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Muslim Bare Life in Contemporary India

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Introduction

On 22 June 2017, only a few days before the festival of Eid marking the end of the fasting month of Ramadan, Junaid headed to Delhi to buy new clothes and gifts for himself and his family. A day earlier, he had completed reciting the Qur'ān in the mosque in his native village, Khandawali, Ballabgarh, in the state of Haryana. Aged fifteen and son of a taxi driver, Junaid was a *hafiz*, one who has memorized the whole Qur'ān, and a student at a madrasa in Nuh, Haryana. To mark the completion of the Qur'ān having been recited in the special Ramadan prayer, a community feast was held on 21 June. Junaid also received gifts in cash.

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With ₹1500 (19 euros) in his pocket and accompanied by his brother Hashim (aged 19) and two teenage village friends, next day he joyfully went for shopping to Delhi. In Delhi, they also visited the famous Jama Masjid, where they took a selfie standing on its steps with the Jama Masjid pictured in the background (Junaid loved kite flying and cricket, in which he excelled in batting, bowling and fielding alike). At 5 pm they boarded the Mathura-bound local train to return home.

Little did Junaid realize that it would be his last journey, and of his life itself. The 'mob' in the train lynched him to death. As the train stopped at Okhla station, twenty or so people entered the coach Junaid, Hashim and two of his friends were in. One of the new passengers pushed Junaid so hard that he fell on the floor. When Junaid's friends objected, they too were shoved. Soon, Hashim's skullcap was tossed up. They insultingly held his beard. When they protested, the mob started assaulting the four boys. Left with no option, they tried to get off the train. They were not allowed to. Instead, the ferocious assaults against them continued.

What was the reason for this repeated assault? It was plain: they were Muslims. They were humiliated and labelled 'terrorists', 'traitors', 'Mullē [Muslims]', 'beefeaters', 'Pakistanis' and 'circumcised [*katullē*]'. 'Not just the men but every passenger in the coach shouted at us, saying, "*Mullē, Kattālē sālē. Mārō sabkō. Mārō. Mārō* (these Muslims, the circumcised sister-fucker ones. Kill them all. Kill them. Kill them)"', recalled Shakir, another brother of Junaid whom Hashim had telephoned for help. Shakir and his friends reached Ballabgarh station, their destination. Instead of letting the four boys alight, the mob pulled Shakir inside the compartment as well. As the train gathered speed, so did the attacks. The mob led by Naresh began to stab the Muslim boys. Junaid received 55 stab wounds, Shakir 17 and Hashim 3. At Asaoti station, the mob threw the boys out of the train. As the blood-drenched body of Junaid lay on the platform in the lap of his brother (see Fig. 5.1), who, himself drenched in blood, begged for help, the crowd silently watched like full-time spectators. According to the officials, no police were present on the scene. In another account, the police stood nearby but chose to ignore what was happening.

Located less than thirty kilometres from the scene of Junaid's murder, neither the Twitter-savvy Prime Minister Narendra Modi nor any of his

Fig. 5.1 Photo of Junaid 'lynched on a train, moments before his death'. (*New Indian Express* 2017)

ministers in New Delhi posted any tweet, let alone paid a visit to the family of the victims of this horrific communal attack.[1] Not only was any word of 'sympathy' for the victim lacking, in other cases the victims themselves were arrested and jailed. In November 2017, Mohammad Umar, a cow trader, was lynched in Rajasthan. Two of his associates, Tahir and Javed, managed to save their lives by fleeing. Both were arrested and jailed on charges of cow-smuggling (Afreen 2017; *Asia Times* 2018).

Returning to Junaid, this lynching was not the first since Modi won power in 2014. A series of such lynchings has been organized throughout India (Rath 2017), from Jhajjar, Jharkhand, Dadri, Latehar, Una and Alwar to Hapur, the last one occurring in June 2018 (there were more cases of lynching after 2018 at the end of which we finished writing this chapter). In Hapur, a video of the crowd lynching Qasim (the victim) and the latter's crying out for water in the scorching heat and help was widely shared on social media. Most incidents of lynching were based on a rumour that Muslims were either planning to cook beef or smuggling cows, deemed holy by most religious Hindus (Korom 2000). So frequent has lynching become that it has been practically normalized, no longer igniting outrage, as the first lynching probably did. According to one study, sixty incidents of cow-related violence and lynching took place

between 2010 and 2017 in which 84 per cent of victims were Muslim, and 97 per cent of the attacks took place after Modi became prime minister in 2014 (Sharma 2018).

