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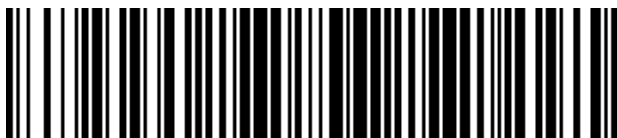
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**The Myth of Love Jihad- The Fruit of Patriarchy, Partition and the
Pronounced Silence of the Constitution**

Mrinalini Kumar

ABSTRACT

The combination of patriarchy and religion has had deleterious effects, especially in South Asia, as can be seen in the innumerable communal riots that mar its history. In this background, the term 'Love Jihad' holds significance.

Love Jihad is the term given to the alleged conversion of non-Muslim women to Islam by Muslim boys and men under the pretense of love.

The two cornerstones of the concept of Love Jihad are the perception of women as being passive and the Muslim 'other' as being essentially 'evil'. Love Jihad isn't a uni-dimensional concept as conceived by many on its face value. An in-depth study into this phenomenon reveals five major inter-connected attributes, namely, Hindutva dominance, Islamophobia, the gender question, the silent constitution and voices unheard, and a repetition of history i.e. partition violence. However, their foundation lies in the linkage between family and the state. Thus, the argument in this essay revolves around not how even in a so-called 'secular' country, the dominance of one religion exists but that the phenomenon of Love Jihad is nothing but a repackaging of the violence that we experienced during partition; our society has stagnated in religious matters, at the point where we began- the Hindu 'self' and the Muslim 'other'.

The ongoing narrative will forever keep us shackled in this loop of violence. This essay, thus, looks forward to a conclusion of changed narratives.

KEYWORDS: Love Jihad, Family, Patriarchy, Hindutva, Islamophobia, Gender, Constitution, Rights, Control, Secularism, Partition, Violence

INTRODUCTION

Patriarchy is a concept that has withstood the travails of several centuries and still stands strong. Another concept that has been running parallel to it is religion. Their combination has had deleterious effects, especially in South Asia, as can be seen in the innumerable communal riots that mar its history. In this background, the term 'Love Jihad' holds significance.

Love Jihad, a term that has gained currency in the recent years, is the term given to the alleged conversion of non-Muslim women to Islam by Muslim boys and men under the pretense of love.

The two cornerstones of the concept of Love Jihad are the perception of women as being passive and the Muslim 'other' as being essentially 'evil'. Love Jihad isn't a uni-dimensional concept as conceived by many on its face value. An in-depth study into this phenomenon reveals five major inter-connected attributes, namely, Hindutva dominance, Islamophobia, the gender question, the silent constitution and voices unheard, and a repetition of history i.e. Partition violence. However, their foundation lies in the linkage between family and the state. Thus, this argument in this essay revolves around not how even in a so-called 'secular' nation, the dominance of one religion exists but that the phenomenon of Love Jihad is nothing but a repackaging of the violence that we experienced during partition; our society has stagnated in religious matters, at the point where we began- the Hindu 'self' and the Muslim 'other'.

The ongoing narrative will forever keep us shackled in this loop of violence. This essay, thus, looks forward to a conclusion of changed narratives.

THE LINKAGES BETWEEN FAMILY AND STATE

Aristotle says that the *polis* is the most 'sovereign and inclusive of all associations', because it is directed towards the highest of human purposes: it alone is 'sufficient' for men in that it provides the conditions in which the good life can be lived. The *polis* is a 'whole' which includes households (villages) as constitutive 'parts'.¹

This Aristotelian notion about households being constitutive parts of polis summarizes the importance of family in the matrix of state. It is the building block of a state and thus, establishing control over it becomes the primary task at its hand. This was what happened during partition through the Abducted Persons (Recovery and Restoration) Act of 1949 and what is happening in recent times through 'love jihad'. *The personal has always been the political*. Its modus operandi weaves its way through the following clauses.

¹ Andrew Lockyer, *Aristotle: The Politics* in A GUIDE TO THE POLITICAL CLASSICS: PLATO TO ROUSSEAU 46 (Murray Forsyth & M. Keens-Soper, 1988).

