

POLITICS OF SECULARISATION, RELIGIOUS CONVERSION, AND “SAVING” THE (HINDU) DAUGHTER UNDER HINDUTVA: RE-READING THE HADIYA COURT CASE

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Abstract: This article charts the different modalities of *political* transgression that marked an act of religious conversion and inter-faith marriage performed by a Muslim female subject in contemporary India, and the subsequent misreading of this transgression; a misreading made possible by liberal political thought’s delineations of the conceptual category of “interest”. Existing legal, political, academic, and popular discourses have read the prominent 2016 event of the conversion of a Hindu woman named *Akhila* into Islam, as either the “false consciousness” of a “vulnerable” individual whose self-interests were unintelligible to herself, or, as an unambiguous case of a “mature” woman in a “modernising” Kerala “choosing” to opt for an inter-faith marriage and to convert; a liberal idiom of choice that thereby needs to be safeguarded via Constitutional provisions. The article, even while acknowledging the political need to adhere to the latter reading/constitution of the female (Islamic) subject’s sovereign desire to convert, shows some of the limitations of both these ideologically antithetical positions. It argues that the desire of *Hadiya* (*Akhila*’s new name after converting to Islam) to convert remains *unreadable* by *both* the right-wing Indian judiciary, backed up by Hindutva forces, as well as the “left-liberal” feminist intelligentsia that sought to support her autonomy. In fact, both these ideologically opposed stances often legitimised each other. By examining the legal debates that took place in the Indian courts, the article shows how construing *Hadiya*’s act of conversion solely through the legal-judicial prisms of “religious freedom” and “choice”, pegged to the concept of self-interest, is vigorously insufficient.

Keywords: Religious conversion, *Hadiya*, Islam, disinterested reason, will, Subject of Interest, interventionist secularism, Subject of Prayer

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Prove this, drown all your Gods in water. The *Swami*¹ left his Gods too for a higher aim. Let your God be *Mahabharti*² now ... We need to shut our religion in the kitchen. (*Speech delivered by Narendra Modi at the Swami Vivekananda Youth Convention, 2012*)

All this happened because I embraced Islam. (*Hadiya on NDTV, India, 2018*)

Introduction

This article brings to light the transgression of a female Islamic subject in contemporary India, helmed by a secularising state apparatus; the subsequent misreading of the transgression; and the epistemic conditions that make this misreading politically plausible and legally viable. It does this by studying an incident of religious conversion (of a Hindu woman to Islam) and inter-faith marriage that took place in 2016. Mainly through a close reading of the legal and judicial discourses of the court case related to this conversion and marriage, the article examines the different kinds of political challenges that the Muslim (female) subject might pose for mainstream Western political modernity's representation of itself, at the moment of its birth. At the heart of the paper lies the question of "difference", as articulated by a Hindu woman who converted to Islam, and how both the contemporary Indian State in its Hindu ethnonationalist dispensation as well as the liberal-secularising Indian feminist critique of that state – two ideologically opposed entities but united through the governmental "apparatus of concepts and theories"³ that they use – misread this analytic of difference. The research finds evidence for and hence puts forth the political argument that both the Indian State as well as the feminist critique of that state, either delegitimise this idea of "difference" or convert it into the sovereign idiom of "choice" for "secular consumption".⁴ The article, in and through a conversation with and displacement of some of Immanuel Kant's key writings on human autonomy *vis-a-vis* the category of "interest", and also through some of Michel Foucault's engagements with Kant, identifies this praxis of difference, performed by the Muslim subject, as an *unrestricted* use of *disinterested reason*, practiced specifically in the realm of the private. The Muslim woman's novel engagements with the knowledge-practice of interest also show how the aforementioned misreading is grounded upon a constitutive deficiency of ideological and ethical resources available to the Indian state apparatus to confront Muslim political autonomy manifested through an Islamic subject who does not believe that a *wilful* "Subject of Interest" should exhaust *all* possibilities of leading an enriching life. The article, in this process, illustrates the myriad ways in which the rationales offered by the Islamic subject in favour of the act of conversion

resist Hindutva's liberal-developmental efforts at domesticating conversion by pegging it exclusively to the category of self-interest and subjective will. It thereby charts the itineraries through which a Muslim female subject under Hindutva is scrupulously laying a map for how acts of conversion can be morally and legally legitimised beyond the liberal political universe of interest and willpower.

Outline

The article is divided into five sections. Section I provides a background to the legal debates on the case of religious conversion and inter-faith marriage under consideration. Section II maps the specific arguments put forth by the Indian courts and the Hindutva-backed media opposing the conversion and marriage, and those offered by the Indian liberal-secularising civil society (filmmakers, activists, academics) supporting the same. Section III takes a detour and steers the readers' attention to the reasons offered by Hadiya herself in the courts for her conversion and marriage. Section IV offers a reading of how these reasons submitted by Hadiya can help us rethink the liberal contractual category of interest, especially as envisioned by Immanuel Kant's classic essay "What is Enlightenment". To garner conceptual clarity on Hadiya's interventions further, this section also examines Michel Foucault's innovative engagements with Kant's essay. Section V shows how, in order to interrogate Kant's mobilisation of the category of interest, Hadiya has to reinvent one more conceptual category, tethered to the notion of interest, namely that of subjective will. This section will include a demonstration of how Hadiya's legal testimonies create the conditions of possibility for charting the ways in which the concept-metaphor of will can be untied from the private property-based category of interest, and instead attached to the practice of belief.

