



# Fear and Violence as Organizational Strategies: The Possibility of a Derridean Lens to Analyze Extra-judicial Police Violence

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## Abstract

Governments and majoritarian political formations often present police violence as nationalist media spectacles, which marginalize the rights of the accused and normalize the discourse of majoritarian nationalism. In this study, we explore the public discourse of how the State and political actors repeatedly labeled a college-going student Ishrat Jahan, who died in a stage-managed police killing in India in 2004, as a terrorist. We draw from Derrida's ethics of unconditional hospitality to show that while police violence is aimed at constructing safety for the cultural majority, in reality, it reveals discourses of anxiety and precariousness. The unethicity of police violence lies in the enlargement of recognition in vicariously blaming the person who has been killed for being involved in several terror attacks. We show that police violence is premised on the temporal structure of majoritarian nationalism, the prevalence of gender inequity, and the call to breach the secular framework of law.

**Keywords** Derrida · Ethics · Hindu nationalism · Hospitality · Justice · Police violence · Terrorism

## Introduction

In the context of conflict, violence and terror, State oriented, and majoritarian discourses have often been complicit in nurturing prejudices against Islam and conflating terror with suspicions of everyday Islamic life (Gore 2004; Jagannathan and Rai 2015). Derrida, while engaging with the politics of fear, points out that democratic societies end up threatening fundamental elements of democracy in the name of fighting the war against terrorism (Borradori 2003). The war against terror limits the Derridean (1999) possibility of hospitality as the alleged terrorist is seen as a disposable figure to whom hospitality and legal rights need not be provided

(Jagannathan and Rai 2017). In this study, we examine the politics of fear by tracing the contours of a police shootout that occurred in the Indian State of Gujarat in 2004 and follow the subsequent public discourse immersed in Hindu nationalist politics over 12 years till 2016. In 2004, the police claimed to have killed four alleged terrorists, including a 19-year-old college student Ishrat Jahan, in a 'spontaneous' shootout or a 'police encounter' (Alluri and Katakam 2017). A police encounter is a term used in India as a shorthand for dubious police actions resulting in the killing of person(s) whom police allege to be criminal(s), but where police narratives of exchange of firing and self-defence appear to be *prima facie* unbelievable (Jagannathan and Rai 2015). Hindu nationalism embodies a discourse where India is imagined as the cultural home of Hindus and demands all other cultural and political expressions of life to be subordinate to Hindu tenets (Jaffrelot 1999).

Organization theorists have paid attention to police violence from four important perspectives. *First*, they have located the linkages between majoritarian religious nationalism and police violence by outlining the politics of fear that police violence engenders (Jagannathan and Rai 2015, 2017; Perry et al. 2019; Prasad 2014a). The focus of this perspective has also been on processes of socialization that cement religious, racial and gendered prejudices among the

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police (Monk et al. 2019; Perry et al. 2019; Waddington 1999). *Second*, they have studied police violence as being located in cultures of impunity where police personnel know that they will not suffer adverse consequences for breaching the law (Duschinski 2010; Jagannathan and Rai 2015, 2017). *Third*, they have argued that cultures of intimidation are a part of police identity and that police violence is a result of misrecognition and the limits of sensemaking and framing (Cornelissen et al. 2014; Gonzalez and Perez-Floriano 2015; Courpasson and Monties 2017). *Fourth*, they have argued that police violence is ingrained in the functioning of the State and its tension with citizens, particularly minorities (Jagannathan and Rai 2017; Karpiak and Garriott 2018; Monk et al. 2019). This tension of the State with citizens is manifested in the global politics of fear directed against Muslims (Afshar 2013; Althiede 2003, 2006; Gore 2004).

We believe that while processes of socialization contribute to religious, racial and gendered prejudices among police personnel, they should not be seen as innocent actors who are contaminated and drawn into unethical actions by socialization alone. Police personnel may identify with structures of majoritarian nationalism to enact violence. These structures of majoritarian nationalism may inhabit a more complex temporality of fear and revenge than linear time. Connected to the idea that police personnel may identify with structures of majoritarian nationalism, cultures of impunity alone may not explain police violence, and police personnel may be willing to take risks to demonstrate their commitment to majoritarian nationalism. Risky forms of police violence may not be one-off acts of misrecognition and ambiguity, but may be linked to the complex temporality of majoritarian nationalism and deeper signification chains. Finally, the nature of these risky forms of violence to the State's relationship of tension with citizens and the global politics of fear may paradoxically rely on an imagination of the cultural other adhering to the gendered frames that majoritarian ideology imposes.

Our research question follows from the above problems with existing literature on police violence. We articulate our research question here—beyond processes of socialization, the linear time of majoritarian nationalism, cultures of impunity, possible misrecognition and the State's tension with minorities, how does majoritarian nationalism inform police violence? In other words, how does Hindu nationalism inform imaginations of time, ideological commitment, recognition and signification of the other, in enabling police violence against Muslims in India? We believe that we can draw on Derrida's conceptualization of unconditional hospitality to address this research question.

Organization theorists have used Derrida's work for two broad purposes. *First*, they have drawn on Derrida to problematize moral orders and outline how villainous figures normalize the notion of what becomes acceptable in

organizations (Land et al. 2014; Weiskopf and Willmott 2013). *Second*, using Derrida, they have engaged with questions of reflexivity, democracy, and ethics to move beyond representational knowledge and focus on questions of undecidability (King and Land 2018; Rhodes 2009; Sayers 2016). In this study, we focus on the Derridean (1999) ethics of unconditional hospitality within the Levinasian (1994) analysis of tensions between the ethical and the political. In paying attention to Derridean conceptualizations of unconditional hospitality, we draw on Prasad (2014a), who reflects on border zones and colonial logics that inhere in them. In order to engage with an ethical analysis of Ishrat Jahan's killing, we draw on Derrida's (2006, pp. 24–25) problematization of the imagination of right within frameworks of law, of how such an imagination “dooms someone to be the man of right and law only by becoming an inheritor, redresser of wrongs, that is, only by castigating, punishing, killing.” The actions of castigating, punishing and killing located within the politics of vengeance normalize the limiting of figures to whom hospitality needs to be offered (Derrida 1999).

While Derrida's (1999) analysis of the ethical in terms of unconditional hospitality towards the guest exceeds the frameworks of law, Derrida acknowledges the need for some elements of law for the political operationalization of hospitality. According to Derrida (1999, p. 80), “peace retains a political part, it participates in the political, even if another part of it goes beyond a certain concept of the political.” At the point where unconditional hospitality exceeds the political or the institutional realities of life, Derrida (2006, p. 25) yearns for “a justice that one day ... would finally be removed from the fatality of vengeance.” For Derrida, justice is related to the problematization of the imagination of presence. According to Derrida (2006, p. 25), “presence is enjoined, ordered, distributed in two directions of absence, at the articulation of what is no longer and what is not yet.” Unconditional hospitality involves giving up the imagination of vengeance against the other for the past actions and fear of the other for the possible enactment of harm in the future (Derrida 1999). Drawing on Derrida, we contend that the presence of Hindu nationalism is distributed in two directions of absence, a sense of grievance located in the past, and a desire for religious-nationalist hegemony and supremacy extending into a dystopian future. We contend that Ishrat Jahan's killing is situated in such a Hindu nationalist framing of presence.

In this study, we engage with Ishrat Jahan's killing as an enactment of Hindu nationalism by adopting a narrative approach (Gabriel 2004; Lieblich et al. 1998). We examine First Information Reports (FIRs), investigation notes, charge-sheets, court affidavits and proceedings, media reportage and interviews with informants to understand why the State and the Hindu nationalist formation, the ruling *Bharatiya Janata Party* (BJP), resurrected the identity

of Ishrat Jahan as a terrorist. We draw on narratives accessed from lawyers, journalists, police officers, and politicians who are aware of the details of the case to analyze the multiple facets of State action and public discourse in the Ishrat Jahan case.

In this study, we extend the organizational theorization of police violence and make the following four contributions. *First*, we expand the focus of linkages between ethnic nationalism and police violence (Engineer 2003; Perry et al. 2019; Simpson 2006). Through the example of Ishrat's case, we show that the temporal structure of ethnic nationalism located in messianic time plays an important role in normalizing police violence. *Second*, while earlier research draws on cultures of impunity and permissiveness of police violence (Duschinski 2010; Gonzalez and Perez-Floriano 2015), we show that beyond the promise of impunity, police actors identify with the politics of Hindu nationalism. Hindu nationalist discourse makes a demand on police personnel to be enterprising and take personal risk in breaching secular conceptions of law (Bordia 2015). *Third*, while earlier research on police violence has focused on misrecognition being one of the causes of police violence (Cornelissen et al. 2014), we advance the literature by contending that in addition to errors of recognition, police violence could be implicated in the discursive enlargement of recognition. *Finally*, while earlier research has shown that the global politics of fear demonizes Muslims and is premised on the State's tension with citizens (Althiede 2003, 2006; Gore 2004; Jagannathan and Rai 2017; Karpiak and Garriott 2018), we advance this literature by showing that there is a complex linkage between the politics of fear, gender inequity and an imagined social conservatism among Muslims.

We organize the rest of the article in the following manner. *First*, we discuss the research context and outline the incidents that led to Ishrat Jahan's killing. *Next*, we outline the theoretical framework used in the study and describe how we draw from Derrida to analyze the unethicity of Ishrat's killing by the police. *Then*, we outline the methods we employ in the study and explain how we combine archival sources and journalistic reports with interview-based data. *After that*, we present the analysis of the data and findings where we indicate the discourses used by Hindu nationalists to normalize Ishrat's killing and label her as a terrorist. *Finally*, we discuss our findings and report our contributions to theory in the concluding section.

