Guest Editor's Introduction
Governing through Violence: Democracy, Law, and Hindutva's New Political Order

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Abstract

This essay frames the contributions in this issue by outlining the relationship between political violence and democratic decline in contemporary India. It argues that violence under Hindutva is not merely an aberration from democratic governance, nor simply a symptom of institutional erosion, but one of the mechanisms through which democratic life is being reconfigured. The essay acknowledges contemporary majoritarian violence within longer histories of state and communal violence in India while identifying a distinctive present: the routinised delegation, protection, and legitimation of violence across legal, extralegal, digital, and vigilante domains. Rather than treating law and violence as opposites, the essay shows how law can authorize, shield, and moralise coercion. Hindutva governance transforms the boundary between legitimate and illegitimate violence, converting majoritarian coercion into a language of democratic participation, civic duty, and sovereign authority.

Keywords: Political violence, Democratic decline, Hindutva, Majoritarianism, Autocratic legalism

Gobernar mediante la violencia: democracia, ley y el nuevo orden político del Hindutva

Resumen

Este ensayo contextualiza las contribuciones de este número al delinear la relación entre la violencia política y el declive democrático en la India contemporánea. Sostiene que la violencia bajo el Hindutva no es simplemente una aberración de la gobernanza democrática, ni un mero síntoma de la erosión institucional, sino uno de los mecanismos a través de los cuales se reconfigura la vida democrática. El ensayo reconoce la violencia mayoritaria contem-

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poránea dentro de la larga historia de violencia estatal y comunal en la India, al tiempo que identifica un presente particular: la delegación, protección y legitimación rutinarias de la violencia en los ámbitos legal, extralegal, digital y de la justicia por mano propia. En lugar de tratar la ley y la violencia como opuestos, el ensayo muestra cómo la ley puede autorizar, proteger y moralizar la coerción. La gobernanza del Hindutva transforma la frontera entre la violencia legítima e ilegítima, convirtiendo la coerción mayoritaria en un lenguaje de participación democrática, deber cívico y autoridad soberana.

Palabras clave: Violencia política, Declive democrático, Hindutva, Mayoritarismo, Legalismo autocrático

以暴力统治：民主、法律与印度教民族主义的新政治秩序

摘要

本文以当代印度政治暴力与民主衰落的关系为框架，阐述了各篇文章的主题。本文认为，印度教民族主义下的暴力并非仅仅是民主治理的偏差，也并非制度侵蚀的征兆，而是民主生活重构的机制之一。本文承认当代多数派暴力存在于印度国家和社群暴力的悠久历史之中，同时指出其独特的现状：暴力在法律、法外、数字和民间自卫领域被常规化地授权、保护和合法化。本文并未将法律与暴力视为对立面，而是揭示了法律如何授权、庇护和道德化强制行为。印度教民族主义治理模糊了合法暴力与非法暴力之间的界限，将多数派强制转化为民主参与、公民责任和主权权威的语言。

关键词：政治暴力，民主衰落，印度教民族主义，多数主义，专制法治

Violence and the Reconfiguration of Indian Democracy

India's contemporary political condition confronts us with a stark and unsettling paradox. The world's largest democracy—long celebrated for its electoral vibrancy and pluralist ethos—has, over the past decade, witnessed the normalization of violence as a routine technique of governance. No longer confined to the margins of legality or the peripheries of statecraft, violence has become integral to the quotidian operations of power. It shapes

how the state governs, how citizens are disciplined, and how political legitimacy is both enacted and enforced. The democratic decline under the Bharatiya Janata Party (BJP) cannot be fully understood through the language of institutional erosion or civil liberties alone; it demands a reckoning with the political domestication of violence—the conversion of coercion, fear, and insecurity into legitimate instruments of rule.

Much of the global literature on democratic backsliding has focused on institutional indicators: executive aggrandizement, judicial capture, the erosion of electoral integrity, and the rollback of civil and political rights (Levitsky and Ziblatt 2018; Lührmann and Rooney 2021). India fits some of these frameworks, particularly as a hybrid or competitive authoritarian regime (Levitsky and Way 2020; Mukherji and Zarhani 2023). Yet such frameworks often overlook the affective and moral economies through which authoritarian legitimacy is crafted and sustained. India's case reveals that democratic decline does not simply dismantle liberal norms; it rearticulates the democratic project itself. Since 2014, the consolidation of Hindu nationalism has depended not only on majoritarian mandates, but also on the systematic cultivation and deployment of political violence—ritualized, bureaucratic, digital, and spectacular.