Section I: The Background

Hadiya (formerly known by her "Hindu" name *Akhila Ashokan*) was a 24-year-old homeopathic medical student from the town of *Vaikom* in Kerala. In early 2016, she was reported as "missing" by her father, who, in order to trace his daughter, initially filed a police case and eventually a petition in the Kerala High Court. Hadiya was reported to have left her home for college on 6 January of the same year, dressed in a *hijab*,⁵ not to return again. She had converted to Islam and married a Muslim man named *Shafin Jahan*. A graduate of Islamic studies, Jahan was argued to have been a member of the Social Democratic Party of India, the political wing of the Popular Front of India (allegedly a radicalised Islamist organisation).

In 2015, Akhila registered at the *Therbiyathul Islam Sabha* in the city of Kozhikode in Kerala. According to this Sabha's (Assembly's) guidelines, the ones who wanted to adopt Islam had to attend a residential religious course for two months and pass an examination that primarily tested whether the candidate knew how to offer *Namaz*⁶ and recite a few *Suras* (chapters/sections) from the *Qur'an* (SC Observer 2018b). Akhila completed the course, by clearing the examination and received a certificate on 25 July 2016, with her new name Hadiya. Hadiya's family complained that their daughter was "brainwashed", hinting at the fact that it was an indisputable case of "Love-Jihad" - a term primarily used by Hindu ethnonationalists to indicate the conversion of Hindu girls to Islam, purportedly through the dubious act of deception by Muslim men pretending as potential husbands or lovers, with the ulterior motive of outnumbering the so-called "majoritarian" community of the Hindus and thereby of Islamising India. However, Hadiya, in her final testimony offered in March 2017 to the Supreme Court (SC hereafter) of India claimed that she had converted to Islam out of her own volition; a decision that had in fact preceded her marital choices. Thereafter, in order to probe this case of conversion and marriage further, the Government of India, stewarded by the *Bharatiya Janata Party* (BJP), involved the National Investigation Agency (NIA), a central agency that was established by the Government in 2008 to combat acts of terror in India. The NIA in fact presently acts as the primary "Counter Terrorism Law Enforcement Agency" in the country. In May 2017, the High Court of Kerala annulled Hadiya's marriage on the grounds of a report submitted by the NIA to the SC, stating that Hadiya was a victim of "indoctrination" and "psychological kidnapping", duped by an ulterior purpose of taking her out of the protective jurisdiction of the High Court (SC Observer 2017b: para 4). Hadiya's "guardianship" was thereafter handed over to her father Ashokan on the stated grounds that the custody of an unmarried daughter lies with the parents, until she is "properly" married according to her "own" informed choices (*ibid.*). Along with this, the apex court also appointed the Dean of her homeopathic college as her guardian. The courts read this as an acute case of a Muslim man alluring a Hindu girl, with clandestine political motives of Love-Jihad (SC Observer 2017a). However, this verdict raised a huge furore amongst a certain section of the civil society, led especially by the Kerala Women's Commission, for being fundamentally non-democratic, anti-Constitutional, anti-women, and finally anti-choice. Subsequently, by a further turn of events, in February 2018, the Bench clarified that it would not investigate Hadiya's marriage any further and restricted the examination of the event for allegedly having a "terror angle". The members stated that as a *mature adult*, Hadiya cannot be compelled to stay with anyone. The SC held that under Article 226 of the Indian Constitution, the high court cannot annul the marriage of an adult.

Section II: Liberal-Secularising Reactions to the Hadiya Court Case

Conversion is regarded by moderns as an “irrational” event or process, but resort to the idea of agency renders it “rational” and “freely chosen”. (Talal Asad 2014: 272)

This section will demonstrate an apparent paradox that informed the aforementioned efforts undertaken to “save” the (Hindu) daughter. On one hand, as the feminist scholar and activist Kavita Krishnan (2017a) suggested, the main objective of the state here seemed to be to “rescue” the girl from firstly, her own autonomy, and, secondly, from the “demographically aggressive” Muslim man with “unbridled sexuality”, i.e. an objective that apparently seemed socially conservative and against the idea of individual sovereignty and autonomy itself, tethered to concealed Hindu demographic desires. However, on the other hand, unlike some of the dominant ideologies of other ethno-majoritarian movements, the Hindu State machinery deployed the political rhetoric of liberal personhood itself to put forth this discourse of saving/rescue (Ahmad 2016). Grounding this apparent paradox, I suggest, lies an implicit relationship between gestures of inducing the liberal-ideological impulse of “interest” in the Muslim subject and a certain sovereign analytic of “will” – the twin ideologies based on which the Indian State had premised its initiative of “saving the daughter” from Love-Jihad. In order to demonstrate this, firstly, what is significant to consider is that, as already suggested, Indian feminists within the academy as well as women’s organisations, across the political spectrum, described the SC judgement as retrograde, anti-choice and anti-women. They argued that the SC has taken the women’s movement “backward by centuries” by disseminating a judgement that is essentially against the fundamental right of an Indian citizen to engage in inter-faith marriages, as enshrined by Articles 21 and 25 of the Indian Constitution; provisions that safeguard citizens’ choices with respect to marital decisions and provide them with the right to exercise their freedom of religion, respectively.