HINDUTVA DOMINANCE AND ISLAMOPHOBIA

Hindutva, as defined by Savarkar, Rashtriya Swayamsevak Sangh (RSS) and Vishwa Hindu Parishad (VHP), views Indian culture as a manifestation of Hindu values. However, its underlying tone is that of an overarching hegemony of 'Hindu' as an identity. The Hindutva dominance is explicit in the very name of this conception- *Love Jihad* – which adds a religious bias towards Islam in its understanding; an understanding where the existence of Hinduism is considered under threat by the 'spread' of Islam. Rashid² points out that the word "jihad" does not mean "to wage holy war," or "to kill the infidel," or "to commit terrorism"; it means "to struggle." He further argues that the only two groups who claim "jihad = Terrorism" are Islamic State terrorists and Islamophobes with an agenda; both of whom are ignorant of Islam and serve only one another. Yet, the ignorant use of the term makes us a part of an atmosphere where a Hindu woman's conversion to Islam is seen as a conspiracy to alter the demographic structure of a Hindu India. This shows how Islamophobia isn't just a western ideology; it has been 'whole-heartedly' accepted as the *needed truth* to protect the Hindu circle.

Why has this need to 'save' Hinduism pervaded times immemorial? This communal consciousness arose as a result of the transformation of the society under the impact of colonialism and the need to struggle against it. The majority, thus, began to fear the growing power of the minority. Harmony in majoritarian terms then meant status-quo in terms of power and domination. RSS Chief Mohan Bhagwat terms India as a '[Hindu Rashtra](#)' to justify the ideology of Savarkar, who also believed that all those living in India, are Hindus by nature. But, Jethmalani³ argues that throughout India's ancient history, the word Hindu was never meant to denote religion. It was a geographic and cultural term used by the Greeks, Persians and Arabs to describe the people living by and beyond the river Sindhu. With time, this identity was engulfed by a religious colour. So, this protection is nothing but an extension of mere power politics.

How has 'Love Jihad' been given such a firm grounding in general political discourse? The right-wing politics in India, has harnessed the existing global perception of 'Islamophobia' to push the campaign

² Qasim Rashid, *Jihad' is not a dirty word*, July 9, 2017, available at <https://www.washingtonpost.com/news/global-opinions/wp/2017/07/08/jihad-is-not-a-dirty-word/> (Last visited on July 6, 2020)

³ Rashi Mathur, *Is Hindutva a way of life? Revisiting Supreme Court's two-decade-old judgement*, October 17, 2016, available at <https://www.inuth.com/india/supreme-court-to-revisit-its-two-decade-old-judgement-on-hindutva/> (Last visited on July 3, 2020).

of 'Love-Jihad'. As if we haven't already been dependent on the west for the developmental discourse, we have now started imitating them in their religious discourse as well. Why does this phobia of Islam exist? Just to maintain one's dominance at the stake of innocent lives who dared to defy societal norms and love outside their religion?

This deep rooted and misguided Islamophobia can be seen in the 'awareness posters' about love jihad. They portray Muslims as venomous monsters and the Hindu woman as pure, clad in a saree who is gullible and may fall in the trap of the 'Jihadis'. Durga Vahini (the women's wing of VHP) included Bollywood actress Kareena Kapoor in this propaganda as well, without even informing her, let alone ask. When asked why Kareena was chosen for the cover, Durga Vahini's coordinator Rajni Thukral told the Hindustan Times, "She is a celebrity. The youth try to emulate celebrities. They think if she can do so, why not us?"⁴ This shows the level to which this Islamophobia is being propagated.

⁴ Vikas Pathak, *Kareena's morphed photo used as warning against 'love jihad'*, January 8, 2015, available at <https://www.hindustantimes.com/india/kareena-s-morphed-photo-used-as-warning-against-love-jihad/story-AdazJ5dpabfFs5wI5gkOZO.html> (Last visited on July 4, 2020)

THE GENDER QUESTION

The gender question emerges as women here are viewed as lacking agency, who can be controlled according to the whims and fancies of men- can be made to fall in love, can be forced to change their religion, as if they aren't human beings with blood and flesh as well as a brain but puppets in the hand of the patriarchal society. The misogyny becomes evident here.