This proliferation of coercive power under Hindutva should not be understood as lawlessness, disorder, or state failure. Its significance lies precisely in its routinisation. Violence operates through legal grey zones in which the state enables what it does not always formally command, protects what it does not always openly authorize, and legitimates what constitutional democracy would otherwise mark as unlawful. The result is not the absence of legal order, but a transformation in the boundary between legitimate and illegitimate violence. Its effects are not exhausted in moments of rupture alone, but endure through displacement, insecurity, anticipatory fear, and the remaking of everyday social relations.

This argument does not presume that the Indian state ever possessed a clean Weberian monopoly over legitimate violence, nor that communal or state-aligned violence began in 2014. The history of postcolonial India is marked by riots, police impunity, emergency powers, counterinsurgency, caste violence, and the recurrent outsourcing of coercion to local majorities. The claim here is more specific. Under Hindutva, these older repertoires have been reorganised within a majoritarian democratic project that renders political violence not merely tolerable but publicly virtuous. What is distinctive is the scale, ideological coherence, and democratic legitimation of this violence: its circulation across law, policing, vigilante networks, electoral rhetoric, media spectacle, and digital participation.

The contributions in this issue, by Kaiser, Basu, Rehman, and Jaffrelot, arise from and respond to this conjuncture. Together, these essays trace different modalities through which political violence is institutionalised and

reproduced: through securitising law (Kaiser), through the affective and infrastructural afterlives of riot (Basu), through post-riot displacement and the normalization of permanent insecurity (Rehman), and through the fusion of vigilante and state power within what Jaffrelot terms the 'deeper state.' The contributors, first, move beyond accounts that emphasize institutional attrition to foreground the constitutive role of violence in democratic transformation. Second, they trace how Hindutva governance depends on the blurring of boundaries between legal and extralegal force, public and private actors, punishment and impunity. Third, they show that violence is not a residue of a failing state or a pathology of society—it is a moral and administrative logic through which the majoritarian nation imagines itself, disciplines its others, and sustains its legitimacy.

Judicial Crisis and the Specter of Political Violence

The Judge B.H. Loya case encapsulates the troubling convergence of institutional decay and political violence in contemporary India. Judge Loya, who was presiding over a high-profile murder trial implicating Amit Shah (then president of the ruling Bharatiya Janata Party and currently India's Home Minister), died under mysterious circumstances in December 2014. Allegations quickly surfaced suggesting that his death—officially attributed to cardiac arrest—was in fact an assassination intended to shield powerful figures. Reports that he had been offered a significant bribe shortly before his death further fuelled suspicions and led to public demands for an independent investigation.

In 2018, the case reached the Supreme Court of India. Then-Chief Justice Dipak Misra controversially assigned the matter to a relatively junior judge, prompting widespread concern about procedural irregularities and judicial impartiality. That judge soon recused himself, and a new bench led by Misra ultimately dismissed the petitions, ruling Loya's death as natural and reprimanding the petitioners for attempting to "scandalise" the judiciary.

What followed was one of the most extraordinary public episodes in Indian judicial history. On January 12, 2018, four of the Supreme Court's most senior justices—Chelameswar, Gogoi, Lokur, and Joseph—held an unprecedented press conference to express concerns over the Chief Justice's administrative conduct. Although their statement avoided naming specific cases, it unmistakably alluded to the Loya matter as emblematic of broader dysfunction. Justice Chelameswar's warning that the Court's credibility was essential to the survival of Indian democracy highlighted the stakes involved. The crisis culminated in an unsuccessful impeachment motion against Chief Justice Misra, citing the Loya case among other grievances.

This episode shattered the judiciary's long-cultivated "mythos" as an unimpeachable guardian of constitutional order (Acevedo 2021). For decades, the Supreme Court had commanded near-heroic reverence for its

progressive jurisprudence. The Loya affair exposed a more cynical reality: a judicial institution susceptible to political pressure, internal disarray, and compromised integrity. The incident marked a critical rupture in the narrative of judicial infallibility.

