

BOOK REVIEWS / COMPTEs RENDUS / REZENSIONEN

FRAGILE HOPE Seeking Justice for Hate Crimes in India *Sandhya Fuchs. 2024. Stanford University Press.*

Fragile Hope is an impressive and rich ethnography on the 1989 Scheduled Castes / Scheduled Tribes (Prevention of) Atrocities Act (POA). It focuses on the following questions: *What makes the law successful, how does one understand success, and who decides that?* By establishing her primary ethnographic subject as the Atrocities Act, the only hate crime law in India, Fuchs tackles these questions through cogent arguments and detailed ethnographic cases. The POA “aims to prevent and punish violent manifestations of prejudice and discrimination against Dalits (former untouchables) and Adivasis (Indian indigenous groups)” (p. ix). An atrocity under the POA is seen as quotidian, routinized, and symbolic practices of caste-based discrimination, aggression, and exclusion. Thus, the Act aims to highlight the fuzzy cleavages between untouchability and normalized caste discrimination thereby punishing them as atrocities.

Using the experiences of the Meghwals, a Dalit community in Rajasthan, Fuchs argues that the success of the law should not be measured by the number of convictions, but rather through “amplitude,” where different individuals maintain varying measures of success depending on their “social situatedness and individual experiences” (p. 22). Her contribution in studying this aspect of the social life of the act is unique because she moves beyond the technicality of the law for evaluating its success or failure. She henceforth not only reconstructs narratives in courtrooms but also studies how these laws are mobilized by the lower castes in India, such as the Meghwals, in reclaiming and establishing their position in society through restorative justice. She starts with understanding the Act as “a site of legal meliorism” which creates new epistemologies of justice and strategies of legalities (p. 10). And continues her analysis by exploring the responsibilities and duties of the different institutions and actors involved in the process of seeking justice under POA. Through this, she highlights the tensions between the law and its implementation socially.

The monograph is arranged in three parts, explaining the history and genealogy of the law, its pitted implementation allowing for the perpetuation of power based structural caste inequalities, and lastly the polarizing manifestations of hope. It thus, as the title suggests, traces the delicate nature of hopeful habits as they get embodied by atrocity survivors and those around them.

In the first chapter, the author traces the social genealogy of the Act, elaborating the definitional boundaries of the law, calling it a “culturally embedded postcolonial hate crime law” (p. 49). She sets the context on the history of the Act, describing it as a criminal law but also an anti-caste law that protects against caste specific atrocities, which sometimes may be clas-

sified as civil disputes. However, the implementation of this law at times falls short, as Fuchs elaborates in the following chapters.

In second chapter, we learn of Pinky, a seventeen-year-old Meghwal girl who was gang-raped and then convinced by those close to her to deny that she was a victim of rape during trial. The employment of POA in such a context helps the readers understand the performance of the Act on ground and how different actors shape and modify its implementation. Through Pinky's case we observe that the ownership of law is neither limited to the victim, the investigating police officer, nor the judge. Rather, other actors, including family members and politicians who profess their own idea of honor, social acceptance, and justice, gain increasing bargaining power. Consequently, these actors negotiate their powers to inevitably take away agency from the victim. Pinky, Fuchs' analysis illustrates, thus becomes a mere pawn in a larger game of political and personal gains, wherein politicians and family members influence the implementation of the law for their personal reasons.

In the third chapter, the author highlights the role of another important institution who acts as the main "socio-legal translators in atrocity cases" (p. 108): the police. Using the case of Choti Lal, a Meghwal laborer, Fuchs argues for the power of the police in "legally making or breaking a case" (p. 105). The discretionary powers of the police have been widely studied in hate crime scholarship. Fuchs adds to this literature by analyzing the role of police officers in assigning crimes under the POA. This according to the author is influenced by prior biases of the police and the embodiment of their "masculine authoritative habitus" (p. 109) in identifying hate or violence. These prejudices also manifest in response to their past experiences with lower caste individuals. In other occasions it reveals "invisible moments of police corruption" (p. 127) where police officers "habitually deprioritize" (p. 127) cases related to caste-based violence furthering structural problems of casteism systematically.