The passiveness with which women are perceived is what emerges out of this notion of Love Jihad. The Hindutva forces' chivalry and politics of masculinity does not respect women; it renders them as objects of either pride or shame, but never as autonomous subjects. This was not different in 1947 and nor is it any different in 2020. Communal identity has always been dependent on the *purity* and *chastity* of women. This is the reason why women's bodies become battlefields during a communal clash. Violating a woman is equal to violating the respect of a community. Thus, all religions always try to control girls and women and put sanctions in place to deter them from marrying into another religion. The same rules do not apply to boys and men. It's, therefore, patriarchy and fundamentalism presented in one plate.

Another flaw of Indian society, reflected by the current discourse, is the lack of religious freedom women in India enjoy. It is assumed that only the father or husband of a woman can decide which religion their daughter or wife should follow. Women are thought of as being incapable of, or having no right, to determine their own religion.

Bowen⁵ reported that Satish Mylavarapu, a person who propagates militant Hinduism, released a list on Facebook in 2018 stating that, "This is a list of girls who have become victims of love jihad. We urge all Hindu lions to find and hunt down all the men mentioned here". Mylavarapu said that "It's a matter of Muslims taking over our blood and taking over our wombs — the wombs that would give Hindu children." This reductionism of women as mere vessels of reproduction, saddling the 'duty' to

⁵ ANNIE BOWEN, A MUSLIM AND A HINDU THOUGHT THEY COULD BE A COUPLE. THEN CAME THE 'LOVE JIHAD' HIT LIST, (APRIL 26, 2018), AVAILABLE AT [HTTPS://WWW.WASHINGTONPOST.COM/WORLD/ASIA_PACIFIC/A-MUSLIM-AND-A-HINDU-THOUGHT-THEY-COULD-BE-A-COUPLE-THEN-CAME-THE-LOVE-JIHAD-HIT-LIST/2018/04/26/257010BE-2D1B-11E8-8DC9-3B51E028B845_STORY.HTML](https://www.washingtonpost.com/world/asia_pacific/a-muslim-and-a-hindu-thought-they-could-be-a-couple-then-came-the-love-jihad-hit-list/2018/04/26/257010BE-2D1B-11E8-8DC9-3B51E028B845_STORY.HTML) (LAST VISITED ON JULY 6, 2020)

maintain the lineage is what puts the gender question right in our tracks. The further blatant violation of our right to privacy⁶ (a component of Article 21) is another issue under the spotlight here.

Since women as independent beings do not exist in a Hindutva setting, certain realities are always overlooked i.e. forced marriages do not last; religion can't be forced upon anyone, be it a man or a woman; if a man hides his identity to lure women, will she never know the truth? And when she does, is she so irrational so as to stay with him, then bear his kids and raise them as Muslims? One ultimately needs to face this truth.

⁶ See Justice K.S. Puttaswamy (Retd.) vs Union of India (2017)

THE SILENT CONSTITUTION AND THE VOICES UNHEARD

2016 saw a father alleging that his daughter was forcibly converted and married off to a Muslim man. This led to Hadiya becoming national news overnight. Her father argued that she was in a vulnerable position and needed rescuing from this trap. The judgement from the Kerala High Court reiterated Ashokan's (Hadiya's father) point of view and said, "In the first place, it is not normal for a young girl in her early 20s, pursuing a professional course, to abandon her studies and to set out in pursuit of learning an alien faith and religion"⁷. Thus, followed the annulment of Hadiya's five-month marriage to Jahan as well as her being put in the care of her parents.

The Supreme Court, in *Lata Singh vs State of UP* (2006)⁸, noted that "This is a free and democratic country, and once a person becomes a major, he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage." Yet, the Supreme Court failed us in the case of Hadiya. Just by giving a platform to that case showed their support for the myth of love jihad. Besides, despite Hadiya continuously proclaiming that she married Jahan and converted to Islam out of her own will, it took the Supreme Court several hearings to pass its judgement. This shows that when the word of a woman is pitted directly against a man's, her voice isn't worthy of importance. Thus, the investigation by the National Investigation Agency (NIA) and the hearings by the Supreme Court weren't the tools to obtain justice but to sustain the myth.

When her case went to the Supreme Court, the fact that was ignored by the common masses but pointed out by Bhatia⁹ was that her presence in the courts was also a terrifying reminder that she was being asked to prove that she was worthy of freedom. Herein, a woman was a fragile porcelain doll that needed saving and protection from her own decisions. This is what mobilized the courts as well as the NIA. Nothing else panders to the masculine narrative than a woman in need of protection.