While much of the commentary has framed the Loya case as a crisis of judicial independence and procedural integrity, what remains insufficiently emphasized is the centrality of violence that underpins the entire episode. The legal controversy originated in Judge Loya's role in adjudicating the Sohrabuddin Sheikh "fake encounter" case, a notorious instance of extrajudicial killing involving a Muslim man and allegedly orchestrated by state police with political sanction. Sheikh's killing—far from being treated as an embarrassment or something to be legally justified—came to be publicly as celebrated as legitimate punishment not just by BJP's rank and explicitly by Modi in political rallies. Violence, thus, was not peripheral, but foundational to the institutional crisis embodied in the Loya episode.

Under the BJP's rule since 2014, violence has become embedded in the everyday apparatus of governance. From lynchings justified in the name of cow protection, to home demolitions in minority neighbourhoods, to orchestrated police "encounters," the state has increasingly relied on coercive practices to produce and perform political authority. What sets the Loya case apart, however, is how it demonstrated that even elite state actors—judges, bureaucrats, ministers—are enmeshed in this architecture of violence. That a sitting judge could be perceived as assassinated to protect a political heavyweight speaks to the pervasiveness of coercive power and its normalization within India's Hindutva state. Political leaders and state officials themselves must navigate an environment where the ultimate currency of power can be the ability to inflict or avoid death. The Loya case dramatized this reality, revealing that India's democratic decline is playing out not only in courtrooms and legislatures, but also in encounters with bullets and blood.

This normalization has not often been central in scholarly accounts of India's democratic backsliding. Most studies focus on the insidious deployment of legal instruments to weaken institutions and erode checks and balances. Kim Lane Scheppele's concept of "autocratic legalism" has been influential in explaining how regimes like Modi's hollow out democracy from within by manipulating the law without overtly abandoning its forms (Scheppele 2018). Tarunabh Khaitan's (2020) characterization of India's constitutional decline as "a death by a thousand cuts" captures the incremental nature of institutional erosion. Yet such frameworks, while indispensable, risk overlooking how democratic erosion in India is not merely legalistic or institutional but also visceral and violent. As Thomas Blom Hansen and Srirupa Roy have argued, public authority in India is increasingly exercised through performances of coercion and domination (Hansen and Roy 2020). Angana Chatterji and colleagues

similarly note that the weakening of institutions is accompanied by affective and moral reinvestments in state power—often through acts of violence (Chatterji et al. 2019).

In this context, political violence is not a deviation from democratic governance but a central technique of rule. It constructs majoritarian legitimacy, disciplines dissent, and redefines the boundaries of political community. The Loya case reveals this paradigm in stark relief: it was not merely a moment of judicial scandal, but a flashpoint in the transformation of India's democracy into a system where law, legitimacy, and violence co-produce political order. The Loya episode matters not only because it raised questions of judicial independence, but because it showed how institutional erosion and political violence are mutually reinforcing. The crisis began with an alleged encounter killing, travelled through the judiciary as a question of accountability, and ended by exposing the limits of institutional scrutiny when the actors implicated in political violence also occupy state power.

Violence as Governance

The contributions in this issue collectively aim to reposition political violence—not merely as an epiphenomenon of democratic decline, but as one of its central engines. Political violence under the Hindutva regime does not operate as an aberration from governance; rather, it is increasingly constitutive of governance itself. That is, violence—spectacular and ambient, legal and extralegal, state and non-state—is now embedded within the architecture of state power and normalized as a technique of rule.

Michel Foucault's (2007) concept of governmentality is instructive in this regard. His insight that modern power operates not only through repression but also through conduct-shaping mechanisms resonates deeply with the modalities of Hindutva rule. In India today, violence is both disciplinary and pastoral. It regulates behaviour through fear, moral exhortation, and public spectacle, and it does so under the legitimizing veneer of democratic sanction. Far from standing outside governance, violence in this formation functions as its intimate companion—a technique of sovereignty that generates order through selective disorder. To treat violence as a modality of governance is to see it not as an exception to political order but as one of its constitutive mechanisms. The BJP regime's mode of rule exemplifies what scholars elsewhere have termed "governing through disorder" (Pellizzoni 2011; Pospěch 2021). In this paradigm, instability, legal ambiguity, and precarity are not failures of governance but its instruments. In India, we see a similar configuration: bulldozer demolitions of Muslim homes, lynchings broadcast on social media, and orchestrated riots all operate as modes of managing populations through fear and ambiguity. It is governance through exception, but also through repetition—a routinized spectacle of impunity that both terrifies and instructs.