## Research Context: Hindu Nationalism and Ishrat Jahan's Killing

In 1947, when the British left the sub-continent, the transfer of power was accompanied by the tragedy of large-scale violence, owing to the partition of the sub-continent into two

independent nations—Hindu-majority India and Muslim-majority Pakistan (Jaffrelot 1999). Hindu nationalists blame Muslims for splitting the nation and hold them responsible for trauma caused by the unprecedented communal violence and the mass movement of populations across the borders of India and Pakistan, resulting in millions of deaths (Jaffrelot 1999). Hindu nationalists contend that if Pakistan belonged to Muslims, then India should not be a secular state and should solely belong to Hindus (Jaffrelot 1999).

Hindu nationalism feeds upon discursively constructing the memory of the Muslim as a violent figure by alluding to places and sites where Hindus were killed by Muslims (Engineer 2003). To exemplify, Engineer states that the city of Godhra in the state of Gujarat has become one such important place to signify the corporeality of Hindu loss. The Godhra incident occurred on February 27, 2002, when a coach of the Sabarmati Express train was burnt resulting in the death of 58 *kar sevaks*<sup>1</sup> who were returning to Gujarat after performing *kar seva*<sup>2</sup> at Ayodhya<sup>3</sup> for building a temple for Lord Rama, a revered Hindu deity (Jaffrelot 2012). The dead bodies of *kar sevaks* were paraded in the streets of Ahmedabad by organizations affiliated with the *Rashtriya Swayamsevak Sangh* (RSS), with the support of the Gujarat Government, creating a communally charged atmosphere, leading to an anti-Muslim pogrom<sup>4</sup> in the city and across Gujarat (Simpson 2006).

Hindu nationalism also draws from discourses constructing right-wing leaders such as Narendra Modi as ethically enlightened figures immersed in piety, energy, goodness, coherence, purity, and progress (Bordia 2015). Narendra Modi, a full-time RSS member (*pracharak*), inducted into the BJP, the political arm of the RSS, was the Chief Minister of Gujarat when the Godhra incident happened. The

<sup>1</sup> A *kar sevak* is one who offers her services for free to a religious cause. It originates from the Sanskrit words *kar* (hand) and *sevak* (servant).

<sup>2</sup> The context of *kar seva* references medieval imaginations of Hindu culture being repressed during the Mughal epoch in India (Jaffrelot 1999). Specifically, *kar seva* is a part of Hindu nationalist mobilization that claims that a temple commemorating the birthplace of Lord Ram in Ayodhya was demolished during the Mughal epoch.

<sup>3</sup> Ayodhya is an ancient city of India, believed to be the birthplace of Lord Rama, a popular Hindu deity and the setting of the epic Ramayana. It is adjacent to Faizabad city in the central region of the Indian state of Uttar Pradesh.

<sup>4</sup> As per the official figures, 790 Muslims and 254 Hindus died in the violence, 2500 people were injured and 233 people were missing (Engineer 2003). However, as per the Concerned Citizens Tribunal Report, 1926 people may have been killed in this communal violence, as the BJP and the Gujarat Government actively colluded or looked the other way as the communal riots were occurring ('Crime Against Humanity' 2002). There were instances of rape, children being burnt alive, widespread looting and destruction of property during the communal violence.

Hindu nationalist discourses, in the aftermath of the 2002 anti-Muslim pogrom, resulted in cementing the political consolidation of Modi, which brought him back to power in the subsequent Gujarat State elections. He continued as the Chief Minister of Gujarat from 2001 to 2014 till he won the national elections for the BJP in 2014 and became the Prime Minister of India. The BJP won the national elections again in 2019 under his leadership, and he became the Prime Minister for the second consecutive term.

Although no major incidents of communal violence occurred in Gujarat after the BJP returned to power in 2002, a few officers of Gujarat police, colluded with the political leadership in constructing a narrative that Muslims are anti-nationals/terrorists/jihadis and sympathizers of Pakistan-based terrorist organizations like Jaish-e-Mohammed and Lashkar-e-Taiba. They advanced this narrative by killing select Muslims in fake police encounters (Jagannathan and Rai 2015). Between 2002 and 2006, 16 such killings, including those of two women, were carried out by broadly the same team of police officers (Amnesty International 2007). 13 of those 16 killed were Muslims. The police narrative in all the encounters was the same—those who were shot dead were terrorists, conspiring to kill Chief Minister Narendra Modi or other prominent State and national right-wing leaders (Amnesty International 2007).

Next, we provide the details of the killing of Ishrat Jahan in one such police encounter by drawing on police narratives provided in various archival documents.

### Ishrat Jahan's killing

According to the police narrative in the FIR, in early June 2004, the Commissioner of Police, Ahmedabad City received intelligence inputs that two alleged Pakistan-based terrorists had left Kashmir for Ahmedabad in Gujarat to execute a *fidayeen* (suicide) attack to assassinate Narendra Modi, the then Chief Minister of Gujarat with the assistance of an Indian contact Javed, a resident of the neighboring State of Maharashtra (online Appendix A1: the English translated version of the 'FIR of Ahmedabad City Department Crime Branch' 2004, June 15 (hereinafter 'Appendix A1'); 'Gujarat police kill 4 ...' 2004). As per the police narrative in the FIR, on the night of June 14, 2004, a senior police official received a specific intelligence input from his personal source that the two alleged Pakistan-based terrorists along with Javed had left Mumbai for Ahmedabad in a blue car and they were likely to reach Ahmedabad on the following day in the early morning hours. In order to apprehend the alleged terrorists, the Ahmedabad City police cordoned off the entire Ahmedabad City by placing police patrols at all the entry points into the city. The source had also informed the registration number of the car in which the alleged terrorists were traveling (Appendix A1).

The police further claimed that at 04.00 h on June 15, 2004, one of the police patrols spotted a car having the same number plate that the intelligence source had informed and tried to intercept it. The said police patrol also informed a nearby police patrol that the car they had been looking for had been spotted. Thereafter, the first police patrol fired on the tire of the car, bringing it to a halt. As soon as the car stopped, one of the alleged terrorists came out of the car and started firing indiscriminately at the police party. And after a short while, the other alleged terrorists sitting in the car also started firing. The police also fired at them in self-defense, and after the firing stopped, when they approached the car, they found that the four alleged terrorists had been killed. It is at this stage that the police noted in the FIR that "one-woman terrorist seated on the seat adjacent to the driver's seat" had also been killed in the shoot-out (Appendix A1, p. 4). Later, the police identified that the alleged woman terrorist was Ishrat Jahan, a 19-year-old college student of Mumbai.

The FIR filed by the police presented Narendra Modi as a target of the *fidayeen* attack and stated, "the above mentioned dead terrorist *fidayees* of banned Lashkar-e-Taiba [L-e-T] conspiring to assassinate Gujarat Chief Minister Shri Narendra Modi, obtaining arms and explosives to make a suicidal attack on him, to commit terrorist acts in India" (Appendix A1: 4). The police narrative in the FIR did not contain any description of how the police verified the identity of the occupants traveling in the car so that innocent people were not hurt or killed in the ensuing police encounter. In order to link Ishrat Jahan's encounter case with the broader milieu of Hindu nationalism, the police referred to the Godhra train burning incident and the communal violence that followed in the FIR (Appendix A1). The FIR stated that "especially after the Godhra train tragedy and the communal riots that followed, they (Pakistan-based terror outfits) have made Gandhinagar and Ahmedabad City their main targets" (Appendix A1: 2).

The State took more than 5 years to complete the mandated magisterial enquiry in the Ishrat Jahan case (Jagannathan and Rai 2015). In 2009, SP Tamang, a metropolitan magistrate, who submitted his report in 2009, concluded that Ishrat Jahan had been in the prior custody of the police and was subsequently killed in a fake encounter (Alluri and Katakam 2017; online Appendix A2: English translated copy of Tamang's Magisterial Enquiry Report). Tamang's report was the first instance whereby a public authority described Ishrat Jahan's killing as a fake encounter. The Tamang Report concluded that the alleged terrorists had not resorted to firing on the police patrols and that the police had planted weapons on them to make it appear that they had returned the fire in self-defense.

Later, independent investigations in the Ishrat Jahan case were carried out by a Special Investigation Team (SIT)

constituted by the Gujarat High Court and the Central Bureau of Investigation (CBI). The SIT concluded that one of the two alleged Pakistani terrorists was already in the illegal custody of the Ahmedabad police and kept in a farm on the outskirts of the city (online Appendix A3: copy of the FIR filed by the SIT). The SIT also concluded that both Ishrat Jahan and Javed were intercepted by the Ahmedabad police a couple of days before the encounter from a toll booth near Anand, a town close to Ahmedabad in Gujarat. Later, in December 2011, the Gujarat High Court entrusted the case to the CBI for investigation. The CBI charge-sheet stated that the Gujarat police officers entered into “criminal conspiracy and in pursuance thereof, they abducted the deceased, kept them in illegal confinement and thereafter killed all of them in [a] fake encounter” (online Appendix A4: copy of the First charge-sheet filed by the CBI, p. 8; ‘Final report form ...’ 2013, July 3 (hereinafter ‘Appendix A4’)).

Although the CBI filed the charge-sheet against Gujarat police officials and the Intelligence Bureau<sup>5</sup> (IB) in the Ishrat Jahan case in 2013 and the trial had not yet begun, in February 2016, a curious development took place in the Ishrat Jahan case when David Headley,<sup>6</sup> a terrorist serving sentence in the United States, and charged with the criminal conspiracy in the 26/11 Mumbai terror attacks case<sup>7</sup> (hereinafter ‘26/11 case’), made a vague reference to Ishrat Jahan while deposing in the 26/11 case before a Mumbai court via video conference (Rao 2018). Headley had become an approver in the case, and the Mumbai trial court had granted him conditional pardon for giving information about the conspiracy in the 26/11 case (Rao 2018). Ishrat Jahan had been killed more than four years before the 26/11 attacks (Appendix 1).