To expect Modi to speak out against lynching is probably illogical because he himself is wedded to the religious cause of 'cow protection' and opposed to dietary freedom—a phrase absent from the public debate. During the election campaign that made him prime minister, he promised to protect cows. Deploying the dog-whistle politics of the so-called pink revolution—beef meat looks pink—he vowed to stop it by branding Muslims as foreigners (Ahmad 2019: 29). Modi's religious impulse is not limited to cow protection; he views himself becoming prime minister as a case of divine election, as do his followers such as Lokesh Chandra, chairperson of the Indian Council for Cultural Relations, according to whom Modi is an avatar of God; indeed, 'Modi is God' (*First Post* 2014).

What does the lynching of Junaid and many others, as well as the religious Hindu politics, mobilization and ideology that undergird it, say about democracy in India? Does it signify what Atul Kohli (2001) calls the 'success of India's democracy' and others describe in such superlative terms as 'Indian exceptionalism' (Jayal and Mehta 2010: xxi), 'genius' (Ganguly 2011), 'wonder' (Varshney 2012), 'uniqueness', 'model democracy' (Kesavan 2007), 'unique model', 'next superpower' (Banerjee 2012) and so on?[2] Our key argument here is that we should critically examine such self-congratulatory accounts of Indian democracy in order to lay bare its religiously ethnic and divisive character. When liberal democracy, or its variant of deliberative democracy inspired by Jürgen Habermas (Gutmann and Thompson 2004), is presented as the only political telos (Fukuyama 1992) for humans everywhere, we should remind ourselves that liberalism has rarely been democratic and democracy scarcely liberal (Foucault 2008: 321). Violence, legal or otherwise, is not simply an occasional aberration in a democratic polity, but an integral part of democracy (Ahmad 2019; Keane 2004; Mann 2005). With the nation as its lynchpin, both liberalism and democracy are anchored in notions of territorial and ethnic unity (Brennan 2016; Ross 2006). Obviously we are not arguing that democracy be abandoned in favour of monarchy or some other 'un-modern' form of politics. On the contrary, we aim to restore democracy, in the words of the classicist political theorist Josiah

Ober 2008: 3–4; ff.; Ahmad 2014), to its 'original meaning'. The original meaning of *demokratia* in Greek was the 'capacity to do things, not majority rule'. In contrast to *monarchia* (*monos*: one or solitary) and *oligarchia* (*hoi oligoi*: the few), *demokratia* makes no reference to number but connotes a collective body of people. Since nowhere is any people monolithic, the capacity to do things must be diverse and multiple, like cultural goals and political idioms. It was the critics of democracy in Greece who argued, pejoratively, that democracy and majority rule were the same. In some ways, our argument resonates with Jacques Derrida's (2004, 2005) notion of democracy in that we are concerned more with its potentiality than its bare actuality.

One of the great achievements of the anti-colonial struggle in many parts of the world, including India, was the formation of nation states in which the people were no longer subjects of colonial rule, but citizens with political rights guaranteed in constitutions. In South Asia, the post-colonial struggle immediately led to the formation of two nation states, India and Pakistan. India called itself a secular nation state, while Pakistan was a 'homeland for Muslims'. The Partition of British India following widespread communal violence immediately draws attention to the particular origin of the Indian citizenship regime. Its secularism was primarily geared to the avoidance of further escalations of religious conflict. Though combining both *jus soli* and *jus sanguinis* (Roy 2006; Ahmad 2020), in the wake of Partition Indian citizenship was largely construed as based on birth on Indian soil and the sense that Hindus were more 'sons of the soil' (*bhumīputra*) than others continued to loom large in the political imaginary. Until the recent ascendancy of the Hindu majoritarian Bharatiya Janata Party (BJP), however, although Muslims (and also Christians) might have been regarded as second-class citizens with less claim on India than Hindus, their citizenship tended not to be disputed (cf. Zamindar 2010). However, the recent introduction of the Citizenship Amendment Act of 2019 (CAA) offers all undocumented migrants from Pakistan, Bangladesh and Afghanistan access to Indian citizenship provided they are not Muslim. The attempt to distinguish between different categories of aspiring citizens—specifically Hindus versus Muslims—goes back to Partition, but in its new form it will extend beyond refugees and migrants to the entire population. It will be aided by the