However, it should be borne in mind that according to the Indian Constitution, as was highlighted in the court proceedings, the Right to Freedom of Religion is not an absolute, but rather a qualified right. It is subject to certain restrictions supposed to be imposed by the state. These include:

- Maintenance of public order, health and morality.
- The state is empowered to segregate religious activities from those that are *secular* in nature, namely economic, financial and political activities. (SC Observer 2018a: 10; emphasis added)

This is precisely what the SC stressed at a certain point, arguing that Hadiya's apparently sovereign decision to marry and convert, affects public order, health and the moral integrity of the nation. This is essentially because, as was argued, owing to her unquestioning adherence to religious dogma, her own, supposedly *secular activities* such as decisions with regard to education and profession, that determine future financial or economic choices as well, were being severely jeopardised. Let us have a close look at an excerpt from the judgement. It says the following:

According to the learned Senior Government Pleader, Ms. Akhila has been influenced by feeding her with graphic details of hell and the torments that sinners are subjected to in their life after death. She has also been made to believe that in order to escape from the torments of hell, acceptance of the Islamic faith was the only way ... (SC Observer 2017a: 5–6).

With this observation, the court concluded that this was indisputably a case of conversion of a “vulnerable adult”, by deception (SC Observer 2017a). Thus, the presumption was that it was an incident of indoctrination induced by irrational fear, and, more importantly, *reverence* for that source of fear and not one of rational consent grounded upon empirically verifiable norms and values (ibid.). The court further stated that Shafin Jahan (Hadiya's husband) hails from a Gulf country and having left the Gulf on an exit visa, is presently unemployed (SC Observer 2017a). At this point, the SC draws from the 2016 Kerala High Court Judgement that argued:

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 ... *The normal youth is indifferent towards religion and religious studies*. Though the possibility of genuine interest in the study of religion on the part of any person cannot be ruled out, such inclination is in the first place *out of the ordinary* ... (Kerala High Court 2016; emphasis added)

The same judgement also expressed grim concerns over the fact that the academic records of Hadiya clearly indicate that she was not a promising student. The document asserts:

She had failed in all her subjects in the first year. She has not impressed us as a person who is capable of taking a firm and independent decision on her own. She has no idea as to what she wants in life. She appears to be under the control of someone else. (Kerala High Court 2016)

In other words, one can argue that what the courts essentially implied was that they were not quite persuaded about the fact that Hadiya was someone who *understands* and *identifies* with what should have been her own *interests*, in order to garner the right to pursue them freely.

At this juncture, drawing from the political philosophers Albert Hirschman (2013) and Michel Foucault (2008), it is crucial to mention that from the seventeenth century onwards in Europe, we find that, first through the hands of the French mathematician Marquis de Condorcet and the Scottish economist Adam Smith, and then subsequently via the English philosopher Thomas Hobbes, only those traits start getting admired in an individual that cultivate the act of intelligibility of one's *interest* to oneself. "Deadly passions", within this schema, are constituted as those where your own interests remain alien to you (Hirschman 2013: 41). In fact, an elementary aspect of liberal governmentality was that, as Foucault (2008) argued, it "is a reason that functions in terms of interest" (44). Political power, it was thought, should not intervene in this dynamic of interest "naturally inscribed" in the heart of humankind (ibid.: 280). And, from John Stuart Mill (2001 [1859]) onwards, every time the individual is found *constrained* by a lack of interest, the interventionist modern state was supposed to intrude and arbitrate (Skinner 2012). In fact, this would eventually turn out to be one of the key differences between liberal and neoliberal understandings of the category of interest. Unlike liberal thought, neoliberalism presupposes that the propensity towards interest is not necessarily natural but should be cultivated through a governmental apparatus of techniques, concepts and practices formulated by a global civic community led by supranational institutions. Further, the Subject of Interest or the economic subject under neoliberalism, unlike the Subject of Rights or the citizen-subject, is, in fact, marked by an "atomistic individual choice" that is irreducible, non-transferable and "unconditionally" directing back to the subject himself (Foucault 2008: 272).

Appealing precisely to the legacy of this liberal-ideological impulse of interest-politics, Justice Chandrachud, the lawyer (now the Chief Justice of India) initially arguing for the case being a self-evident example of inter-faith marriage by deceit or brainwashing asked, "At what stage could the court venture into the question whether the autonomy of an individual was broken?" (SC Observer 2017b: para 6). The opposition, represented by Mr Kapil Sibal, a lawyer and also a politician belonging to the Indian National Congress (the opposition party), responded by saying that the court could not interfere unless there were "overwhelmingly persuasive arguments" to prove that the autonomy of an individual has been ruptured (ibid.: 8). To this, crucially enough, Justice Chandrachud argued that there could be a situation where a person was "neither lunatic nor minor", but still her consent could be impaired due to, what he identified as "Stockholm Syndrome"

(i.e. feelings of trust/affection/identification experienced in cases of kidnapping or hostage-taking by a victim towards the aggressor) (ibid.: 9). Hence, he further added, it was not just minors who needed protection, but vulnerable adults, who were influenced to adopt “extreme views”, deserve state guidance as well (ibid.).