After Headley’s deposition in February 2016, the public discourse around Ishrat Jahan’s killing was reopened in aggressive ways (Alluri and Katakam 2017). The Union Government, the BJP, and a section of the media used Headley’s statement to orchestrate a public discourse to resurrect the identity of Ishrat Jahan as a terrorist (Rao 2018). The Union Government had denied sanction for prosecuting the

IB officials alleged to be involved in the conspiracy of Ishrat Jahan’s murder (‘Ishrat Jahan fake encounter: Centre denies permission to prosecute IB officials’ 2015). After the CBI filed its charge-sheet, DG Vanzara, a senior police officer, accused of playing a key role in Ishrat Jahan’s killing, and who had been arrested earlier in connection with other fake encounters in Gujarat, continued to remain in jail (Alluri and Katakam 2017).

Civil society activists had described Vanzara as the blue-eyed boy of the then Gujarat Chief Minister, Narendra Modi, and Amit Shah, Minister of State for Home, and had alleged that he violated the law because of the patronage he received from Modi (Jagannathan and Rai 2015). The CBI charge-sheet described PP Pandey, another senior police officer, also as a conspirator for keeping Ishrat Jahan and others in illegal custody and planning to kill them in a fake encounter (Appendix A4). The CBI also recorded testimonies of other police personnel who stated that Vanzara had already got the approval of the then Chief Minister, Narendra Modi, and the then Home Minister, Amit Shah, to carry out Ishrat Jahan’s fake encounter (Sen 2016). By February 2016, all the senior Gujarat police officials, including Vanzara and Pandey accused of being involved in the Ishrat Jahan case had got bail, been reinstated in the service and promoted by the Gujarat Government (‘Former top cops Vanzara, Pandey get bail’ 2015; ‘Ishrat Jahan fake encounter’ 2015). When the Government and the BJP opened the aggressive discourse in February 2016, none of the actors accused of enacting Ishrat Jahan’s fake encounter were facing any serious legal difficulties.

### Theoretical Framing: Police Encounters, Hindu Nationalism and the Derridean Ethics of Unconditional Hospitality

In our review of literature about police violence, we find that there are four broad themes that indicate why the police engage in illegal and unethical forms of violence. In this section, we discuss these four themes outlining which of them we extend, and which of them we disagree with. We indicate how we draw from Derrida (1999) to extend the theorization of police violence and analyze police violence using the ethics of unconditional hospitality. According to Derrida (1999), the ethical possibility of unconditional hospitality, where the host unconditionally opens herself up to the guest, assuming the risk of becoming a hostage lies beyond the situatedness of the State. At the same time, Derrida contends that the ethics of unconditional hospitality has institutional implications for the State where State actors operate within a framework of the rule of law and respect the human rights of actors they engage with. In Derrida’s (1999, p. 82) words, “It [peace] belongs to a context where the reaffirmation of

<sup>5</sup> The Intelligence Bureau works under the supervision of the Ministry of Home Affairs, Government of India and is an intelligence agency responsible for providing intelligence inputs on various aspects, including internal security in India.

<sup>6</sup> David Headley, born as Daood Sayed Gilani in Washington DC on June 30, 1960 to Sayed Salim Gilani and Alice Serrill Headley, is a US terrorist of Pakistani origin, and a spy who conspired with the L-e-T in plotting the 26/11 Mumbai terror attacks. Headley was convicted in the US for his role in this case.

<sup>7</sup> The 26/11 Mumbai terror attacks were a sequence of terrorist attacks that took place on November 26, 2008, when 10 members of L-e-T carried out a series of 12 coordinated shooting and bombing attacks across Mumbai, killing 164 people and injuring at least 308.

ethics, the subjectivity of the host as the subjectivity of the hostage, broaches the passage from the political toward the beyond of the political or toward the already non-political.” Illegal police killings prevent the affirmation of ethics, violate peace, and structure a repressive form of existence within the political.

*First*, the literature on police violence in the Indian context indicates that police engage in unethical modes of violence to present Muslims as fearful subjects and advance the politics of fear against them (Engineer 2003; Jagannathan and Rai 2015, 2017; Shroff 2020; Simpson 2006). In the act of killing alleged Muslim terrorists, the suspected terrorist become disposable figures at the hands of the sovereign authority of the police (Duschinski 2010; Peteet 1996; Prasad 2014b). The Indian literature on police violence is in line with the broader literature which suggests that police engage in an insensitive manner towards ethnic minorities and women due to the institutionalization of implicit forms of racism, and informal socialization of police personnel where racial and gendered prejudices are reinforced (Monk et al. 2019; Perry et al. 2019; Waddington 1999). It is also in line with the broader literature on organizational violence which suggests that organizational actors engage in violence due to a climate of ideologization that prevails in society (Bergin and Westwood 2003; Malesevic 2017).

We extend the Indian literature on police violence, which describes that police violence is directed against Muslims for structuring a politics of fear against them (Jagannathan and Rai 2015, 2017). We also agree with the broader literature on organizational violence which suggests that violence results from the privileging of ideology over processes of everyday life (Bergin and Westwood 2003; Malesevic 2017). While we agree that socialization nurtures religious, racial and gendered prejudices among police personnel (Monk et al. 2019; Perry et al. 2019; Waddington 1999), we are more cautious about this line of theorization as it can potentially naturalize police violence. This line of theorization risks the danger of presenting police personnel as innocent actors who have been contaminated by processes of socialization. Derrida holds the discourse of innocence to be ethically problematic. As Sharpe (2002, p. 180) outlines, “Derrida’s critique of logocentrism was from the start a philosophically levelled argument for the impossibility of innocence of human being[s].” Within the premise of unconditional hospitality, while the host can be harmed by the guest, the imagery of the host as a necessarily innocent figure harmed by a malevolent guest is not sustainable for Derrida (1999).

For Derrida (2006), justice is an act of excess, and it exceeds the imagination of exchange, reciprocity, and dialectical thought. Derrida (2006, p. 31) notes, “that which is offered in supplement, over and above the market, off trade, without exchange, and it is said sometimes of a musical or poetic work. This offering is supplementary, but without

raising the stakes, although it is necessarily excessive...”. For Derrida, justice exceeds transaction or symmetry, which systems of punishment are rooted in; instead, justice inhabits the specter of poetic work. Unconditional hospitality bears its affinity to justice by similarly exceeding symmetry and embracing the vulnerability of the host with respect to the guest (Derrida 1999). Such an imagination of justice, while being ambiguous and located in a time to come, is antithetical to police personnel engaging in killing suspects with certitude outside the judicial process (Jauregui 2011). We believe that Derrida’s imagination of justice transcending processes of exchange provides clues for understanding the linkages between the temporality of Hindu nationalism and police violence directed against Muslims to advance the politics of fear. We extend the literature indicating the Hindu nationalist underpinnings of police violence by exploring the temporal structures of Hindu nationalism which enable such violence.

*Second*, Hindu nationalism is a paradigm that actively shapes the political repertoires of subjects and makes a demand on them for engaging in specific acts of violence as a part of their service to the nation (Bordia 2015). In the Indian context, police encounters embedded in the politics of Hindu nationalism are bound to political calls of loyalty to the project of the Hindu nation. The political project of Hindu nationalism violates ethical norms. For unconditional hospitality to be enacted, Derrida (1999, p. 83) outlines the need for the political to be subordinated to the ethical, “politics, or the political should follow, come after; it must be subordinated—whether in logical or chronological sequence—to an injunction that transcends the political order.” For Derrida, any concept of identity is tainted by the reality of difference. As Sharpe (2002, p. 179) notes, “Derrida has always stressed how an identity preceding and/or untainted by difference is the transcendental illusion of western metaphysics.” The imagination of identities being tainted implies that questions of who is the host and who is the guest always remain unsettled (Derrida 1999). Within a nation, the claims of a cultural majority to be organic hosts and minorities as guests who must express their gratitude to the majority become ethically unsustainable. Derrida’s belief that all identities are tainted by difference offers a framework to analyze the Hindu nationalist belief of a pure Hindu identity, which needs to be saved from being contaminated by Muslims (Bordia 2015).

Derrida believes that it is unethical to allow politics to function under the authority of religion (Cherif 2008, p. 65), “it is out of respect for religion that we must dissociate things and that we must cease to lead politics in the name of religion, or under the authority of religion, or sometimes under the authority of religious authorities themselves.” Politics functioning under the aegis of religion leads to the religious majority establishing juridical processes to

label themselves as natural residents of a nation and religious minorities as guests who must consent to the cultural priorities of the religious majority (Simpson 2006). While earlier literature on police violence has focused on the relationship between Hindu nationalism and police violence, the emphasis has been on Hindu nationalism providing a culture of impunity to police personnel (Jagannathan and Rai 2015, 2017; Shroff 2020; Simpson 2006). This is in line with broader literature on a culture of permissiveness enabling police violence (Monk et al. 2019; Perry et al. 2019). Ethical issues including police violence are tolerated by administrative actors so long as an explicit breach of law with a potential for public scandal does not occur (Gonzalez and Perez-Floriano 2015; King and Land 2018). Bordia's (2015) emphasis on political violence under the influence of Hindu nationalism is different. She contends that Hindu nationalism urges actors to embrace precariousness and risk in breaching secular law and does not promise impunity in advance. We believe that this emphasis is useful to explore in extending the understanding of the influence of Hindu nationalism on police violence.