introduction of a National Register of Indian Citizens (NRIC), making it likely that Muslims will be subjected to more frequent demands to prove their citizenship status and to higher standards of documentary evidence to do so. In short, citizens will be distinguished from mere residents on Indian soil. Following the classical Greek distinction between political life and bare life, on which the philosophers Hannah Arendt (1958) and Giorgio Agamben (1998) have commented, the removal of Indian Muslims from political agency can be interpreted as their being reduced to 'bare life'. Agamben (1998: 4) linked Arendt's understanding of this classic distinction to Carl Schmitt's (1922 [1985]) Nazi doctrine of sovereignty and the development of concentration camps in Germany during the Second World War. We find Agamben's theory of the nature of sovereignty inspiring, but do not want to extend his analysis of Nazi totalitarianism to the postcolonial situation in India (see Mbembe 2003; Jarvis 2014). Nevertheless, the current construction of detention camps in India is an ominous sign of the possibilities that are being explored by the Hindu nationalists. Although these legal changes do mark a substantial escalation of anti-Muslim politics in India, we argue that this is an intensification of what had already been present over a much longer period. To pursue our analysis, we focus on religious violence and religious conversion in the making of the Hindu nation. Against the dominant tendency in scholarship that treats contemporary Hindutva as a new phenomenon, we maintain that it represents continuity with the past rather than a rupture from the past. For instance, contemporary lynching in the name of 'cow protection' has roots that are traceable back to the nineteenth century (Pandey 1992; van der Veer 1994; cf. Banerjee 2006). Likewise, the subject of religious conversion, including the current vulgate or neologism of 'love jihad', has a longer genealogy. Our main thesis is that majoritarian religion continues to be a strong vector of nationalism, which informs and is informed by religious violence as much as religious conversion. Probably nothing demonstrates it so starkly as the reduction of minoritized Muslims to the status of bare life in contemporary India, which is manifest, inter alia, in the Muslim camps that were set up after anti-Muslim political violence such as the pogroms in Gujarat in 2002 (Ghassem-Fachandi 2012) or the anti-Muslim violence in Muzaffarnagar in 2013 (Ahmad 2013b).

Secular Sovereignty

The sovereign nation state should be the guarantor of religious freedom and the protector of its citizens. Multilateral treaties and international organizations may put pressure on nation states and even, in extreme cases, may intervene in them, but the nation state is still the sovereign power. In many nation states, the state faces the problem of accommodating different religious groups while at the same time unifying the people into a nation, two aims of the nation state that are contradictory. This predicament is made worse by the politics of numbers in modern electoral democracies in which religious groups are reconfigured as majorities and minorities. Political theory (Rawls, Habermas, Taylor) argues that a secular polity is necessary if religions are to be treated equally and neutrally, but even liberal secularists have to admit that if freedom of religious expression is allowed, more often than not religion will play an important role in mobilizing and antagonizing people in the democratic process. However, electoral democracy is not the only cause of communal unrest, since even in communist regimes, like China and Vietnam, where we do not have electoral democracies, the aim of national unity confronts the aim of accommodating religious diversity.

Since the nation state and nationalism are crucial in religious and political practice everywhere, it is clear that what the philosopher Charles Taylor (2007) calls 'the Secular Age' extends beyond the West. The point he makes is that the secular frames the religious everywhere in societies that have the nation-state form. Asia is no exception here. According to Taylor, the rise of the nation state and its mobilization around a national identity have been crucial in developing a secular modernity. He proposes that a national society becomes 'reflexive', in analogy with the reflexive individual, in taking a critical stance to itself and devising ways of transforming itself (Taylor 2016: 14–15). According to Taylor, 'we become modern by breaking out of "superstition". The enchanted world was one in which spirits and forces played a big role. The enchanted world was one in which these forces could cross a porous boundary and shape our lives, psychic and physical'. In Taylor's view, we are now 'buffered' selves, no longer porous selves. This line of reasoning is obviously influenced by

Max Weber's notion of *Entzauberung* or 'disenchantment'. In our view, Weber and Taylor, like a whole tradition of Enlightenment thinkers (including Rawls and Habermas), miss the magic of the modern state, which was much better captured by Zygmunt Bauman (1989). Not long after Weber died, Germany saw the rise of a movement that did anything but disenchant society. One of its striking aspects was that it mobilized society to grasp state power. After succeeding in this, it effected a thorough rationalization of its bureaucratic apparatus in order to execute commands in a state hierarchy that had synthesized state institutions and party organization. There is nothing *entzaubert* (disenchanted) about this: it is precisely state power that is magical, assuming one can still use that term if one rejects the evolutionary distinction between magical and rational thought (van der Veer 2014).

Nationalism uses founding myths, ritual and symbolic politics, exorcism and the unpredictable behaviour of charismatic leadership (all also elements of religion) in its mobilization of the people. Nationalism crosses the divide between democracies and communist regimes—that is, between, say, Thailand, India and Sri Lanka on the one hand and Vietnam and China on the other. It also crosses the divide between the Global South and the Global North, since it is clear that nationalism is as much part of British or American politics as it is of Indian or Chinese politics. The magic of the state is often interpreted as populism, but the definition of 'populism' is vague (Samet 2019). It is probably better to understand populism as one possible face of democracy (Laclau 2005). One needs to see that by definition any nation state rests on the idea that the people legitimize the state. The question is who belongs to 'the people' and, more importantly, who does not belong. The related question is how relations between minorities and majorities are ethnically and/or religiously defined. Despite what Charles Taylor suggests (2007), modern people are not 'buffered selves', but 'porous'.