This certainly, once again, echoed the Kerala High Court Judgement (2016) that said the following:

It is necessary to mention ... that the order ... was passed considering the *best interests* of Ms. Akhila, who had abandoned her studies at a point of time when she was on the verge of acquiring a *respectable professional qualification*. The concern of the father was in ensuring that his daughter acquired a *professional degree* as early as possible so as to make herself sufficient or independent. The prospect of completing the degree would become bleak with the passage of time ... (emphasis added)

Further, Republic TV, a well-known Indian television news channel with distinct affiliations with the Hindu Right (Bhushan 2017), during this time, came up with a special show with reference to the Hadiya court case that claimed how “there is a direct Love-Jihad link to terror” (Republic TV 2017). Arnab Goswami, the news anchor and also the Managing Director of the channel, went on to demonstrate the manner in which a “progressive” and a “trapped” Hindu woman described to his reporters how her atavistic Muslim husband instructed her to observe *pardah* (seclusion) saying: “after conversion, you do not need to find protection, since your husband will provide you with the same” (Republic TV 2017). To this, as Goswami informs his audience further, the Hindu girl with “modern sensibilities” replied, “Marriage is not important for me”. Hence, religious conversions in India, under such circumstances, declared this anchor, was a “global security issue”. He then goes on to tell his viewers how hundreds of young women from Europe have fallen into the “same trap” where “the garb of education” was deployed to send these “aspiring” women off to Yemen.

Thus, here one cannot help but notice how the apparently “communal” discrimination against Muslims by the Hindu State and its attendant media is always-already aligned with the global “democratic” War-Against-Terror which contends that the Muslim has extra-territorial, “pre-political”, religious loyalties, and thereby betrays any allegiance to the modernity of the nation-state form.⁷ In this entire narrative, both of the two courts as well as of the aforementioned Indian news channel, one specific thing that becomes evident is that both purportedly did not have difficulties with so-called “independent” women making choices regarding religion and marriage *per se* (i.e. with women who can understand and pursue their *interests* without any “perception bias”⁸) and acting upon

those choices. Rather, the concern seemed to be about purportedly “indoctrinated women” almost *choosing to suffer*; showing possibilities of *opting for backwardness* and thereby opening up the chances of being “radicalised”.

At this juncture, one must reckon that Mr Goswami’s arguments, quite contrary to his intentions and despite their reductionisms, or precisely *because* of them, in a certain register of thought, need a rehearing. Hadiya indeed, in her testimonies, was actually offering a *reason* for or an account of being *different*. However, how that gesture of desiring to be different can be asserted in the language of Constitutional rights was something alien to the liberal ratiocinated sensibilities of the Indian media as well as the courts. She informed the courts that her conversion was primarily motivated by the fact that she was astonished by the “timely prayers” and “good character” of *Jaseena* and *Faseena*, two Muslim women whose friendship supposedly inspired Hadiya to convert (SC Observer 2018b: 3). These were phrases that were indeed blasphemous for the SC, muscle-bound, as it were, with the imaginaries of what I shall, drawing from sociologist Aysel Madra (2015), identify as “interventionist secularism”; an identity position that aims at removing the traces of “true religion”⁹ from public-social life or at transforming them for secularised appropriation (Butler 2012: para 13). Hadiya further stated that her suspicions about the notion of many Gods in the Hindu faith (polytheism) and the confusion as to which God she should pray to, slowly cleared out and the concept of a single God propounded by Islam (monotheism) began to appeal to her “mind” and “logic” (SC Observer 2018b: 3). Further, it is also crucial to emphasise that the courts particularly highlighted the fact that Hadiya’s father, who was vehemently against his daughter’s conversion to Islam, was a non-believer. In fact, he himself as well as the state identified him simply as a distressed, progressive parent seeking to save his daughter from the clutches of bigotry and terror (SC Observer 2018a).

On the other hand, a section of the Indian intelligentsia responded to this by claiming that Shafin Jahan, Hadiya’s husband, was completely dissociated from any extremist Islamic organisation. “Do not mistake the ‘self-assertion’ of Kerala’s modern youth (Devika 2017) as bigotry or backwardness”, was their clarion plea. Feminist historian J. Devika (2017), for example, argues that Kerala’s “youth”, by converting and engaging in inter-faith marriages, is resisting the age-old assumption of the older elites of the dominant communities and the patriarchal families that the act of the Muslim man’s so-called “seduction” of the Hindu woman is worse than the act of rape. For the feminist historian then, Hadiya’s story must be located within a general story of “young people” in contemporary Kerala, exposed to the world of social media and higher education, intermingling across communities in colleges and outside, taking on the older patriarchal elites (Devika 2017a: paras 16–18). It was also argued in the final judgement that Hadiya’s choices should be respected

because she was a *rational* citizen in possession of a *sound* mind who, even while expressing her proclivity towards religious studies, never really wished to discontinue formal education. In addition to this, prominent feminist activists, writers and filmmakers like Paromita Vohra (2017), for example, tried to suggest how it is in fact “love’s radicalism” and its claims to *universality* that breaks *particularist* barriers of religion and caste and hence its very (ontological) nature is “non-dogmatic”, and therefore “*jihadi*” (ibid.: 8; emphasis added). Consider how here the category of “love” is transcendentalised by subtly extricating it from its religious moorings. In this process of extrication, the conceptual category of love begins to stand for something that is, albeit tacitly, more desirable and authentic (“a groovy drug” that psychologically kidnaps you, is how Vohra describes it), while religion represents something that can only be described as a somewhat inconsequential quivering at the fringes of vision. Hadiya’s gesture of marrying an allegedly “criminal” person from another faith, for this feminist film-maker, is an act of subversion and radicalism *only because* through this she can democratically express herself as a “desiring” agent who “chooses” to be brainwashed (Vohra 2017: para 6). Similarly, when a popular Indian feminist movement called “*Pinjra Tod*” (“Break the Cage”) (primarily led by *Savarna* Hindu women, as pointed out by female students from minoritised constituencies) extended their support for Hadiya, while her right to marry and choose a partner was valourised, her conversion to Islam was looked at with severe disparagement and suspicion (Lama and Maharaj 2019). Further, historian Charu Gupta (2009) does highlight the need to contextualise Hindutva’s fearmongering in relation to Love-Jihad. She shows how this phobia is historically undergirded by Hindu ethnonationalism’s attempts at identifying inter-religious marriages as being essentially linked with Muslims’ demographic desires of outnumbering Hindus and thereby becoming the political majority. However, her commentary too conceives the majoritarian discourse of Love-Jihad as centreing predominantly around safeguarding the Hindu female’s “purity” (ibid.: 14). Women’s rights activist and former politburo member of the Communist Party of India (Marxist-Leninist) Liberation, Kavita Krishnan (2017b), argued that the case of Hadiya is a perfect example of how the Hinduised Indian State’s efforts at “saving the daughter” is exclusively about saving the “honour” of Hindu women from Muslim men, and therefore about curbing the “autonomous choices” of these women and disregarding “Constitutional morality” (para 48).¹⁰