From this vantage point, several theoretical insights emerge. First, political violence is juridically produced, legitimized, and routinized. I have previously offered the notion of "the irregular" as a mode of governance in which extra-legal violence against minorities is normalized through selective legality (Bhat 2024). In this framework, the rule of law is suspended in relation to minority citizens through intense ethnonationalist mobilisation and what I call the "ethnicization of the law." This produces zones of exception in which minority citizens—particularly Muslims—are rendered perpetually vulnerable to extra-legal surveillance, policing, and bureaucratic exclusion. The irregular fuses legality with moral panic and majoritarian sentiment, converting violence into a civic virtue. Here ethnonationalist mobilization is sustained through the symbolic and procedural authority of law itself. Similarly, Nidah Kaiser's contribution shows how anti-conversion laws transform Hindutva's "love jihad" campaign from a field of propaganda and vigilante mobilisation into a securitised legal regime. Focusing on the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, its 2024 amendment, and the wider diffusion of similar laws across BJP-ruled states, Kaiser argues that inter-faith marriage has been recoded as a threat to public order, demography, women's honour, and national security. The law does not merely criminalise conversion; it creates a structure of suspicion in which Muslim men become security threats and Hindu families, vigilante groups, and police actors become co-producers of enforcement. Her essay shows how securitisation turns majoritarian anxiety into legal authority, enabling detention, surveillance, third-party complaints, punitive demolitions, and vigilante intervention under the formal language of security and legality.

Second, the Hindutva regime is marked by the diffusion of coercive power. The boundary between state and citizen collapses as vigilantes, trolls, and neighbourhood committees operate as the sovereign's emissaries, enacting violence in the name of the nation. Hansen and Roy (2022) describe this as the "vernacular state," a formation where power is diffused across informal bureaucracies, digital publics, and community enforcers. In this structure, violence becomes participatory and moralized. Ordinary citizens engage in acts of surveillance, moral policing, and digital harassment not as aberrant behaviour but as expressions of political belonging. This is what transforms authoritarian governance into a participatory project: violence is not only inflicted but also shared.

Third, the entanglement of democracy and political violence in India is not entirely new. Scholars from Gyanendra Pandey (1992) to Veena Das (1987) and Paul Brass (2003) have long shown how communal riots serve as theatres of political negotiation between the state and society. What distinguishes the present, however, is not simply the scale or frequency of violence, but the conditions under which it persists beyond the event. Shaikh Mujibur Reh-

man's contribution extends this argument by examining the political and institutional afterlives of the 2013 Muzaffarnagar riots. Drawing on fieldwork in resettlement colonies established after the violence, Rehman shows how riot violence persists not only through memory or fear, but through displacement, administrative abandonment, failed accountability, and the restructuring of everyday social life. His essay argues that the aftermath of communal violence under Hindutva no longer culminates in reconciliation or normalization. Instead, post-riot governance produces durable conditions of insecurity in which displaced Muslims remain suspended between citizenship and exclusion—what he terms the condition of the 'eternal half-other.' Violence, in this account, does not end with the riot; it reorganises space, citizenship, and political belonging long after formal peace has returned.

Political violence is no longer confined to episodic rupture; it is sustained across the interval between events through environments that render it continually plausible. Basu's concepts of "riot imaginaries" and "anticipatory infrastructures of violence" capture this shift. Drawing on ethnographic work in Northeast Delhi, she shows how rumours, images, digital traces, neighbourhood boundaries, and sensory cues coalesce into infrastructures that organise anticipation, distributing readiness for action for some and vulnerability for others. The riot, in this account, does not end—it is carried forward as a condition, embedded in everyday life and reproduced through the ordinary practices that make future violence thinkable, imminent, and actionable.