Much of the discussion on multicultural jurisdictions deals with different rights of citizenship that allow religious groups to maintain their own normative universes. This literature shows the tensions that surround individual and group rights (Kymlicka 1996; Shachar 2009). The discussion often focuses on women's rights in traditional religious groups. In India, the most controversial judicial and political case illustrating this

issue has been that involving a woman called Shah Banoo, in which in 1985 the Supreme Court decided that, following their divorce, her Muslim ex-husband had to pay her alimony. Afterwards, under pressure from Muslim groups arguing that the decision was against Muslim law, the Congress government enacted a law shifting the onus of maintaining her on to her relatives or the Waqf Board (Board of Muslim Endowments). Hindu nationalists who argued that this was a politics of 'appeasement' of the Muslim minority challenged this politically. However, in this chapter we do not want to focus on the discourse on rights, but on the protection of bare life in the face of religious violence, and then examine the issue of conversion from one religion to another.

Religious Violence

India is generally seen as a secular state, although the constitution did not originally proclaim it as such. It was only in 1976, during the Emergency from 1975 to 1977 in which democracy was suspended, that Prime Minister Indira Gandhi inserted 'secular' and 'socialist' in its preamble (Singh 2005: 909; Rudolph and Rudolph 2013: 51n16).[3] The landmark assessment of the secularism of the Indian state is D.E. Smith's *India as a Secular State* (1963). He distinguishes three interrelated sets of relationships concerning the state, religion and the individual: (1) religion and the individual (freedom of religion); (2) the state and the individual (citizenship); and (3) the state and religion (separation of state and religion). Here we are only concerned with the first. Article 25 (1) deals with individual freedom of religion: 'Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion'. In an elaborate comment on Smith's book, the legal scholar Marc Galanter (1998: 258) observes that Smith understands freedom of religion not as freedom of religion *as it is* in India, but freedom of religion *as it ought to be*. He rightly points out that the constitution, and even more Smith's analysis, shows the spirit of Hindu reformism and the essential interventionist mission of the modern developmental state. The secular state intervenes in religious practice (e.g., by prohibiting the practice

of untouchability). As Galanter succinctly puts it: 'Secularism cannot be entirely neutral among religions when it undertakes to confine them to their proper sphere' (259), which, of course, according to the theory of modernization would be the result of a process of secularization. This was indeed what important nationalists such as Jawaharlal Nehru and Muhammad Ali Jinnah hoped for. However, while there is secularism in India, there is hardly secularization. Nehru and others attempted to portray India as a civilization with tolerance as one of its typical qualities. However, in fact there is no unified civilization but a wide variety of Hindu and Muslim traditions. Communities are not often tolerant of each other in themselves, but attempt to be self-regulating while perceiving others to be in the spirit of hierarchical relativism. It was only in the colonial period that such arrangements became impossible, as religious communities came under the sway of colonial regulations and anti-colonial nationalism. In the imperial encounter, Hinduism was turned into a majority religion by nationalism, while as a public religion it cannot easily be relegated to the private sphere of individual belief (van der Veer 2001).

A pertinent question posed by the political scientist Partha Chatterjee (1998) in this context is whether secularism is an adequate, or even appropriate, basis on which to meet the political challenge of Hindu majoritarianism. It is indeed striking that the Hindu nationalists of the Bharatiya Janata Party (BJP), the ruling party in India today, have not attacked the secular state as such. Instead, they have argued that their rivals in the Congress Party are 'pseudo-secularists', suggesting thereby that themselves are the genuine secularists.[4] How does one square that suggestion with the undeniable fact that the current Prime Minister of India, when the Chief Minister of Gujarat, condoned and allegedly orchestrated the pogrom against Muslims in Gujarat in 2002? The answer to that question lies in the fact that the institutions of the secular state (police, judiciary) can be used to marginalize and even victimize a religious minority. Secularism in itself is not sufficient to protect the Muslim community in India.

To what extent does the Indian state protect Muslim and Christian lives? It is important to recall that the origins of the Indian secular state lie in a civil war between Hindus and Muslims that led to the Partition of India, the displacement of around 14 million people and the loss of hundreds of thousands of lives. The traumatic series of events from which

Pakistan and India emerged continues to bedevil relations between Pakistan and India, as well as between Hindus and Muslims within both countries. A number of wars followed Partition, the most important of which was the 1971 war in which Bangladesh seceded from Pakistan. In India, a system of riots has emerged especially around elections, mostly targeting Muslims (Brass 2003), despite Congress-led governments since Partition having guaranteed a measure of state protection to the Muslim and Christian minorities. During the 1980s, Hindu nationalists using religious symbolism to mobilize voters on anti-Muslim issues drastically changed the political game in India (van der Veer 1994).