*Third*, Cornelissen et al. (2014) theorize dilemmas occurring during police violence as the possibility of misrecognition or ambiguity about the force that needs to be used against the accused. We depart from the theorization of Cornelissen et al. (2014) and ask whether recognition is possible at all, or what the possibility of recognition entails. Cornelissen et al.'s claim of misrecognition draws on a distinction between conscious and unconscious influences on police action, and they articulate misrecognition as the police being unaware of unconscious factors that inform their actions. Derrida takes Levi-Strauss (1967, pp. 31–32) seriously when Levi-Strauss contends that “structural linguistics shifts from the study of conscious linguistic phenomena to the study of their unconscious infrastructure ...”. Derrida is suspicious of the binary opposition that Levi-Strauss introduces between the conscious and the unconscious. According to Derrida, the binary opposition is not tenable, and the unconscious is a part of the conscious and contaminates it. Unconditional hospitality is not an entirely a conscious act and the provision of hospitality to a guest does not entirely reside in a rational mode of welcoming (Derrida 1999). We draw from Derrida to interpret the dissonant emergence of an unconscious inside the conscious, disorganizing all the received order and invading the whole sphere of the conscious. We seek explanations for police violence beyond the possibility of misrecognition as misrecognition is contingent on the binary between the conscious and the unconscious.

*Fourth*, earlier research suggests that there is implicit violence that characterizes the relationship between the State and the citizen, and the police make explicit the possibilities of such violence (Karpiak and Garriott 2018; Sands-O'Connor 2018). Police use of force that actuates State

violence against citizens (Duschinski 2010; Jauregui 2011) is premised on the ungreivability of life. People who have been rendered ungreivable through political discourses become the target of police violence (Jagannathan and Rai 2017). This is in line with theorization of organizational violence where marginal actors suffer violence at the hands of those who enjoy a higher social status because their lives are rendered ungreivable (Costas and Grey 2019; Varman and Al-Amoudi 2016; Varman et al. 2020). Rendering the lives of some people ungreivable limits the possibility of friendship and solidarity in society.

Derrida's ethics is premised on the Levinasian (1994, pp. 150–152) framework of “opportunities opened up through friendship ... entering into talks—and all the prophetic promises that are hidden beyond ... historical rights and its contortions under the political yoke.” The opening up of opportunities of dialog through friendship enables the possibility of unconditional hospitality (Derrida 1999). Political institutions and performances which come in the way of friendship between people belonging to diverse cultural settings constitute the limits of ethical action for Derrida. Derrida's (1998, p. 18) concept of “abstract messianicity belongs from the very beginning ... to a trust that founds all relation to the other in testimony ... this justice inscribes itself in advance ... in every act of language and every address to the other.” For Derrida, justice is implicated in the “relation to the other” and the “address to the other”, signifying the necessity of hospitality. Derrida's (1992, p. 18) conceptualization “of a justice or democracy to come,” which is “unforeseeable, unanticipatable, the non-masterable, non-identifiable,” outlines the contours of a potential ethical gesture against the violence of religious nationalism. The justice or democracy to come becomes possible when the cultural other is embraced as a guest whose demands of difference are acknowledged, both within and beyond institutions (Derrida 1999).

## Methods

We combined journalistic reports, analysis of case papers, First Information Reports (FIRs), investigation reports, affidavits filed in courts and charge-sheets with interview-based sources of data, to weave together a variety of discourses, points of information and political positions (Jagannathan and Rai 2015). We combined these sources of data to access discursive positions, which connect the personal to the political (Gabriel 2004) in describing how citizens are affected by violence in which some actors of the State may be complicit. We relied on journalistic sources of data for two purposes. *First*, they provided us access to voices, which normalize Ishrat Jahan's killing on the grounds of nationalist righteousness (Jagannathan and Rai 2017). *Second*, the journalistic

reportage and embedded opinions revealed anxieties about how the organizational apparatus of the State engages with people suspected of terrorist affiliations. We explore media reportage of the Ishrat Jahan case as the reportage of terror often involves complex negotiations with moral boundaries (Ben-Yehuda 2005; Falkheimer and Olsson 2015; Roy and Ross 2011) and offers an insight into the public anxieties which are being activated.

We analyzed a range of documents pertaining to the Ishrat Jahan case extensively for two purposes. *First*, it helped us in examining and understanding the public claims made by various actors during legal proceedings in the case and the ways in which these actors interpreted the law for advancing their political and legal positions. *Second*, it helped us in accessing the ethical issues involved in the killing of Ishrat Jahan, which warranted the need to bring the perpetrators of her murder to justice. We followed Hodkinson (2019), who contends that a Derridean gesture of reading archival materials is to understand how normality and normalizing processes are constructed.

We told all our informants that the purpose of our study was not to find out the truth behind the killing of Ishrat Jahan, as the investigative and legal truths, and judicial interpretations of these truths could only be achieved in a court of law. We further informed them that we were interested in accessing public discourses, political positions, and fantasies associated with various public and legal developments in the case. Though we emphasized these aspects of our study, it was difficult for us to speak to those actors who were alleged to be involved in the conspiracy of planning and executing the murder of Ishrat Jahan and others. Even when we were able to speak to those actors who defended the action of the State and the accused police and intelligence officers, they did not want to go into the finer details of the case. They mostly spoke to us in a rhetorical manner, reiterating their stated positions articulated in the media. While these actors had used the media to present Ishrat Jahan as a terrorist in hyper-real terms, in their conversations with us, Ishrat's killing became "less real than the idea itself" (Derrida 2006, p. 184), and these conversations "deformed, objectified and naturalised" (Derrida 2006, p. 192) Ishrat's killing.

In all, we spoke to twelve informants primarily on two aspects of the Ishrat Jahan case. *First*, we spoke to informants about the various legal developments that have taken place in the Ishrat Jahan case since June 2004, underlying discourses and political implications. *Second*, we spoke to them about the reportage that appeared in the media after the testimony of David Headley, a terrorist serving sentence in the United States in February 2016. Headley's testimony and media reportage attempted to normalize the killing of Ishrat Jahan. We had extensive and multiple conversations with our informants as events unfolded in the media over a period of 3 months between February and April 2016.

Three of these informants are lawyers who are intimately aware of the details of the case and have been following the developments over the past 10 years. Another three of these informants are police officers, who either currently are in the service, or have retired during the past few years. All the three police officers were associated with the investigation of the case at some point in time. Two more informants are connected with civil rights groups that were associated with the case for an extended period. They firmly believe that there is little evidence to suggest that Ishrat Jahan was a terrorist. We also interviewed two journalists who have been following the positions of different political actors and were familiar with the events in the case. Finally, we spoke to two politicians who defended the role of the police officers currently facing trial, and mainly reiterated the positions they had taken in the media. Our conversations with informants triggered a wave of memories, intuitions, and perspectives that we had felt about Ishrat Jahan over the years. These conversations became "more intimate with one than one is oneself" (Derrida 2006, p. 217) as they aroused memories and thoughts that had been hidden deep within us.

We discussed the objectives of our study with each of our informants and assured them of anonymity and confidentiality. We also informed them they could withdraw from the study at any point of time, and we would not use the data provided by them if they chose to withdraw. Immediately after each conversation, we prepared the transcripts of our conversation and shared it with our informants for them to edit any aspects of the conversation that they wanted to. In this study, we do not report all the responses from our informants but selectively draw from the relevant narratives, which help in critically interpreting the public discourse around labeling Ishrat Jahan as a terrorist. Our purpose in engaging with the public discourse was to undertake the Derridean gesture of understanding how the public discourse might "censor, frame and filter" (Hodkinson 2019, p. 5) narratives normalizing Ishrat's killing.

In our study, we carried out conversations with our informants by privileging narrative methodologies of research, which refer to the temporal unfolding of human lives (Polkinghorne 2007). Narrative methodologies focus on personal reflections, descriptions, and inductive arguments that give space to the expression of intuition, emotion, and political beliefs (Polkinghorne 1983). We found narrative methodology appropriate primarily for two reasons. *First*, over a period of time, the Ishrat Jahan case has undergone various discursive turns, and we wanted to access narratives and stories of people in terms of the temporal unfolding of the events in the case. *Second*, we wanted to understand how people are emotionally and politically affected by narratives around them (Gabriel 2004; Lieblich et al. 1998). Narratives have the potential to uncover the ghostly, that which has been killed and repressed but still has

the ability to haunt, move, and agitate. In Derrida's words (2006, p. 6), the ghostly "leaps into view," "jumps up and down" (Derrida 2006, p. 130), "disappears by appearing," cannot "conceal itself" (Derrida 2006, p. 160). The remembered and dialogically evoked narratives escape censorship as those in power cannot "control the ghost's comings and goings" (Derrida 2006, p. 160).

Each of our interviews lasted about an hour and a half and mostly followed the contours of informal conversations. We conducted informal conversations with our informants, immersing ourselves in discussions about common political and ethical concerns (Gabriel 2004). With most of our informants, we felt like catching up with friends and discussing recent reportage in the media to assess whether we needed to revise our positions and acknowledge new complexities. We were interested in understanding the developments in the Ishrat Jahan case in trying to piece together the ethical and political meanings of the narratives that were being performed by various actors of the State after Headley's testimony in February 2016. In some instances, we nurtured a shared sense of resentment about how violence and death could be normalized, leading to the marginalization of democratic processes. Except for the two politicians, we had around five to six conversations with most of our informants over 2 to 3 months. Our conversations with the two politicians who defended the role of the accused police officers were shorter and more formal. We shared questions in advance and had only one conversation with each of them. Each of these conversations lasted about half an hour, where the politicians offered well-known, rhetorical, and vigorous defenses of the role of accused officers and the political regime which stood in solidarity with them. In all our conversations, we were interested in the political positions that our informants were taking, what our informants were seeing and not seeing. As Hodkinson (2019, p. 6) notes, the Derridean gesture of inquiry exists at the "boundary of sight and not seeing," for us, the boundaries at which ethical and political transformations are possible.