However, as the aforementioned examples of the legal rhetoric mobilised in the courts and in the mainstream Hindutva-supported Indian media suggest, the more persuasive argument of the modernising Hindu State, secularising bigotry and fanaticism,¹¹ and defending and legitimising the fear of India being “swamped” by the Muslim youth, *vis-a-vis* the question of Love-Jihad, is that what really needs saving from the Muslim man is not only the Hindu woman’s “honour”,

“purity”, and “virtue”, but rather, and more importantly, the Hindu woman’s sovereign “interests”. My key suggestion in this article is to take this claim of the Hindu right (that it is essentially a modernising discourse which is set to primarily safeguard the Hindu woman’s interests and not simply her honour) seriously, try to understand it with more conceptual clarity and critique it on its own terms, rather than dismissing it as mere falsehood.

Section III: Hadiya’s Testimony on Performing “Difference”

At this point, it is important to assert that, as already suggested, Hadiya’s own claim for exercising her right to marry and convert was indeed *different*. It maintained a critical distance from, on one hand, the ones stated by the courts and the mainstream media criticising her choices, and, on the other hand, some of the “left-liberal” feminist commentators and activists supporting the same.¹² Along with stressing on the need to possess “good character” expressed through “timely prayers” in Islam, when Justice Chandrachud enquired about her “dreams for the future”, she responded by saying that she wanted to be free and released. And, some of the ways in which she defined the idea of freedom or “liberty” (as she called it), was going back to her husband and remaining true to her Islamic faith (SC Observer 2017b, 2018b: 23). When the court enquired whether she was inclined to continue her formal education with the help of the state’s patronage, she asserted that she does wish to carry on with her studies, but *only* with the help of her husband’s assistance and not that of the state. This was because, as she further went on to argue, the state was in no position to become her guardian since *only* her husband is morally entitled to become one (SC Observer 2017b: 24). Justice Chandrachud disparagingly responded to this by saying that “wives are not chattel that they would require guardians” (SC Observer 2017b: para 8).

Further, in the affidavit filed by Hadiya on 19 February 2018, she mentioned:

Amongst all my friends Ms. *Jaseena* and Ms. *Faseena* ... have been very close to me ... I was impressed by their good-natured behaviour, character, culture and practice. When I queried for the reason for their good nature, they replied that it is their *duty* to behave smoothly and affectionately with others, since we all are human beings and creatures of Almighty God. Their lifestyle, magnanimity, kindness towards others, morality, etc. inspired me to learn more about Islam and I started learning by reading Islamic books ... I used to perform *Namaz* [every day] in my room. (SC Observer 2018b, 3–4; emphasis added)

Thereafter, the testimony further goes on to describe how she was coerced by her family to perform “*Bali*”, a Hindu funeral practice involving idol worship.

Islam prohibits all kinds of idolatry, she highlighted. Hence, as she adds further, “Being a Muslim who believes in monotheism, which is the basic pillar of my faith ... this incident caused deep mental agony to me” (SC Observer 2018b: 4). In addition to this, one of the most significant points of contention, as recollected by her, emerged out of the fact that ever since she decided to embrace Islam, she started performing her “routine prayers” (SC Observer 2018b: 15). Subsequently, her testimony also reveals that when she was instructed upon to stay in the custody of her father, a non-believer, she felt deeply commodified (SC Observer 2018b: 15). “They did not give me Qur’an and prayer-garments despite my request” (SC Observer 2018b: 16), was her clarion concern. Under such circumstances where praying in the presence of her family members or in a publicly visible place was constituted as an offence, as she further explains, she used to perform *Namaz* “in her heart”, or, only at night, which, under harmful situations, is permissible in Islam (SC Observer 2018b: 19). During these tumultuous, antagonistic times, as she reveals further, it is her Muslim friend and roommate “Jaseena’s way of life, belief and intimacy” that “ignited a spark of light” in her (SC Observer 2018b: 20). Most crucially, she wanted the Indian State to *legally* recognise that everything that she has learnt via her engagements with Islam and the Muslim sisters is “knowledge” (ibid.: 4–5); a knowledge that is as credible and important as (and sometimes even more credible than) formal, secularised education.