If we consider what is happening in India today under the Modi government as a 'crisis of democracy', we must realize that, rather than a 'crisis', it is the product of democracy. The BJP has achieved democratic success by instigating violence. Showing yourself to be a strong leader by killing scores of people is a not uncommon strategy for electoral success. Obviously nationalism (like religion) acquires some of its hegemonic force by claiming that it only 'awakens' or 'revitalizes' what is always already present, namely a unified, if latent, nation. It constantly fights against both its internal and external enemies, as well as against processes of fragmentation. Region, language, history, caste and class, as well as religion, can all be used both to unify and to diversify. Their alignments are conjectural and are sometimes produced by political strategies, as in the case of the Mandal (caste reservations) versus Mandir (temple) opposition. In fact, in 1984 itself not much attention was given to the campaign to liberate what Hindus believed was Ram's birthplace. More important was the assassination of Indira Gandhi by her Sikh bodyguards (now widely regarded as martyrs by the Sikh community) and the widespread attacks on Sikhs that followed (Das 1985). Today Sikh separatism does not get the headlines, but it is useful to remind oneself of the jigsaw movement of nationalism, with one religious nationalism following another.

The dominance of the BJP in recent elections in India has fostered the idea that secularism in the country has declined and religious nationalism increased. This is partly but not entirely the case. It should be remembered that the Congress Party has been able to keep many factions and directions, including religious nationalist forces, contained within itself for the longest period of time. Mahatma Gandhi himself, despite his

strong religious views, could be called a Hindu secular nationalist, but his broad understanding of nationalism got him killed by Hindu nationalists who were strongly anti-Muslim and therefore rejected Gandhi's attempts to create religious unity.

The history of Hindu–Muslim violence in independent India is a foundational trauma in Indian politics. Events in Gujarat in 2002 illustrate this perfectly. A train bringing Hindu activists back from Ayodhya to Gujarat partly went up in flames near the train station at Godhra. Chief Minister Narendra Modi declared without any evidence that the train had been burned in a pre-planned attack and that the Godhra incident was not a communal incident but 'a one-sided collective violent act of terrorism from one community' (quoted in Ghassem-Fachandi 2012: 59). In his account of the pogrom in Gujarat in 2002, Parvis Ghassem-Fachandi has argued that Modi deliberately turned the incident into an act of terrorism against the Hindu nation by a minority that did not belong and allegedly had allegiance only to the enemy state of Pakistan.

When a state turns a blind eye towards pogroms against a religious minority, the nature of citizenship is severely threatened, as are the conditions for religious freedom. More generally, besides direct violence, Muslims have become second-rate citizens in India. The Sachar Report, presented by Justice Rajindar Sachar to the Indian Parliament in 2006, has detailed the widespread discrimination against Muslims in India, but Indian governments have done little to nothing to change this.[5] The Congress government took some half-hearted measures to address some elements of the Report. However, as the Chief Minister of Gujarat, Modi blocked the granting of scholarships to Muslim students on the ground that such a step would be tantamount to minority appeasement. After becoming prime minister, his government removed the Sachar Report from the public domain altogether.

Religious Conversion

The other issue we want to briefly discuss is that of religious conversion. When Amartya Sen received the Noble Prize for Economics in 1998, Ashok Singhal, the then president of the Vishwa Hindu Parishad (World

Hindu Assembly), commented that awarding this Nobel Prize to Sen was a Christian conspiracy against the nation and that Sen's developmental strategy to promote literacy was connected to Christian missionary efforts to proselytize under the cover of education. For Hindu nationalists, Christian schools are covers for religious conversion.

Although India's constitution allows the propagation of religion, it is generally felt by Hindus that Hinduism has grown from the soil of India, while Christianity and Islam have come from outside India and are foreign to it. They can only exist in India thanks to proselytization among the native Hindu population. According to this view, conversion happened by the sword in the case of Islam and by material inducement under Christian colonialism. In 1977, the Indian Supreme Court ruled that the right to propagate was not necessarily a right to convert, that it was forbidden to convert minors and that adult Hindus wishing to convert had to provide the civil authorities with an affidavit.