Our conversations with the informants primarily revolved around the following themes: (i) the ethical and political implications of recent narrative performances, which labeled Ishrat Jahan a terrorist; (ii) an analysis of the arguments that were being advanced to defend the killing of Ishrat Jahan; (iii) role of various institutions in terms of the implicit discourses they advanced in the case; and (iv) implications for the nature of society and polity that emerged in the context of normalizing police encounters. Our conversations were an attempt to follow the Derridean gesture of Hodkinson (2019) in uncovering metaphors, which normalize marginalization and inequality in the political world.

We analyzed the data by writing extensive memos, to understand the implicit political frames that were privileged in the conversational data (Augustine 2014). We read

the interviews and journalistic narratives as texts where networks of meanings were being mobilized to perform various political positions. We analyzed the textual performances by identifying discourses, tropes, and fantasies that were sought to be conveyed by the selective activation of memories, facts, and ethical intents. We then synthesized our thoughts on different narratives to construct our arguments regarding the recent developments in the Ishrat Jahan case. In our analysis, we acknowledge the Derridean imagination that "impressions from the world become internalized and layered on existing stocks of knowledge" (Ronai 1999, p. 115). Our memos reflected the layering of our understanding as we had been following the Ishrat Jahan case for more than 10 years in different ways. In our memos, we were beginning to understand how the emergence of new political realities marginalized the quest of justice for Ishrat.

We illustrate here how we analyzed our data. Our analysis is not a realist representation of the data. Along with Derrida, we believe that analytical positions are "representations of the play of differences between ideas, not essentialist representations of reality" (Ronai 1999, p. 116). We acknowledge that our analysis is a fragmented and partial knowledge of police encounters reflecting our political aspirations for cultural plurality and unease with Hindu nationalism. While writing memos about the FIRs, we observed that they articulated anxieties about Ahmedabad being a city, which was constantly under threat of terror. We also reflected on the FIRs and identified how they chronicled the narrative of terrorists threatening the life of Narendra Modi, the then Chief Minister of Gujarat. In our memos flowing from the interview data, we uncovered how the assassination attempts against Narendra Modi were described as revenge for the communal violence directed against Muslims in 2002.

In reflecting on our memos describing the police encounters as being situated in a context of Ahmedabad being under the siege of terror, Narendra Modi being the subject of assassination attempts and the referencing of Godhra and Gujarat as the backdrops, we uncovered the connection between these themes. We followed Reinertsen's (2014) Derridean urging of locating metaphors to unravel connections between themes. References to Godhra became metaphors for the politics of fear, a way of outlining how Muslims were dangerous people who threatened the possibility of Hindus living in peace. The police encounters embodied a proxy for the communal violence which had taken place in 2002 and reproduced the politics of fear by labeling Muslims as violent and fearful subjects. Similarly, by writing reflective memos, we uncovered three more themes about deposition dramas, erosion of the rights of the accused, and media spectacles. Next, we describe the themes emerging from our narrative analysis.

## Narratives of Ishrat's Killing: Erasing Ambiguity and Organizing Stories of a Mystical Terrorist

We explore how the Government, BJP, and media colluded to narrate stories about Ishrat Jahan being a terrorist. We explore how Ishrat's killing is entangled in the Hindu nationalist project of suspecting all ordinary Muslims and assuming them to be capable of becoming terrorists.

### Situating the Ishrat Encounter Among a Sequence of Encounters: Proxy for Communal Violence and Reproducing the Politics of Fear

In this section, we explore how the Ishrat Jahan case was embedded in a sequence of police encounters, which reactivated the memory of the Godhra train tragedy and kept alive the social psychosis that resulted in the anti-Muslim pogrom after the Godhra incident. As mentioned earlier, the FIR references the Godhra incident and the communal carnage that followed it as one of the reasons for Islamic terrorists to plot attacks in India, particularly in the cities of Gandhinagar and Ahmedabad (Appendix A1). Between December 2002 and December 2006,<sup>8</sup> several police encounters occurred in Gujarat in highly questionable circumstances at regular intervals in which mostly Muslims alleged to be terrorists were killed.

The police narratives in all the encounters in which Muslims were killed (e.g., Samir Khan Pathan on October 22, 2002, Sadiq Jamal on January 13, 2003, Ishrat Jahan on June 15, 2004, and Sohrabuddin Sheikh on November 26, 2005) referenced the memory of the Godhra train tragedy to underline the violence that led to the death of *kar sevaks* in Godhra (Ayyub 2011). For instance, in the FIR of Sadiq Jamal case, the police claimed that he was a terrorist who intended to assassinate Narendra Modi (Ayyub 2011). In the Sadiq Jamal FIR, the police referenced the Godhra train tragedy to outline a politics of fear indicating that Gujarat continued to remain unsafe from terror attacks being plotted by Muslims.

The FIR in the Sadiq Jamal case states (Ayyub 2011),

The ISI and jihadi organizations from Pakistan, in association with underworld gangsters and notorious gangs, took advantage of the situation arising from the riots to target Gujarat. This fact is clearly established by various acts of terrorism such as the attack

on Akshardham, the conspiracy to kill Narendra Modi, and Pravin Togadia in Ahmedabad by local L-e-T terrorists, namely Shahid Bakshi and Samir Khan Pathan, and the firing on VHP general secretary Dr. Jaideep Patel ... Meanwhile, Jamal had seen on television channels the news regarding communal violence in Gujarat that had erupted after the Godhra carnage. On seeing such incidents, he had made up his mind to kill Narendra Modi.

The police narratives in all encounter cases such as that of Samir Khan Pathan, Ishrat Jahan, and Sohrabuddin Sheikh follow similar discursive strategies, with the police claiming to have received tip-offs about terrorists who intended to assassinate Narendra Modi, the then Chief Minister of Gujarat. In these narratives, after the alleged terrorists entered Ahmedabad, the police intercepted and killed them in the nick of time. The police narratives in all cases reference Godhra to outline how Muslims act as terrorists in making Hindu lives unsafe. The encounters which kill Muslims without bringing them to trial outline the marginalization of Muslims in Gujarat.

A civil rights activist described the politics of the BJP and the Gujarat Government,

The BJP Government in Gujarat knew that it could not risk another riot similar to 2002, as its credibility to govern efficiently and maintain communal harmony would be completely eroded. At the same time, it was important to sustain the sharp polarization between Hindus and Muslims for electoral gains. The Government used the encounters as a proxy for the riots to reproduce polarization between Hindus and Muslims. The police encounters that took place in Gujarat were spectacles. The public consumed the media accounts of these encounters and started fearing Muslims and Islamic terror.

The police encounters also helped in creating "the image that Muslim terrorists were trying to kill Modi because he is the savior of the Hindus. The basic political motive was to keep up the image of Modi as the poster boy of the Hindus" ('Indian student's extra-judicial killing case shakes up the system' 2014). According to Bordia (2015), Hindu nationalism has always asked its adherents to undertake risky journeys immersed in the breach of law to prove their ability to serve the nation. In the present instance, the police officers who enact the encounters engage in a risky breach of law to prove their ability to serve the nation and construct the discourse of Muslims being a threat to Hindu life.

An important aspect of the political repertoire of Hindu nationalism has been the construction of Narendra Modi as a messiah for Hindus, who will take them on the path of progress through his piety, energy, coherence, and

<sup>8</sup> BG Verghese, a journalist, and Javed Akhtar, a poet and lyricist, filed two public interest litigations (PILs) in the Supreme Court of India, alleging that between 2002 and 2006, 21 cases of alleged fake encounter killings were reported in Gujarat in which 33 persons were killed.

goodness (Bordia 2015). The encounters outlined how Muslims threatened the life of the Hindu messiah, and the need to kill those who made Modi's life precarious.

A politician highlighted the discourse of the assassination attempts against Modi,

Pre-2002 era, before Modi became the Chief Minister, Gujarat witnessed recurrent riots between Hindus and Muslims. However, Hindus asserted themselves in 2002 and finally gave a strong signal to the Muslims that they would not tolerate their crimes against Hindus silently. Ishrat Jahan and several other terrorists came to Gujarat to kill Narendra Modi because they could not tolerate Hindus becoming strong and assertive under Modi's rule. When these Human Rights groups, NGOs, and Congress raise questions regarding the legitimacy of Ishrat's killing, they are actually supporting the terrorists' conspiracy of killing Modi and weakening Hindus.

The politician outlines the impulse of Hindu nationalism of protecting Hindus from the violence enacted by Muslims and the use of communal violence as a mechanism for disciplining Muslims. Similar to the politician above, several former police and intelligence officials, journalists, and politicians sympathetic towards the Hindu nationalist agenda stated in the public domain that they believed Ishrat Jahan to be part of a terror module tasked to assassinate Narendra Modi ('Former IB Special Director Rajendra Kumar's exclusive interview' 2016; Pandit 2014).

Hindu nationalists characterize the time after 2002 as a time of peace while they refer to the time before 2002 as a time of violence, outlining a narrative of messianic time. The Hindu nationalist messianic time is clearly embedded in the messiah figure of Narendra Modi and the Hindu religion. The Hindu nationalist imagination of messianic time views a time before the messiah as a time for Hindu precariousness, and the time after the advent of the messiah as a time of Hindu safety and peace. Derrida (2006) states that all such neat orderings of time are suspect, and the claims of justice embedded in such messianic time are problematic. For Derrida (2006, p. 32), justice lies beyond concepts of "right, and still more beyond juridicism, beyond morality, and still more beyond moralism."

One of the defences of Narendra Modi has always been that no court of law has ever found him guilty of sanctioning illegal violence. According to Derrida (2006), justice is beyond the juridicism of such innocence. For Derrida (2006, p. 32), justice is "some out of joint dislocation in ... time itself, a disjuncture that, in always risking the evil, expropriation and injustice against which there is no calculable insurance, would alone be able to ... render justice to the other as other."