Section IV: Interrogating the Politics of Interest: Redefining Enlightenment/Modernity as *Unrestricted Use of Disinterested Reason* in the *Private*

At this juncture, it is important to pause and address a key concern of this article, that is to demonstrate how Hadiya’s *reasons*, as stated in these testimonies, for both marriage and conversion, can be read in relation to Western modernity’s representation of itself, at the instant of its birth, especially as interpreted by Michel Foucault through his engagements with Immanuel Kant. This will involve showing how these testimonies come closest to the way in which feminist philosopher Judith Butler (2009) reads Foucault’s position on the idea of the Enlightenment; and yet, at the same time, how these reasons offered by Hadiya also depart from their reading of the same. I choose Butler as my interlocutor here since they are one of the few key thinkers who have attempted to rescue Foucault’s Kantian legacy from the charge of historicism.¹³ It is important, for the purposes of my arguments, to rid Foucault of the charge of historicism since he will be one of my key interlocutors in this article while fleshing out a critique of the liberal, contractual, stagist category of interest.

Butler (2009), in “Is Critique Secular”, in an attempt to challenge anthropologist Talal Asad’s argument on how in that celebrated essay “What is Enlightenment” Foucault assumes that Enlightenment is a secularising discourse that constitutes religious authority as mere “prejudice”, points out that for Foucault, Enlightenment is neither a place nor time, but, in Kant’s words, “a way out” (ibid.: 112). This, for Butler, implies that already Foucault departs from a certain chronological historicist sequence that would deem the Enlightenment as a specific period of European history. At one stage, they ask, “Is Foucault claiming that Kant provides a way out, or is Foucault, through his very citation of Kant, seeking to establish a way out of Kant” (ibid.). Butler does agree that part of Foucault’s brief essay reasserts the Kantian position. But, for them, and rightly so, perhaps most crucial is the moment when Foucault clearly drifts away from Kant’s proclamation that “reason” is and must be the kernel of critique and of the processes involved in “daring to know” (ibid.). Indeed, the serious departure takes place, as Butler aptly points out, rather suddenly, when Foucault moves away from Kant and turns to Charles Baudelaire. They remark that if critique, as its very nature claims, is relentless, then it can be deployed on the concept of reason itself; and it manifests itself as a certain form of *obligatory* “ethos” or an “attitude” of “belongingness” with reality (Foucault 1984 cited in Butler 2009: 113; emphasis added). Moreover, as Butler, drawing from Foucault, repeatedly reminds us, modernity or Enlightenment as a mode of critique constitutes “a means for ... a truth that it will not know nor happen to be, it oversees a domain it would not want to police and is unable to regulate” (ibid.: 114).

However, Butler does not elaborate upon a crucial point in Kant, which Foucault does in fact notice; a point that has crucial ramifications for the link between the concept of critique and that of the secular that they have set forth to analyse in that book. For Kant, while reason must be free in its public use, *not* directed towards the fulfilment of any interest, in its private use it must be submissive, it must act like a “cog in a machine”, guided by individual and/or societal interests (Foucault 1984: 36). Foucault reminds us that this *docile* reason of the private realm, geared towards the liberal unit of interest and sustained by certain governmental mechanisms, is term for term, the opposite of what is generally denoted as the “disinterested” freedom of conscience exercised in the public realm. And, it seems to me that this was one of the fundamental unease and worries of the Indian state and its affiliated judiciary and media with Hadiya’s *decision* or what she herself identified as her “free will” to marry and convert. The state machinery apprehended that reason was not being used in a submissive or restricted way. This implied that reason was not tying itself to the pursuit of particular *interests* [in adherence with doctrinaire secularism which ensures that *secular* activities are not “contaminated” through the pursuit of religious freedom (as Article 25 of the Indian Constitution states)], in the *private* realm, i.e. in matters that impinge

upon professional and therefore economic decisions. Hadiya, in other words, as the state surmised, was not “dutifully” committed to becoming an entrepreneurial Subject of Interest, a *homo economicus* or a part of the demographic dividend – a working-age population that increases the aggregate demand in the economy by buying, consuming, saving and investing (Rajya Sabha TV 2019) – the kernel for maintaining a (neo)liberal civic order. Adopting an acutely Kantian standpoint, the Indian courts presupposed, I suggest, that when one is reasoning as a member of reasonable humanity, then the use of reason must and/or could be untamed, open and public (i.e. disinterested). However, the state’s primary difficulty centred around the fact that Hadiya was being non-obedient and non-submissive, engaging in a *free use of reason* (i.e. reason not geared towards what the state thought were her individual and therefore societal interests), in the *private* realm, by exercising her “free will” to lead a life that was absolutely and thoroughly faith-based.

Furthermore, Hadiya repeatedly referred to Articles 21 (Right to Life and Personal Liberty) and 25 (Right to Religious Freedom) of the Indian Constitution to highlight the fact that she was well versed in the idea of democratic reason undergirding the morality of the Constitution. To read this in Foucault’s (1984) terms, for the courts, such an “illegitimate use of reason” is what gives rise to dogmatism and the “immorality” of heteronomy, since they are oriented towards an action influenced by an *outside* force (38). The apprehension was that Hadiya was being guided by someone else, an external entity. It could not come to terms with the fact that Hadiya was dwelling on an idea of “modernity” that, as Foucault (1984) argues, does not necessarily liberate a person in her “own being” (42). It rather *compels* the individual to face the *duty* of producing herself (ibid.), and that production can and does often take place with the help of an external power. This directly resonates with Saba Mahmood’s (2001) brilliant insights on how an *external* authority often forms ideas of interiority for women performing “*salat*” (prayers) in the Cairo mosque movement. This invention, one can argue, is an act of Enlightenment, where Enlightenment, drawing from Foucault’s (1984) Baudelaire, is simultaneously an act of “indispensable asceticism” (ibid.: 41). It often strategically uses the idiom of interest in the public realm, finally to legitimise the exercise of, what I identify as “disinterested reason” in the realm of the private. Thus, it is an ethos of asceticism that poses a serious rejection of the “*ideology* of adulthood”¹⁴ that interventionist secularism thrusts upon its subjects by claiming that the *only* definition of Enlightenment is a human being’s release from “self-imposed tutelage”; a release that is only possible by, in the final reckoning, making use of one’s “own” understanding or reason without seeking the direction or instruction of an external force (Kant [1784] 1963: 3, 6). It astutely echoes Foucault’s (1984) suspicion in that essay when he said, “I do not know whether we will ever reach mature adulthood” (ibid.: 49) in our path to achieving Enlightenment or modernity.