It should be recalled that the upsurge in radical Hindu nationalism in the 1980s began with the highly publicized conversions to Islam of untouchable communities in and around the village of Meenakshipuram in South India in 1981.[6] The 'secularist' government of Indira Gandhi warned against the disuniting of India through 'Gulf money', inducing untouchables and tribals to leave the Hindu fold. One can see here already the slippage between 'national unity' and the 'Hindu fold' by a secularist government. Hindu nationalists went a step further in 1983 by organizing a revivalist campaign called the Ekatmata Yajna, lasting over a month and consisting of processions, rituals and rallies all over India and Nepal (van der Veer 1994). This was followed in 1984 by the campaign to remove mosques from places where allegedly there had been Hindu temples before. The anxiety about conversion and the politics of numbers connected with it was and continues to be one of the prime sources of Hindu nationalist mobilization. It is within this wider discourse that we can fully account for the 1990s Hindutva slogan: '*Hindu ghata dēsh bata* (as Hindus decrease, nation will break up)' (quoted in Ahmad 2011: 465).

This anxiety is directed not only at Muslim conversion, although the growth of the Muslim population is always the greatest worry, but also at Christian conversion. In one grisly accident, the Australian missionary Graham Staines and his two minor sons were burned to death by a Hindu

Bajrang Dal (youth wing of the VHP) mob. One of the leaders of the mob was later sentenced to death, a sentence that was commuted to life in prison by the Odisha High Court, a judgement that was upheld by the Supreme Court. In its verdict, a Bench consisting of Justice P. Sathasivam and Justice B.S. Chauhan expressed their opinion as follows: 'In the case on hand, though Graham Staines and his two minor sons were burnt to death while they were sleeping inside a station wagon at Manoharpur, the intention was to teach a lesson to Graham Staines about his religious activities, namely, converting poor tribals to Christianity'. They went on to add: 'It is undisputed that there is no justification for interfering in someone's belief by way of "use of force", provocation, conversion, incitement or upon a flawed premise that one religion is better than the other. It strikes at the very root of the orderly society, which the founding fathers of our Constitution dreamt of' (*The Hindu* 2011). This led to an uproar in the English-language newspapers, and in a rare move the Supreme Court expunged the remarks from the verdict. The opinions in the Supreme Court, however, show clearly how natural the anti-conversion sentiment seems to have become even to the Indian judiciary. It is striking that explicit anti-conversion laws are enforced in Jharkhand, Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat and Himachal Pradesh, all of which have sizeable tribal populations that are deemed particularly vulnerable to conversion to Christianity. On the other hand, conversion of tribals and untouchables to Hinduism is an explicit strategy of Hindu nationalists, who do not face any judicial obstacles being placed in their way. This shows how much the idea that Hinduism is the national civilization of India has come to be common sense in both juridical and political circles. By the same token, Islam and Christianity are not fully national.

The recent controversy over 'love *jihad*'—that is, alleged conversion by stealth through love—connects individual choices to betrayal of the nation. In the last decade or so, terms such as 'love jihad' or 'Romeo jihad' have entered the Indian political vocabulary. Rumours, also spread by the media, claim that Muslim 'fundamentalists' have plans to convert Hindu women through fake romance (hence the neologism 'love *jihad*'). In many places such as Delhi, Uttar Pradesh, Kerala and Karnataka various fronts working for Hindutva have organized meetings and

distributed pamphlets against the danger of 'love *jihad*', according to which Muslims receive foreign funding to lure Hindu girls into marriage. In some instances, cases have even been filed in courts against 'love *jihad*' (Gupta 2009). Yogi Adityanath, the current Chief Minister of Uttar Pradesh and head priest of a famous temple in Gorakhpur, turned the slogan 'love *jihad*' into a rallying cry. He urged Hindus 'to convert a hundred Muslim women to Hinduism for every one Hindu woman converted to Islam'. In 2005, as a Member of Parliament, he stated: 'I will not stop until I turn the UP and India into a Hindu *rashtra* [Hindu state]' (in Harriss et al. 2017: 6). Under Adityanath's administration, 'anti-Romeo squads' were dispatched to parks, colleges and public places to monitor and stop romantic encounters among young people (*Washington Post* 2017). The bogey of love *jihad* should not merely be construed as a tool to gain power, as most Indian analysts are wont to claim: it is as much about state power as about the disciplining of interpersonal relations. Such concerns about Hindu girls on the part of Hindu populists resonate with *Mein Kampf*, according to which, '[t]he … Jewish youth lies in wait for hours on end, spying on the unsuspicious German girls he plans to seduce' (in Pulzer 1964: 58); similarly, 'uncouth Jews seduc[e] … innocent Christian girls and thus adulterat[e] … their blood' (in Shirer 1960: 26).