For Derrida (2006), justice embodies a dislocation or disjuncture of time. In Ishrat's case, justice would be possible only when the structure of the messianic time of Hindu nationalism is dislocated. Such an ethical mode of justice would engage with the other as other and not reduce the other as a structural element within the messianic time of Hindu nationalism. In a Derridean sense, justice becomes possible when the neatness of the messianic time of Hindu nationalism can be poetically, discursively, politically, and even juridically disturbed.

### Deposition Dramas and Reopening the Politics of Fear

In this section, we explore how facts and issues pertaining to the Ishrat Jahan case have been presented in dramatic ways by the Hindu nationalists to build a culture of suspicion against Muslims. The reopening of public discourse in the Ishrat Jahan case happened after David Headley's deposition in the 26/11 case (Rao 2018). We provide below an extract from the transcript of Headley's testimony in the court. In the transcript, Ujwal Nikam, the public prosecutor in the 26/11 case, is abbreviated as UN, and David Headley is abbreviated as DH.

- UN: Do you know any female suicide bombers in the Lashkar-e-Taiba (LeT)?
- DH: I don't. I can't name any suicide bomber in the LeT. I had been told by LeT leader Muzammil Bhat about a botched operation in India.
- UN: What was this operation?
- DH: I don't remember. But it was a shootout with the police at some picket.
- UN: Were there males or females in the botched-up operation?
- DH: There was one female killed in the shootout with the police.
- UN: I am giving you three names. Can you tell me which of them it is? Noorjahan Begum, Ishrat Jahan, and Mumtaz Begum
- DH: I think it was the second one. It was my understanding that she was an Indian, not a Pakistani. That is what I was given to understand.

While Indian law does not permit lawyers to pose leading questions, Nikam's examination of Headley primarily relied on leading questions. Vrinda Grover, the lawyer representing Ishrat Jahan's mother, argued that Headley's testimony constitutes double hearsay as he was merely reporting a vague conversation between two other people that he putatively heard ('Headley's testimony on Ishrat Jahan is like KBC' 2016). When the defense lawyer cross-examined Headley a month later, he admitted that he had no personal knowledge

of Ishrat Jahan and he had drawn his opinions from media reports ('I have no personal knowledge' 2016). It was clear that Headley's testimony about Ishrat was not reliable. Yet the BJP and a large section of media labeled Ishrat a terrorist based on this testimony. The BJP's use of Headley's testimony to frame Ishrat as a terrorist is not an act of bad conscience. According to Derrida (1995, p. 69), "what the knights of good conscience do not recognize is that the sacrifice of Isaac ... is the most daily and common experience of responsibility." In this formulation, nationalist discourse places a responsibility on people to give up hospitality towards minorities and engage in acts of marginalization and violence against them.

According to Derrida (1995), what leads to the erosion of the ethical is not the loss of "good conscience," but the connection of "good conscience" to structures of "responsibility." For most Indians, Headley signifies the trauma of the 26/11 terror attacks in Mumbai, and they feel the "responsibility" for bringing the perpetrators of 26/11 to justice. The BJP embeds 26/11 within the broader frame of Hindu nationalism and entangles the project of justice in vengeance against Muslims and Pakistanis. The stage performances of the public prosecutor and the media make Headley's unreliable testimony believable by drawing on the sense of "responsibility" and "conscience" that Hindu Indians feel. The moment Ishrat's name is entangled with Headley's, these structures of "responsibility" normalize her "sacrifice" just like that of Isaac's in the theological narrative.

Paradoxically, for Hindu nationalism, the time after 2002 is both a time of peace and a time of precariousness, as police encounters are still needed to overcome the insecurity of Hindu safety. The police encounters themselves will invoke future violence such as 26/11, and the deposition of a terror tainted guest like David Headley will be needed to justify the police encounters. The politics of Hindu nationalism guarantees future waves of violence, and the epistemic premise of Hindu nationalism collapses without such messianic violence.

In the 26/11 case, before Headley's deposition, Nikam had already secured the conviction and the punishment of death sentence for Kasab, a Pakistani origin terrorist. After securing the conviction, Nikam admitted that he had fabricated the narrative of Kasab demanding mutton biryani<sup>9</sup> from jail authorities to stop the wave of public sympathy being generated in favor of Kasab ('Kasab never asked for Biryani' 2015; Krishnan 2015). The BJP Government awarded the Padma Shri, an important civilian honor in India, to Ujwal Nikam, outlining his immersion within the structures of Hindu nationalism (Deshpande 2016).

<sup>9</sup> Mutton biryani is a rice-based delicacy cooked with mutton and other spices. .

A journalist familiar with the Ishrat Jahan case outlined the Hindu nationalist propaganda that was embedded in Headley's testimony,

Headley's deposition is sinister in how propaganda was being built. In the FIR, you find references to Godhra. So Ishrat was vicariously blamed for Godhra, which happened much before her encounter. In the Headley deposition, you find references to 26/11. So Ishrat is also blamed for a future terror attack after she was killed. The Headley deposition outlines how propaganda plays a vital role in building a climate of fear.

Hindu nationalist police violence departs from other forms of police violence, where the police may misrecognize an innocent person as a terrorist, and accidentally kill her (Cornelissen et al. 2014). As the journalist points out, the ethical dilemma of Hindu nationalist police violence is not one of misrecognition, but the discursive dilemma of the enlargement of recognition. The figure who has been killed has to be enlarged in recognition as a figure vicariously responsible for past and future violences.

### **Erosion of the Rights of the Accused and Gendered Marginalization**

In this section, we want to understand how the politics of fear can marginalize the rights of the accused and legitimize illegal actions of police and intelligence agencies against Muslims. Hindu nationalists normalize the unlawful acts of security agencies by contending that their actions are necessary to counteract Hindu precariousness, which results from Islamic terror (Jagannathan and Rai 2017).

According to Derrida (2001), oppositional terms such as mastery and precariousness are never absolute but contingent on each other. Spivak (2001, p. lvii) describes the Derridean concept of differance associated with oppositional terms as "constituted by postponement and self-difference." Mastery is merely the postponement of precariousness, and the dissonance of precariousness invades the structures of mastery. Such a trope of mastery assumes precariousness to be the originary condition; it is an intervention that prevails only till the next act of hostility brings in a new wave of precariousness. Derrida (1999) urges that ethical modes of functioning require people to think beyond tropes of mastery and conceive an imagination of peace that goes beyond its symmetrical opposition to war. For Derrida, peace beyond the symmetrical opposition to war requires hospitality as a vulnerable opening up to the other, an ethics of not securitizing the self against the possible injury inflicted by the other. Derrida (1999, p. 86) critiques Kant (1957) and contends, "If one thinks like Kant, that everything in nature begins with war, then at least two consequences follow. *First*, peace is no longer a natural phenomenon, one that is symmetrical

and simply opposable to war; it is a phenomenon of another order, of a non-natural nature, of an institutional (and thus politico-juridical) nature. *Second*, peace is not simply the cessation of hostilities, an abstention of making war or an armistice; it must be instituted as perpetual peace, as the promise of eternal peace.”

While urging people to think beyond the juridical order, Derrida (1999) acknowledges that parts of the ethical operationalization of peace reside within an institutional and politico-juridical order. An ethical functioning of the police would require an institutional commitment to the “promise of eternal peace,” which implies that, minimally, the police must be committed to the rule of law. They should not suspend the rule of law while enacting tropes of mastery as these suspensions imply that “everything in nature begins with war.” If terror is assumed to be a natural condition, then the “war” on terror, which involves the suspension of the rule of law, is unlikely to be related to the “promise of eternal peace.” For “the promise of eternal peace,” minimally, within the politico-juridical order, while still thinking beyond the politico-juridical order, it becomes necessary to respect the rights of the accused.

Describing the nature of police violence that was a part of Hindu nationalism, a civil rights activist said that the Government was practicing the politics of rumors and suspicion,

The CBI investigation established that before the police encounter, Ishrat and others were in the prior custody of the police. Thus, the issue is not whether Ishrat and others were terrorists. Instead, there is a bigger question — why were they killed if they were already in police custody? Why were they not subjected to the due process of law and produced in a court of law to stand trial? Police cannot kill anybody merely on the basis of suspicion.

The killing of Ishrat by the police in illegal custody signifies that police custody is transformed into a lawless space when it operates within the discursive frame of Hindu nationalism. In Ishrat’s instance, the premise of Hindu safety results in the erosion of her rights and constitutes her as a figure who has been shaken by politics, law, and the media. According to Dillon (2010), the Derridean turn of ethics involves rendering solidarity to the shaken, both within juridical terms, as well as beyond juridical terms. Dillon (2010, p. 199) states, “a song to be sung with and on behalf of the solidarity of the shaken ... the transforming counter-violent juridical appeal of another justice simultaneously operating within and against the law.”

A police officer familiar with the investigation said,

The investigation by the CBI discloses that Ishrat Jahan could not have known Javed for more than six weeks. This period is too short for even completing

basic weapons training. In this short period, she could have become a dangerous suicide bomber only in a comic superhero story. There is also evidence that Ishrat was working with Javed for a small salary of Rs. 3000 per month. She needed money to support her family after her father’s death and had agreed to work for Javed.