⁷ Rahul Bhatia, *The Year of Love Jihad in India*, December 31, 2017, available at <https://www.newyorker.com/culture/2017-in-review/the-year-of-love-jihad-in-india> (Last visited on July 3, 2020)

⁸ Indian Kanoon, *Lata Singh vs State Of U.P. & Another on 7 July, 2006*, available at <https://indiankanoon.org/doc/1364215/> (Last visited on July 2, 2020)

⁹ Ibid.

Such instances bear witness to the weak foundation of our fundamental rights, be it Article 14 i.e. Right to Equality or Article 25 to 28 i.e. Right to Freedom of Religion. However, Chauhan¹⁰ points out that the Indian Constitution guarantees the right to freedom of religion but does not explicitly mention right to conversion. She believes that to deny this right to citizens of a democratic country or to put a restrictive meaning to it would be inconceivable in today's milieu. The silence of the Constitution in such an integral matter rings in one's ears and provides a loophole for extremists to exploit.

Yet, another side of the coin is represented by laws such as the Special Marriage Act, 1954, which recognizes marriages between girls over 18 and boys over 21, regardless of considerations of religion and caste, have a social role beyond facilitating the marriage of two parties who desire to marry each other. Dr Ambedkar recognized the importance of promoting inter-marriage for the very meaning of Indian democracy. As Dr Ambedkar¹¹ puts it in 'The Annihilation of Caste', "Where society is already well knit by other ties, marriage is an ordinary incident of life. But where society is cut as under, marriage as a binding force becomes a matter of urgent necessity. The real remedy for breaking caste is inter-marriage. Nothing else will serve as the solvent of caste." The same argument applies for religious discrimination as well. The recognition of right to marry a person of one's own choice as a part of Article 21 (Right to Life) was a much appreciated though a very late step taken in this direction. If the idea of India as a constitutional democracy is to mean anything at all, it must encompass an idea of citizens freely determining their lives, including the decision to marry across the boundaries of religion as well as choosing their faith.

¹⁰ Neha Chauhan, *Religious Conversion and Freedom of Religion in India: Debates and Dilemmas*, 1 ILLI LAW REVIEW (Summer 2017)

¹¹ DR. B.R. AMBEDKAR, ANNIHILATION OF CASTE, 46, (Reprinted from 3rd ed., 2008)

A REPETITION OF HISTORY: PARTITION VIOLENCE

The concept of love jihad as a form of violence on the bodies and voices of women is just another cycle of history repeating itself i.e. partition. It is born out of the same need to protect, assert, dominate and differentiate as partition was. It was partition that paved the path for the construction of the binary and adversarial ethnic identities like Hindu and Muslim at the national level, and it is the myth of love jihad that is keeping these identities intact.

However, one might ask as to what role does patriarchy play in the propagation of this myth? Anand¹² argues that “an anxious masculinity lies at the heart of right-wing nationalism, of which Hindu nationalism in India is a good example”. He believes that “the ingredient of anxious masculinity acquires lethality when combined with the complicity of an institution that remains central to (inter/sub) national politics—the state”. In this light, Anand¹³ also believes that, “Muslims are stereotyped as dangerous not only through their association with terrorism/crime/violence, but also through their sexuality. —the spectre of overpopulating Muslims is used to convince Hindus that their dominance within India is under threat”.

Patriarchy has given birth to a masculinity that has to prove itself at every step of its existence. This makes inferiority and insecurity close companions of the masculine discourse. Therefore, any potential of being undermined automatically becomes a threat. Hindus also perceive Muslims as a virile community with polygamy, bearing many children being prominent aspects of their community. In fact, Hindu men celebrated the end of triple talaq more than Muslim women because they perceived it as another marker of their virility. According to them, it brought the virility of Muslims several notches down. So such an anxious masculinity can only survive through proving its dominance over the potential competitor and since the gender binaries perceive women as the ‘weaker sex’, they become battlegrounds that are plundered, devastated and ripped off of their meaning. They become the vessels carrying the community’s honour, its heritage and lineage, and thus, obvious means to an end. Trampled bodies of women build the road to superiority and domination for a community. Further, as feminists argue that the social contract is in fact a sexual contract signed among males, the state becomes the embodiment of patriarchal masculinity. This anxious masculinity is, thus, channelized through the apparatus of the state.