Conclusion

To return to the lynching of Junaid with which this chapter began, in March 2018 the High Court of Haryana and Punjab granted bail to Rameshwar Dass, a health inspector in the Municipal Corporation in Delhi and one of the five accused of attacking Junaid. According to the High Court, the dispute between the accused and Junaid, his brothers and friends was 'only regarding the seat sharing and abuses in the name of castes and nothing more'. 'There is neither any evidence of any pre-planning', the Court further observed, 'to cause [the] incident deliberately or intentionally or to create disharmony'. The High Court's judgement was completely at variance with the trial court, which, in framing the charges, had observed as follows: 'so far as [the] accused

Rameshwar is concerned, he was accompanying main accused Naresh from the very beginning and had abused the victims in the name of their religion and they also did not allow the victim to alight from the train, and when the quarrel ensued, accused Naresh [and] caused injuries with sharp-edged weapon' (Ahsan 2018). Paddy Hillyard's phrase, the 'violence of jurisprudence', which demonstrates the falsity of the dualism between law and violence to stress how the law is constitutive of state violence (Singh 2007: 16–17), is perhaps best suited to account for the legal case over Junaid's lynching. The violence of jurisprudence goes hand in hand with the violence of the dominant majoritarian culture against the minoritized culture Junaid belonged to such that judiciary sanctifies the cultural violence that the lynching aimed to unleash and achieve.

After Junaid was lynched, the inhabitants of his village stopped displaying any sign of Muslim identity, such as wearing the *kurta pyjama* or sporting a beard and began wearing only 'normal' garments—shirts and trousers—so that they looked like 'normal' Indians (Apoorvanand 2018). The state-sanctioned project to discipline Muslim bodies and dietary choices by terrorizing them is no longer being concealed, if ever it was. The Rashtriya Swayamsevak Sangh (RSS) leader Indresh Kumar went on record to say that 'lynchings across India would cease if people just stopped eating beef' (*The Quint* 2018). The fact of Kumar issuing open threats is part and parcel of the much larger project of Indianization through Hinduization or vice versa (Ahmad 2013a) and need not be stressed. It is clear how other Muslims too, beyond Junaid's village, have been terrorized into giving up their way of life simply to maintain themselves as bare lives. In fact, the disciplining and Hinduization of Muslim bodies and culture began, in accelerated forms and with new modalities, with the first lynching in Pune of Mohsin Shaikh by Hindu Rashtra Sena activists (Parth 2018) only a day after Modi became prime minister. Any analysis of democracy that fails to account for the terror that democracy generates to coerce its people to submit to its violently ethnicized national culture is, to say the least, unsatisfactory.

Gyanendra Pandey (1999: 609) has aptly examined the constitution of the 'nationalist core' and the banality of terms such as 'nationalist Muslims' as opposed to the stark absence of its logical equivalent,

'nationalist Hindus'. He also dwells on such terms as 'secular', 'inclusive nationalism' on one hand and 'exclusive Hindu nationalism' on the other. He rightly notes that the so-called inclusive nationalism of Nehru and his ilk—'composite nationalism' being its signature phrase, supposedly distinct from Hindu nationalism—is no different from the majoritarian concept of a nation centred around Hindus and Hinduism either. The former also operated in the same universe, Pandey notes, though it 'refused to give the same sort of primacy to the Hindu element in India's history and self-consciousness'.

In a landmark publication, Christophe Jaffrelot has examined the evolution of Hindu political thought on democracy from the interwar period until the 1990s. For Hindu nationalists such as Aurobindo, democracy was born in India and was only making a comeback through the British. The locus of democracy was 'ancient' India; the absence of any mention of medieval India and Muslim traditions is stark. Radha Kumud Mukherjee, a professor of history aligned with the Hindu Mahasabha, saw flashes of democracy in Pali texts. Congress leaders such as Purushottam Das Tandon articulated such views in the debates in the Constituent Assembly. Although RSS leaders such as M.S. Golwalkar, Thengadi (who founded the Bharatiya Mazdoor Sangh in 1955) and K.N. Govindacharya were sceptical of democracy, especially in its British parliamentary form, they too supported democracy because Hindus were in the majority. In this respect, there were more similarities than differences between Gandhi and Hindu nationalists. Jaffrelot concludes that Hindus have been enthusiastic about democracy 'because it is a convenient way to establish the domination of the majority community' (Jaffrelot 2000: 354, 358, 362–63).