There is something more theoretically radical at stake. The Hindutva regime is not merely altering the techniques of governance; it is reshaping the very nature of the state. This is a form of political violence that is not waged against democracy, but rather through it. It is electorally authorized, publicly staged, and often juridically immunized. What emerges is not the simple negation of democracy but its violent reconfiguration—a transformation from liberal constitutionalism to what Christophe Jaffrelot (2021) terms "ethnic democracy," a fundamental reshaping—however vulgar—of the *demos* into *ethnos*. In this political formation, violence is neither incidental nor exceptional. It is constitutive.

Thomas Blom Hansen offers a striking articulation of this shift. "Public violence and the performance of anger and outrage," he writes, "have become ever more accepted languages of political life in India" (Hansen 2021, 41). This popular violence, far from being a breakdown of political order, is animated by "vernacular ideas of popular sovereignty," which Hansen calls "the mightiest socio-political force in India" (Ibid., 42). Within this vernacular logic, the ability to rule depends not on institutional authority alone, but on the capacity to channel and manage the expectations, resentments, and violent energies of the majority. Violence thus becomes a mode of claiming popular legitimacy—an expression of the "voice of the people," now reconstituted

as the Hindu ethnos. Popular violence, Hansen argues, is not a deviation from democratic participation, but one of its most "common expressions."

As Arendt (1970) and Benjamin (1978) remind us, modern legal orders have always been entangled with violence, whether in the form of law-making force or law-preserving coercion. But what marks the current Indian moment is a more profound unravelling of the state's exclusive claim over violence. Today, that claim is distributed—diffused across non-state actors, vigilante groups, police units operating with impunity, digital publics mobilized through hate speech, and legal institutions that selectively criminalize dissent while shielding perpetrators of communal or caste violence.

The point is not that Hindutva marks the simple collapse of Weber's state. Rather, it transforms the state's claim to legitimate violence. The state does not abandon its monopoly so much as redistribute coercive authority while retaining the power to decide which forms of violence will be punished, ignored, celebrated, or absorbed into legality. Vigilantes may act outside formal law, but their actions acquire political force because state institutions selectively protect them. Police violence may violate constitutional norms, but it is framed as order, security, or popular justice. The central transformation, then, is not merely a blurring of state and non-state violence but a displacement in the threshold of legitimacy itself.

Jaffrelot's (2026) notion of the "deeper state" formulated in his contribution is crucial here. Unlike the classic Weberian state premised on a monopoly of violence, the deeper state thrives on its diffusion. It is composed of formal institutions and informal militias operating in moral synchrony. Vigilantes become "outlaw law-enforcers," acting with the tacit sanction of the police and the bureaucracy. Cow protection squads, anti-conversion monitors, and trolling armies are not marginal actors; they are performative extensions of state sovereignty. This fusion obliterates the line between legal enforcement and alegal violence—violence that is not beyond the law but constitutive of its moral order. The Bajrang Dal's paramilitary parades and attacks on interfaith couples are not mere aberrations; they are ritual affirmations of the state's majoritarian ethos.

As Jaffrelot (2021) argues, the ethnic state reshapes democratic institutions around religious majoritarianism, sustaining electoral competition even as it redefines the *demos*. In this schema, violence is not incidental; it is the primary mechanism through which the boundaries of citizenship are re-policed and the social contract rewritten. Mobs demolishing Muslim homes, digital campaigns inciting boycotts, and the public celebration of extrajudicial killings are not eruptions of disorder but choreographed performances of sovereign populism (Hansen 2019). These acts are rendered moral by the regime's claim to speak for the "people," and democratic by their framing as participatory justice. Hindutva's genius lies in this inversion: it makes violence

appear as democracy's fulfilment rather than its abrogation.

India's crisis, then, is not merely a matter of institutional erosion or executive overreach. It is a remaking of political life in which violence becomes a civic grammar, a form of participatory authorization. As the contributors show, this transformation unfolds across multiple domains: from the codification of bigotry in law, to the affective and anticipatory infrastructures of violence, to the spatial and psychological afterlives of riot, to the management of its aftermath, where displacement, abandonment, and unresolved insecurity become durable features of democratic life. Together, these essays map a political formation in which political violence is not the failure of democracy but its governing idiom: codified through securitising law, sustained through anticipatory infrastructures, and extended through vigilante-state collaboration.

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