The police officer articulates Ishrat as an ordinary, vulnerable Muslim who is trying to overcome the precariousness of her family by working with Javed for a small salary. In contrast to the police officer, actors associated with the Government and the BJP discursively constructed Ishrat Jahan as a promiscuous figure. A former intelligence official, RSN Singh, stated in a documentary that Ishrat Jahan was ‘galivanting’ with male Pakistani terrorists across the country, which a normal Muslim woman was unlikely to do (Pandit 2014). After Headley’s deposition, GK Pillai, former Union Home Secretary stated in an interview to a television channel that he always suspected something was amiss about Ishrat Jahan. He could not believe that an unmarried woman could go and spend nights with married men outside her home (‘Ishrat Jahan was an L-e-T terrorist’ 2016). After superannuation from service, GK Pillai, in October 2012, joined as an Independent Director in Adani Ports, a business house considered close to the BJP<sup>10</sup> (Balachandran 2012).

A police officer familiar with the investigations said that GK Pillai’s statements lacked credibility,

Pillai became Home Secretary around 2009, five years after Ishrat Jahan’s killing in 2004. He has no personal knowledge about the incident. His utterances are based on hearsay having no evidentiary value. Moreover, if the IB knew that Ishrat was traveling to different cities with married men and Pakistani terrorists in April and May 2004, why did they not arrest Ishrat and the others and make them stand trial?

People like Singh and Pillai described Ishrat as a suspicious figure due to her deviance from gendered norms. However, they overlooked the fact that she was facing economic constraints in her family and decided to take up work after her father’s death to help her family (Sen 2016). The police and intelligence agencies do not know full details about

<sup>10</sup> The Adani business house is considered close to the BJP due to several concessions it has received from the Gujarat Government where the BJP has been in power for a long period of time. These concessions include land at extremely low prices for Adani Port and Special Economic Zone (APSEZ) (Balan and Damor 2014), selling of gas by a public sector company in Gujarat at a price lower than the cost price to the Adani group (‘CAG pulls up Gujarat govt firm’ 2012), and reduction in penalty recoveries for violation of contract in electricity sale by the Adani group to a public sector company owned by the Gujarat Government (Mehrotra 2014).

her but are unwilling to admit any doubts or ambiguities. The politics of Hindu nationalism mirrors the Levinasian imagination of being surrounded by enemies and being held hostage. Levinas (1994, pp. 150–152) articulates the imagination of being under siege as “people ... surrounded by enemies and ... still being called into question [this being in question defines ... the subjectivity or ipseity of the hostage: persecution, obsession, or obsidional, responsibility...].” This imagination of persecution and obsession is at the heart of Hindu nationalism, which normalizes the extra-judicial killing of Ishrat by the police. The imagination of persecution marginalizes Ishrat’s gendered identity, as tropes of conservatism are used to label her as a terrorist.

### Media Spectacles: Normalizing Hindu Nationalism

In this section, we explore the role of the media in enacting Hindu nationalist discourses that produce the politics of fear directed against Muslims. The media’s role in reporting dubious police encounters is highly questionable. Instead of raising critical questions surrounding these police encounters, it actively collaborates with the police to structure narratives, which provide legitimacy to the claims of the police. The unethicality of the media reportage lies in its counteracting the possibility of hospitality, the unconditional welcoming of the other. According to Derrida (1999, p. 86), “peace and hospitality of welcoming ... form a pair.”

A journalist, who felt uncomfortable with the role of the media in Ishrat Jahan’s case, said,

In panel discussions, the TV news anchors interpreted Headley’s deposition in a non-contextual manner. They accused the civil rights activists, who questioned the narrative of Ishrat Jahan being a terrorist, of sacrificing the interests of the victims of the 26/11 case and playing into the hands of Pakistan. With the decline of the opposition Congress party, civil rights groups were the only effective opposition to the BJP. The BJP and a section of media collaborated and used the Ishrat case to marginalize the opposition and dissent.

The media’s role in completely aligning with the Government in advancing the discourse of suspicion dramas is linked to actors favorable to the BJP acquiring a controlling stake in TV news channels, such as CNN IBN, Direct 18 and Zee (Bahree 2014; Saxena and Dev 2017). Media channels that did not toe the line of the Government or which were even mildly critical of the Government were targeted by various regulatory and investigation agencies (‘Facts concocted’ 2017). The Union Government tried to ban a TV channel that was critical of it for a day; the BJP President’s son sued an online news portal for Rs. 100 crore (about \$15 million) and pressed for criminal defamation charges; gag orders were issued by the CBI trial court, preventing the

press from reporting court proceedings in a police encounter case, which was later quashed by the Bombay High Court (‘NDTV challenges one day ban’ 2016; Sagar 2017; Saigal 2017; ‘Bombay HC scraps trial court gag’ 2018). A senior journalist who was an outspoken critic of Hindu nationalism was murdered in chilling circumstances by unidentified people in circumstances similar to earlier murders of two well-known rationalists and a communist (Khalid 2017).

The media’s role enabled several police officers accused of wrongdoing to justify their actions. The CBI submitted a supplementary charge-sheet against Rajendra Kumar, a former IB official, alleging that Kumar was a key conspirator in the Ishrat Jahan case (Alluri and Katakam 2017). However, the Union Government declined to give sanction for prosecution against him (‘Ishrat Jahan fake encounter’ 2015).

After Headley’s deposition, Kumar defended himself by giving a television interview (‘Former IB Special Director Rajendra Kumar’s exclusive interview’ 2016),

Has any witness of the CBI contradicted the fact that Ishrat Jahan was a terrorist? If I have cooked up information, then why does the CBI charge-sheet not mention that they were not terrorists? In fact, this is a case where every institution of the state was manipulated for a political-hatchet job. A person called Meraj, who is an Indian was the main conspirator in the plan to assassinate Narendra Modi. He came from UAE to India, but he has never been investigated properly.

Kumar alleged that Meraj planned the terror conspiracy along with Javed, two Pakistanis, and Ishrat Jahan. Kumar said that Meraj fled India to go to the Middle East a few days after Ishrat Jahan and Javed visited him in his village in the Indian State of Uttar Pradesh. He said that Meraj was an L-e-T cadre, and there was enough evidence to show that Ishrat Jahan and others often visited Meraj’s village in Uttar Pradesh. Kumar argued that if the BJP had not defended the interests of Hindus after the Godhra incident, Muslims would have continued to kill Hindus through various acts of violence.

Kumar’s act of defending himself and the refusal of the Union Government to give sanction to prosecute him is a testimony of the lack of public accountability of intelligence agencies in India. Perhaps, India is the only major democracy in the world whose intelligence agencies are not accountable to the people or the Parliament. Although the Supreme Court of India has declined to subject these agencies to parliamentary oversight and financial auditing, such a policy is inimical to justice, as it provides total impunity to intelligence agencies.

The media helped in advancing the politics of fear by suggesting that India was vulnerable to the risk of terror attacks being carried out by Islamic terrorists. In the Ishrat Jahan case, the media’s unquestioning acceptance of the narratives

of police officers endorsed Hindu nationalist ideology. In the conversation with Rajendra Kumar, the interviewer accepts his story but does not ask him what evidence he had about Ishrat Jahan being a terrorist apart from her alleged meetings with Meraj. The interviewer does not ask Kumar whether intelligence inputs had been provided, which led to the Gujarat police taking her into custody 2 days before her encounter took place. The interviewer does not ask Kumar whether Javed and Meraj were IB informers who had helped the IB and Gujarat police to take custody of two Pakistani youth who were alleged to have connections with militants and whether Javed was killed to merely convince the public that there was a larger conspiracy to assassinate Narendra Modi (Sinha 2016).

Rajendra Kumar articulates the evidence of Ishrat Jahan being a terrorist in the form of a question, “has any witness ... contradicted the fact that Ishrat Jahan was a terrorist?” (‘Former IB Special Director Rajendra Kumar’s exclusive interview’ 2016). Within the politics of witnessing, Ishrat’s mother, sister, and others who testify about the ordinariness of Ishrat’s life are not witnesses. Only another terrorist who is aware of dreaded, mystical revelations about Ishrat can be a reliable witness. The tropes of media-saturated reliability structure the witness as a pre-assumed figure who will testify that Ishrat is a terrorist. The media discourses aid the consolidation of the juridical structures of the State formed by Hindu nationalism.

To outline the inequality of the juridical structures of the State, Derrida (1999, p. 87) indicates, “that there never is and never will be such a peace ... this eternal peace, purely political as it is, is not political, or the political is never adequate to its concept.” The political is never adequate to its concept because the police is the primary apparatus of the political State. The State does not have the means to think beyond the police for fulfilling its regulatory function relating to law and order, and when the police is informed by discourses such as Hindu nationalism, “the political is never adequate to the concept” of “eternal peace.” For the political to minimally approach the possibility of eternal peace, the primacy of the police in the State will have to be undone. Instead, the State will have to nurture the discourse of hospitality, and institutions of refuge and asylum will have to acquire primacy in the State.

## Discussion and Contributions: The Politics of Hindu Nationalism and Police Violence

We discuss our findings here and outline the contributions of our study. *First*, we advance the work indicating the Hindu nationalist underpinnings of police violence (Engineer 2003; Jagannathan and Rai 2015, 2017; Shroff 2020; Simpson 2006) by elaborating that the normalization of police

violence is embedded in the messianic temporality of Hindu nationalism. Earlier studies have highlighted the linkages between Hindu nationalism, police violence and the politics of fear directed against Muslims (Duschinski 2010; Engineer 2003; Jagannathan and Rai 2015, 2017). Sands-O’Connor (2018) indicates that police violence directed against minorities is a form of political regulation and censorship that the State extends over minorities. Hindu nationalism is located in the politics of marginalizing minorities in India. An important aspect of Hindu nationalism’s imagination of messianic time is to identify a particular time embodying the arrival of the messiah. In the context of Ishrat Jahan’s encounter, Hindu nationalist discourse articulates 2002 as the arrival of Narendra Modi as the messiah who will protect Hindu interests.