In this context, an observation by Nirmal Kumar Bose (1961 [1929]: 82), an anthropologist, Bengali interpreter and secretary to Mohandas Gandhi, is worth quoting: 'In this new form of organized action, Gandhi tacitly formed an alliance with those who believed in a restoration of Hindu domination'. This domination was premised on a marriage between nation and democracy to form a national democracy in which nationalism was not a political programme but, as Aurobindo argued, rather 'a religion that has come from God; Nationalism is a creed which

you shall have to live' (cited in Heehs 2008: 146). Well over a century after Aurobindo, Baba Ramdev, a yoga guru and partisan of the BJP, rearticulated it: 'There is no God greater than the nation … Nation-god is the greatest god. … Those who do not love the soil, culture, civilization, and the people of the nation have no right to stay in this country' (in Kanungo 2019: 126). The idea that this nation is based on a religiously communitarian, as opposed to a procedural majority was central not only to outspoken Hindu nationalists or Vallabhbhai Patel but just as much to Nehru himself. After the Constituent Assembly passed Patel's motion, which scrapped all provisions for the political representation of minorities, an elated Nehru congratulated his deputy, Patel, for bringing up the 'historic motion' to discard the 'evil' of communitarian political representation. Nehru revealed his majoritarianism when, opposing a few members of the Assembly who viewed democracy as giving an equal voice to each citizen (Jha 2003), he advocated pure majoritarianism, saying twice in the span of a single minute that in a democracy 'the will of the majority … will prevail'. Neither majority nor minority in Nehru's usage was procedural or issue-based; it was communitarian because he made his long, fervent speech soon after the motion scrapping provisions for the political representation of religious minorities was passed (Ahmad 2019: 17–18).

Majoritarian mobilization in parliamentary democracies can crystallize around religious antagonism. Majoritarianism can, however, also be found in non-democratic, communist systems like China's. In both cases, a civilizational nationalism that selectively includes and excludes groups in society is a danger to the principle of religious freedom. Therefore, the core problem is nationalism, not so much democratic elections.

Philosophers like Seyla Benhabib (2004) think that the problem of the stranger can be solved in a legal manner by making citizenship rights inclusive, but Muslims in India are citizens already. It is the application of the concept of civilization as the foundation of the nation that excludes groups in society and turns them into strangers who are at the nation's mercy. It scarcely requires repeating that civilization, contrary to its academic usage, is here defined religiously, monolithically and with reference to a national territory.

Notes

1. Description of Junaid's lynching drawn from Ahmad (2017), Lakhani (2017), Sagar (2017) and Siddiqi (2017). Literary-social commentator Ziya Us Salam's book (2019) is perhaps the first to offer a highly readable and evocatively descriptive portrait of recent lynchings. Kar's (2006) book, focused on West Bengal, is a sociological-statistical account of different types of lynching.

2. This is also manifest in a book written by S.Y. Quraishi (2014), former chief election commissioner of India, the title of which reads: *An Undocumented Wonder: The Great Indian Election*. Also, see foreword by Gopalkrishna Devdas Gandhi, diplomat-politician and grandson of M.K. Gandhi, in Quraishi's book.

3. The insertion of 'socialist' and 'secular' was effected through the forty-second amendment. The original 1949 Constitution mentioned secular only once, in relation to 'the right freely to profess, practice and propagate religion'. Article 25 (2a) clarified that this right would not stop the state from 'regulating or restricting any economic, financial, political or other *secular* activity which may be associated with religious practice' (Government of India 1949, italics authors'). Thus, after the 1976 amendment, the word 'secular' appears twice (Government of India n.d.). The undated Constitution includes amendments made until 2005.

4. Political scientist Rajeev Bhargava (2010a: 270; 2010b) and others maintain that, in calling Congress secularism 'pseudo', because it allegedly does the 'appeasement' of Muslims, the BJP-RSS nonetheless uses the language of secularism. This is taken to be the strength of secularism. Partha Chatterjee (1998: 346) thus writes that, in describing their adversary as 'pseudo-secular', the BJP is 'conceding thereby its approval of the ideal as such of the secular state'. Zoya Hasan (2010: 199), however, warns against drawing any 'conclusion that the BJP is not opposed to secularism'. More recently, in the public discourse secularism itself has been attacked, for instance, by BJP-aligned filmmaker-actor Vivek Agnihotri. In a talk show during the 2014 elections, he said: 'The grassroots reality is that the moment you say "secular", people think you are anti-Hindu' (*NDTV* 2014). Also note how the BJP-RSS now sarcastically dubs 'secular' as 'sickular'. After Modi's victory, Ashok Singhal said: 'whatever demand the Hindu community has been making … can all be fulfilled under the Constitution' (Chawla 2014). If the mere

insertion of 'secular' in the constitution is a guarantee of minorities' lives and cultures, then how should we explain the retention of 'socialist' in the constitution and the simultaneous relentless expansion of capitalism?

5. http://www.minorityaffairs.gov.in/reports/sachar-committee-report.
6. A recent case is the conversion of a Dalit scholar and founder of Dalit Camera, a digital platform, to Islam. Previously known as Ravichandran Bathran, his new name is Raees Mohammed (2020).

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