES

- Philippopoulos-Mihalopoulos, Andreas. 2015. *Spatial Justice: Body, Lawscape, Atmosphere*. Oxford and New York: Routledge.
- Stauffer, Jill. 2015. *Ethical Loneliness: The Injustice of Not Being Heard*. New York: Columbia University Press.

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