Within the framework of messianic time, Hindu nationalists’ direct violence against Muslims not only as an act of revenge for past violence inflicted by Muslims but also in anticipation of future violence that Muslims will inflict. The police encounters of doubtful credibility, including that of Ishrat, are a process of normalizing the violence of 2002 by orchestrating and advancing the narrative that the Muslims are conspiring to commit violence against Narendra Modi. In most of these encounters, police narratives of assassination attempts are highly unreliable (Jagannathan and Rai 2015).

The FIRs in the police encounters, including that of Ishrat Jahan, reference the 2002 pogrom and articulate the alleged assassination attempts of Narendra Modi as revenge for the 2002 Gujarat riots (Appendix A1; Ayyub 2011). The FIRs complete one part of the messianic temporal structure of Hindu nationalism, where the 2002 Gujarat riots are necessitated as part of a response to future violence that Muslims will enact. Another part of the messianic temporal structure of Hindu nationalism is completed during Headley’s testimony, where Ishrat is referenced as being vicariously responsible for the 26/11 terrorist violence in 2008 (Sen 2016).

*Second*, as police personnel take risks to enact Hindu nationalist violence, we depart from earlier studies, which suggest that police violence follows cultures of permissiveness and the promise of impunity (Duschinski 2010; Gonzalez and Perez-Floriano 2015; King and Land 2018). While cultures of impunity matter, an identification with the politics of Hindu nationalism may be important. Prasad (2014b) indicates that the demonization of Muslims occurs through the construction of everyday fears and prejudices. As Bordia (2015) argues, Hindu nationalism makes a political call on its adherents to engage in a risky engagement with the law to serve the country. The police and intelligence personnel who enacted Ishrat’s encounter transgressed the law and became precarious in terms of the possibility of legal action against them for their criminal acts. In interviews such as those with Rajendra Kumar (‘Former IB Special Director

Rajendra Kumar's exclusive interview' 2016), the Indian media highlighted how those serving the nation had become precarious and were shabbily treated due to the political conspiracies of the earlier Congress government. As actors close to the BJP own several media houses, the Indian media's identification with multiple discourses of Hindu nationalism helps in building political justifications for Ishrat's killing.

Derrida (1982, p. 34) opposes the proposition that "the identity of a signified object of a meaning or concept [is] in principle separable from the process of passage and of the signifying operation." If "meaning" is not separable from the "signifying operation, then the meaning of Hindu nationalism is not separable from signifying operations such as Ishrat's killing. We have mobilized evidence in this study to indicate that the police most likely did not know that Ishrat was a terrorist, and yet the police killed her in cold blood. The killing occurred to keep alive "the trace of a possible war" (Derrida 1999, p. 89) so that Indian Muslims could be demonized for conspiring with Pakistani terrorists and threatening the life of Narendra Modi, the messiah of Hindu nationalism. The signifying operation of a killing implicates Hindu nationalism as a murderous discourse that is trapped in the unethicity of its own fiction of "the trace of a possible war." We add to Derridean thought by outlining that the "trace of a possible war" does not naturally exist, but has to be discursively invented, including through fictions and murders. As the "trace of a possible war" exists only through discourse, it can be discursively undone to make a move towards the ethical position of unconditional hospitality. The move towards unconditional hospitality, while appearing impossible, is still necessary to undertake to restore the ethicality of refuge (Prasad 2014a).

*Third*, earlier research has focused on the ethics of misrecognition, which leads to police violence (Cornelissen et al. 2014). In Ishrat's case, the political discourse of Hindu nationalism advances ethics of the enlargement of recognition, which blames Ishrat herself as being responsible for past and future violence against Hindus. In earlier studies, scholars contend that solidarity among police workers structure a culture of silence and ensure that colleagues do not speak out about unethical violence or misrecognition (Gonzalez and Perez-Floriano 2015; Jagannathan and Rai 2017).

We argue that police encounters that advance the discourse of Hindu nationalism should not be seen as a one-off, isolated acts of misplaced organizational ethics (Cornelissen et al. 2014; Courpasson and Monties 2017; Gonzalez and Perez-Floriano 2015). Instead, we agree with Monk et al. (2019) that police brutality is located in structuring a historical psyche of repression. In this study, we trace the signifying chain in which Ishrat's killing is located and find that Ishrat's encounter is located in a series of encounters that construct Muslims as feared subjects. After the national outrage and international censure, the Modi led

BJP government in Gujarat could not have again orchestrated a communal pogrom similar to the one after 2002 post-Godhra. Consequently, a series of fake police encounters were enacted between 2002 and 2006 in which several Muslims were killed for allegedly plotting to assassinate Narendra Modi to keep alive the imagination of Muslims as feared people. Modi dominating the democratic scene in India signifies how democracies can structure unreasonable limits on the ethical practice of hospitality.

*Finally*, earlier research suggests that the relationship between the State and citizens is characterized by tension and police violence is a symptom of this tension (Karpiak and Garriott 2018; Sands-O'Connor 2018). The State being in tension with citizens is manifested in the global politics of fear where violence is normalized by a suspicion of everyday Islamic life (Afshar 2013; Althiede 2003, 2006; Gore 2004). We expand the theme of the global politics of fear directed against Islam by providing evidence for a more complex connection between Hindu nationalist violence and everyday Islamic life. We show that Hindu nationalists deploy a gendered politics of shame against Ishrat after her killing in an urge to provoke her family to concede that Ishrat was a terrorist.

Karpiak and Garriott (2018) indicate that police work is a part of the political labor that is required to build structures of believability about members of ethnic minority communities being probable terrorists. Karpiak and Garriott indicate that police violence results from the structural tension of the State with citizens, particularly, ethnic minorities. Jagannathan and Rai (2017) indicate that the politics of fear leads to Muslim lives becoming ungrievable enabling police violence against Muslims. Jagannathan and Rai (2015) contend that illegal police violence directed against Muslims has become a part of the enactment of sovereign power of the State in liberal democracies.

Watson (2014, p. 76) outlines Derrida's concerns about democracy enacting the limits of hospitality, "Derrida's sense of cosmopolitics shares ... a concern for the problems of exile and asylum ... it stands out by prominently emphasizing the limits and contradictions of democracy as a practice of hospitality." Derrida is concerned about the practice of exile and asylum. Hindu nationalist politics advances the violence of exile by contending that Muslims do not belong to India and can never be loyal to the project of India (Jaffrelot 1999). We agree with Perry et al. (2019) that religious nationalism premised on supremacist ideology plays an important role in normalizing police violence.

The Hindu nationalist discourse of labeling Ishrat as a terrorist is an attempt to render her ungrievable. The ungrievability of a person enables the infliction of unethical violence against her (Varman and Al-Amoudi 2016). Earlier studies adopt the premise that police violence is directed against the suspect with whom the police are engaging in the

immediate context (Cornelissen et al. 2014; Dick 2005; Jagannathan and Rai 2017). We contend that Ishrat's encounter is not merely directed against Ishrat and other suspects but is premised around a broader imagination of culture and space. Malesevic (2017) indicates that increase in violence is associated with greater inequality as actors try to impose their hegemonies on the vulnerable.

Hindu nationalist actors justify Ishrat's killing by raising questions about how Ishrat's everyday life departs from Islamic norms. Hindu nationalist actors present Ishrat as a promiscuous character to justify the possibility of her being a terrorist. When Hindu nationalist actors accuse Ishrat of being sexually promiscuous and malign her working-class agency, they may be using their provocations merely as a bait. Hindu nationalist actors are shaming Ishrat by describing her as a sexually promiscuous figure (Sen 2016). They are working with an imagination of Islamic norms where they believe that the sense of shame for being described as sexually promiscuous will be so great that Ishrat's family members will concede that she was a terrorist even if they believe in her innocence. Hindu nationalist discourse precariously relies on the premise of Islamic social conservatism to establish Ishrat as a terrorist.

In conclusion, we note that Hindu nationalism is rising as a hegemonic political reality in India with Narendra Modi winning the national elections again in 2019 to become the Prime Minister for the second consecutive term. Arundhati Roy (2020), the novelist and public intellectual, has outlined that the BJP under Modi has aggressively set about to dismantle structures of secularism in its second term. Roy indicates that structures of secularism in India were always precarious. But even the semblance of hypocrisy that existed and defined the practice of secularism is now being dismantled by the present political dispensation.

In Modi's second term, the BJP Government has passed a legislation, the Citizenship Amendment Act (CAA), that paves the way for threatening the citizenship of several Muslims and declaring them to be foreigners. In combination with another legislation of the Union Government, the National Register for Citizens (NRC), several Muslims seriously risk being disenfranchised and pushed in to detention camps. While civil society and Muslims in India have protested against the CAA-NRC move, the BJP Government has not moved. The Delhi Police, which functions under the supervision and control of the BJP Government at the center, colluded with Hindu nationalists in enacting an anti-Muslim pogrom towards the end of February 2020 to quell Muslim protests against the CAA (Shroff 2020).

The politics of fear directed against Muslims transcends the Ishrat Jahan police encounter and constitutes a primal ideological discourse for the BJP. Prasad (2020) indicates that the BJP government has not even spared the Covid-19 pandemic to pursue the construction of hate against

Muslims. Prasad (2020, pp. 295–296) states that the unexpected crisis of Covid-19 is being used to “conjure moral panic among Hindus and, thereby, establish an environment of fear and paranoia necessary to encourage the enactment of symbolic and physical violence against Muslims in India.” The construction of fear against Muslims is a central political project of Hindu nationalism in various realms of governance and life, leading to unethical acts of violence. The increasing violence against Muslims in Modi's second reign indicates an urgent ethical need to counteract the politics of fear that Hindu nationalists are enacting.

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## Compliance with Ethical Standards

**Conflict of interest** Author Srinath Jagannathan, Author Rajnish Rai and Author Christophe Jafferlot declares that they have no conflict of interest.

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