This argument is further built in chapter four, where the author uses the 2018 Supreme Court (SC) judgement on the implementation of the POA. The SC argued that the Atrocities Act is often misused by Dalits to file false cases aimed at implicating "higher" castes. The chapter looks at what makes a "false case" according to the courts, police, and in social perception. Thus, the author studies how such cases get manufactured through rumors and strategic disobedience to reproduce existing socio-eco-political hierarchies. For example, a complainant's social standing, physical demeanor, and economic position might impact their credibility and trustworthiness which would result in the classification of the case as false. Similarly, there is a strategic re-reading of official reports which may also classify certain cases as false. For instance, statistics based on biased police reports could show that Dalits are not truthful, therefore the cases that they file under POA must be false. Through different case studies, Fuchs highlights the "deep truth" (p. 151) of casteism and how it permeates the very legal instrument aimed at persecuting caste-based atrocities.

Reaching compromise in legal cases is not necessarily perceived as negative by some atrocity survivors. Sometimes these "short term reliefs", or "micro-agencies" (p. 165) as Fuchs calls them, help victims kick start social transformations and initiatives from below, a theme the author elaborates in chapter five. She analyzes the relations between urban educated Dalits who push to never compromise the law, as compared to rural Dalits who might compromise for immediate relief. There is thus, constant disagreement regarding what is

a good compromise between the survivors and activists. Fuchs' understanding of this discrepancy between differently positioned parties on what they consider a successful outcome of the POA offers an important reflection on intra-caste relations.

Throughout these chapters, Fuchs weaves the idea of a "fragile hope", arguing that even in seemingly hopeless situations the POA allows atrocity survivors to retain some hope. However, in chapter six using the example of the Dangwas Massacre of 2015 where five Dalits lost their lives in a land dispute caused by a mob attack from the dominant caste of area – the survivors feel a "temporal suspension of hope" (p. 193). Here we see, how legal and bureaucratic constraints force a suspension of mourning and healing amongst survivors, inhibiting them from achieving complete restitution. In such a way, Fuchs draws the reader's attention to the experiences of the Dangwas survivors with the POA and how even though it may be "a good law but it is (still) far away" (p. 200).

Chapter seven moves away from this suspension of hope and instead examines dynamics of hope amongst survivors and their families. This evolves, as the author argues through new research and discussions with other activists and lawyers on the POA. The manifestation of this hopefulness differs in the two cases elaborated in this chapter: for the case of one interlocutor, Aunty-ji, it is a form of "singular hope and faith" (p. 238) in the POA. Due to which, she chooses to ignore the bureaucratic, economic, and legal hardships which are a byproduct of the struggle. For Anisha, another interlocutor, however, these hopeful habits come with compromise, as her family cannot afford to keep fighting the case of her sisters' rapes. These conflicting imaginations of hopeful manifestations help the reader position the differential experiences of the POA and how hope gets associated with it.

This book reveals the omnipresence yet fragility of hope amongst atrocity survivors, their families, and the Dalit community at large; hope made possible by legal provisions of the POA. Fuchs showcases what makes this law successful and where its implementation has limitations. However, it is the power of the law and its very presence that allows Dalits to reimagine themselves in the Indian society. By relating theoretical and empirical ideas with ethnographic elements, Fuchs convincingly explains the multifaceted life of the law and how it affects and is affected by the Dalits of Rajasthan. Moreso, her sensitivity to Dalits and women of the region shines when one reads her work. Her knowledge of the region and language along with her network in Rajasthan has evidently helped her in the ethnographic forays, enriching the insights in the book. I recommend this monograph to legal scholars, sociologists, anthropologists, political scientists along with activists and practitioners working on hate crime and speech legislations and caste-based violence. This is also a worthy read for those using ethnographic methods in legal scholarship to gain inspiration for research and writing on such subjects.

Pearl Pandya, Department of Social Anthropology and Cultural Studies, University of Bern