Finally, what is also important for our present discussion is that unlike Butler's (2009) suggestion which claims that non-liberal feminist articulations, in order to engage in the act of "critique", as described by Foucault, need to resist the language of reason unanimously (ibid.: 113), through this example of Hadiya's self-formation, we find that it is in fact not reason in its entirety, but a particular *use* of reason (namely the Kantian norm of using reason in a "restrictive" way, geared towards interest, in the realm of the private), that non-liberal feminist articulations often reject.

In fact, the kind of Islamic feminist articulation that Hadiya engages in, via interrogating existing Indian feminist postulations on freedom, mobilises reason in a way that is distinctly similar to Saba Mahmood's (2005) descriptions of the participants of the mosque (Islamic revival) movement in Cairo. For Mahmood, the participants of this movement used the category of reason in the sense that they aimed at achieving excellence in their performance of piety precisely by engaging in a minute process of consolidating (and not necessarily resignifying or resisting) the (Islamic) structures that govern its normativity (164). Within this understanding of self-formation, enacting a virtue successfully is, in fact, a *reasonable* act. For Hadiya, just like Mahmood's descriptions of the mosque participants (22), reason is not simply exercised by passively obeying or actively resisting norms. Rather, it can be enacted, experienced and inhabited by bringing norms to their fruition. It is, in fact, about a scrupulous, deliberate alignment of one's interiority with exteriority or external norms (ibid.: 134). For Hadiya, just like Mahmood's mosque women, reason can be exercised precisely through the act of praying five times a day and mobilising that act as a *pedagogic* endeavour (ibid.: 123). Reason here is often manifested as the deployment of moral action to *produce the desire* for praying (ibid.: 126). To this extent, unlike the liberal formulation of the interest-seeker, in whom desire is considered natural (Foucault 2009), for Hadiya, just like Mahmood surmised for the participants of the mosque movement, desire for (or the interest in) praying is the product of reason-induced moral action, *not* its cause.

In other words, Hadiya does not discard but in fact *uses* reason, but in a way that is completely heterogeneous to the politico-discursive universe of interventionist secularism that allows disinterested reason in public, but never in the private realm (precisely because in this universe, desire is natural, always-already aligned to self-interest, which then is aligned to the general interest of the population (Foucault 2009: 73)). As already suggested, she offers a *reason* to be different, i.e. an account as to *why* she seeks to interrogate the adherence to the command of interests in the private, and thereby challenges Kant's (1963) emphasis on the need of "*managing* freedom" in order to be enlightened (ibid.: 7, emphasis added). However, while the technologies of liberal governmentality, as Foucault (2009) had shown us, primarily operate by taking care of the "interests" of the population

and by governing a population that can *understand* where its “true interests” lie, as I will demonstrate further in the following section, Hadiya does not enter this space of governmentality by adhering to a naturalised theory of interests, where interests are considered to be organic to human nature, and interests are identified as preceding actions.¹⁵ And, in order to interrogate the theme of interest more vociferously, as we will now see, she has to surpass one more idea that is pegged to the interest-regime - an idea that I have already alluded towards earlier - namely, the sovereign category of willpower.

Section V: Subject of Prayer and the Surpassing of Subjective Will: Interrogating Interest-Regime through the “Will to Surrender Will”/“Will to Believe”

Why does it seem so important to us to insist that the converted are “agents”? Why do we discount the convert’s claim that he or she has been “made into” a Christian? (Talal Asad 2014: 271)

In this section, I will discuss the final point with regard to why the Hindu Right in India, as historian Partha Chatterjee (1994) argues, placing itself securely within the realm of a state that is thoroughly modernising, employed all the ideological resources of that state, to delegitimise Hadiya’s use of unrestricted or non-submissive reason in the private; a use of reason not necessarily grounded upon the fulfilment of what Hirschman (2013), in his genealogy of passions and interests in Europe, would call “reasonable self-love” (46). The difficulty was not so much to do with the classic Lockean problem of the young girl’s idea of freedom originating in licence and not reason.¹⁶ Rather, one of the central arguments of this article is that the Indian state’s discomfort emanated from the apprehension that Hadiya’s sense of freedom and conscience and her tendencies to reason, often contrary to what she herself claims, do not actually originate in the phenomenon of *subjective will*, grounded upon the abovementioned notion of individual and therefore civil-societal interest. It is important to remember here that in the eighteenth-century English empiricist philosophy, the category of interest, as Foucault (2008) tells us, was politically mobilised, for the first time, as a form of both “immediately and absolutely subjective will” (ibid.: 273). It is also during this time that juridical will governing the legal subject becomes completely heterogeneous to subjective will, as the latter, unlike the former, is not governed by the notion of “renunciation”, “giving up”, “limitation” or “division” of the subject, through which law and prohibitions emerge (ibid.: 275).

