



Lecture Series in Social Anthropology

Full
Semester
2024

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Hate Crime Law as Meliorist Hope: Seeking Justice for Atrocity Crimes in Rajasthan

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Hate crime laws, which criminalise violent expressions of prejudice, have faced growing criticism. Scholars have frequently argued that hate crime laws rely on the collaboration of legal institutions that are themselves shaped by histories of prejudice against minorities. In India questions about the relationship between legal institutions and histories of oppression have become particularly pressing. Over the past decade the country has seen a rise in violence against Dalits (ex-untouchables) and other minorities. Consequently, an emerging “Dalit Lives Matter” movement has campaigned for the successful implementation of the only law in India that currently bears the contours of hate crime legislation: the 1989 Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act (PoA).

The PoA has frequently been described as a law, which has failed Dalit communities. Low conviction rates, unofficial out-of-court compromises, as well as a lack of transparency within the police and the judiciary, has led some scholars to conclude that the PoA has been converted into a tool of upper-caste power. But what does it mean for a hate crime law to be successful? And to whose vision of justice or success are hate crime laws like the PoA ultimately accountable?

Drawing on extensive fieldwork with survivors of caste atrocities and legal actors in the North Indian state of Rajasthan, this talk proposes that analyses, which have highlighted the failure of the PoA, only tell part of the story. While the PoA has brought many disappointments for Dalit communities, it has also emerged as the source of a new, stubborn mode of hopeful agency in Rajasthan. Through a project of legal meliorism - the idea that persistent and creative legal labour can gradually improve oppressive conditions - Dalit activists, community leaders and lawyers have begun to battle for structural legal transformation. Arguing that the PoA can only become a tool of empowerment for Dalit atrocity survivors when legal truth regimes acknowledge the unique temporal and spatial framework of structural discrimination, they persistently labour to amend the wider criminal procedures and evidence structures of Indian criminal law.

However, this meliorist project has also created new inequalities. Dalit women often argue that activist agendas and political efforts to transform legal truth regimes and ensure that perpetrators of caste atrocities are held to account often come at the cost of women’s voices and futures. Hence the talk ultimately proposes that while hate crime laws can function as unique starting points for grassroots projects that advance legal equality, they also demand careful reflection on the new forms of oppression, which such efforts can engender.

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