¹² Dibyesh Anand, *Anxious Sexualities: Masculinity, Nationalism and Violence*, 9 BJPIR (April 17, 2007)

¹³ Ibid.

Since women become victims in such a scenario, the existence of a saviour becomes a given. But how does this saviour notion gain such widespread acceptance? Hansen¹⁴ talks about the construction of the nation in contradictory gendered terms- one seeing the nation as a feminine object of worship, reverence and protection (Bharat Mata), and the other partially imitating Islam and Christianity, in order to create a modern, masculinized Hindu culture, capable of protecting Bharat Mata. Such a construction of the nation as a mother creates the perception of a woman with no sexual desires or identity, therefore making her the target of violence and the passive recipient of protection.

This became the story of partition. The dislocation of women and children from their home countries to the 'enemy' country was a blow to the national pride of both the countries and its restoration was important to the identity of the fledgling states. Thus, after several ordinances passed in India and Pakistan, the Abducted Persons (Recovery and Restoration) Act of 1949 was passed in India. It gave an expansive set of powers in the hands of the police who even used force to 're-settle' those demarcated as 'abducted' without giving them a chance to choose. While this situation was perceived as such by the state, the vantage point was that of the 'affected' population (the refugees who had lost everything). Das¹⁵ argues that "in this manner, they were not only creating a framework for the state to legitimately take up the task of recovery of abducted women but also learning that claiming entitlements over women of one's own community could be seen as a legitimate affair of the state". Thus, control over women and their lives was never really questioned, in fact it helped the state gain legitimacy; then as well as now.

The exchange of women through the Act of 1949 happened as commodities wherein an equal number of women were to be transferred across borders. Stripped of their voice as well as their identity as a human, they were transplanted back into lives that were long forgotten by them. When their initial abduction took place, they were left with no choice but to carry on with their lives; but this state supported 're-abduction' which was supposed to be a saving grace for women was what left their life scattered in pieces along the border. They were already victims of violence and the instrument to used to relieve them of their pain became the one to exacerbate it. It was as if women came marked with stamps that demarcated what place they were supposed to be in, all the time the decision already being made for her. Further, the threat of these abductions on the purity of the community is what made this an issue of supreme importance then as well as now. The woman being impregnated by the

¹⁴ Thomas Blom Hansen, *Recuperating Masculinity: Hindu nationalism, violence and the exorcism of the Muslim 'Other'*, 16 (2) CRITIQUE OF ANTHROPOLOGY (1996)

¹⁵ VEENA DAS, LIFE AND WORDS: VIOLENCE AND THE DESCENT INTO THE ORDINARY, 23 (2007)

'wrong' man and giving birth to the 'wrong' child would skew the homogeneity of the community as well as hurt its demographics. Once again, the idea of woman as a reproductive machine links both partition as well as love jihad.

In this sense, Love Jihad is a revamped version of Partition violence. This similarity can be drawn as the fear of religious conversion resonates with historical anxieties surrounding ethnic identity and exacerbates stereotypes which paint Muslim men as sexual predators.

CHANGING NARRATIVES AND DEBUNKING MYTHS: THE ROAD AHEAD

These attributes bring forth the fact that we may have taken a step forward in terms of literacy, infrastructure, industrialization, urbanization, but in terms of religion, we have stagnated at the same point of the Hindu 'self' and the Muslim 'other'. Further, we are caught in this loop of violence that has its roots stuck in partition violence. Our past traumas continue to tighten the net on our present sufferings.

What we really need is a change in our narrative. Our lens has been fettered by the binaries that guide this world- light and dark, good and bad, Hindu and Muslim. Further, the patriarchal heteronormative power structures have made women's bodies as battlegrounds for declaring ethnic superiority. However, a smoke screen separates us from the truth. We need to question the framework in which such a narrative emerges, for the Marxists always said that the ruling ideas of the epoch are always of the ruling class. The false consciousness that shields this narrative and myths to fester as a wound can only be shattered through critical engagement and dialogue. Changing narratives and debunking myths would be the torch-lights guiding us on the road ahead.