However, contesting the unquestionable “naturalness” of the aforementioned Subject of Interest/economic subject and remarkably resonating both Foucault’s

(1984) as well as Hannah Arendt's (1977) insights on freedom, Hadiya conceived herself as a subject to whom freedom appealed to an idiom of politics that was not necessarily a phenomenon or a function of the will. Consider how although she did express her wish to continue with formal education, she simultaneously suggested that formal civic education cannot be a means to test her faith towards Quranic literacy (SC Observer 2018b). From her testimony in the courts, as described previously, we realise that what we are dealing with is not exactly what Arendt (1977) would call the *liberum arbitrium*, i.e. a "freedom of choice" that selects between two pre-given things, one deemed as good and the other as evil, where choice is predestined by "motive" which only needs to be articulated in order to begin its operation towards a goal (151). Action, insofar as it is motivated, as Arendt further suggests, is informed by a future "plan" whose desirability the "intellect" has envisioned much before the will has willed it (ibid.). Here, intellect summons the will, since only will is thought to be capable of guiding action. In such cases, the planned objectives of action change and are predicated upon the altering circumstances of the world. Thus, to recognise that aim, is not a matter of freedom, but, as Arendt notes, merely of "correct or incorrect judgement" (ibid.). However, Hadiya's act of interrogating the hegemony of formal civic education by not considering Islamic studies to be inferior to such "societal" education, the urgent *requirement* to convert to Islam, to guarantee that she is buried as a Muslim and her relentless emphasis on an almost *bodily* or a physiological "need" (Mahmood 2001: 838) (which is not to be confused with "choice") to perform *Namaz* even under dire circumstances (silently in her mind, at night and even while standing), to the extent that they were free, although required both intellect and will for their implementation, however, in Arendtian (1977) terms, were neither under the absolute determination of the intellect, nor under the complete dominance of the will (151). This is primarily because she was operating within a "system of needs"¹⁷ that, as discussed earlier, was not really guided by the mandatory liberal exercise of reason geared exclusively towards self-interest in the private.

Hadiya's primary unease emanated from the fact that her parents, in collusion with the ethnonationalist state machinery, did not allow her to perform the act of prayer and thereby lead, what she identified as, the liturgical "way of life" (SC Observer 2018: 3). At this point, one must ask: What is it to be a Subject of Prayer and what is it to pray? The discipline that induces a public declaration of "free will" to surrender will in the private, or, what I shall, drawing from historian Ajay Skaria's insights on the legacy of Gandhian anticolonial politics, identify as the "will to relinquish will" (Fugitive Words 2022), is often incorrectly aligned with the discipline involved in the (modern) Christian idea of obedience; an idea which is simply about complete annihilation of the will. Hadiya exhibits this rare display of a "will to surrender will" in her legal proclamations highlighting her *will to*

believe. Unlike John Locke's argument that will and belief should be separate from each other (Asad 2014), Hadiya, by declaring her ardent belief in the need to pray and willing that belief, shows how one of the key ways in which the pegging of conversion to interest-politics can be dodged is through the gesture of suturing belief (i.e. the relinquishing of will) and willpower together, and subsequently acts upon that suturing.

The closest that the Qur'an comes at upholding this analytic of a will to surrender will, as Muhammad Iqbal (2013) (himself a convert) points out, is in its elaboration on the act of praying; a need that primarily guided Hadiya's decision to convert. Prayer in the Qur'an, Iqbal reminds us, at its highest form, is seldom guided by motive and future goal, the twin notions based on which, as we know from Arendt, willpower grounds itself. Prayer exceeds the discourse of motive and goal by interrogating the very idea of "abstract reflection" itself (Iqbal 2013: 71). The one who prays engages in an assimilative process which helps her acquire a mode of power that is "unknown to pure thought" and meaning (ibid.: 72). Within the realm of thought, the mind is an observer and a follower of the minute operations of reality. But prayer is not mindfulness. In the act of prayer, the mind gives up, cedes or relinquishes its career as a "seeker" and reaches a realm that is higher than thought (ibid.). It is in this realm - the realm beyond that of mindfulness - that one can capture reality once again, but now as an active participant in its operations.

The *bodily* "need" to perform *Namaz* here almost operates as the brain's *fearful* "addictive" relationship to the variegated actors in its environment, in a psychotropic sense (Malabou 2017: 51); an addiction that, in this case, often resisted the ideological hailing of the liberal apparatus (comprising of the courts, media, prominent members of the civil society) trying to make sense of conversion. It is this sense of "association" or what Foucault (1984) would call "belongingness" that gives us a richer perception of the world than what the privacy of individuality could provide (ibid.: 39). It is thus, in this specific sense, a form of insubordinate will to give up will, or a will to believe. Iqbal (2013) describes it in the following way: "It is a unique process of discovery whereby the searching ego affirms itself in the very moment of self-negation" (ibid.: 74). What we note in the Hadiya court case is that the act of a radical refusal by the subject to be governed by the liberal unit of interest and thereby will, and rather materialising this moment of self-negation by appealing to an *external* authority, was either dismissed as false consciousness by the Indian judiciary¹⁸ or reduced to the sovereign idiom of "choice" by the secularising feminist intelligentsia in India.¹⁹ Both these apparently antithetical ideological positions, in the final reckoning, went on to legitimise each other, by adhering to a similar "technical apparatus of concepts" through which the petrification of religious "minorities" could be ideologically justified (Chatterjee 2012: 178).

However, if my analysis is right, then Hadiya was not necessarily “choosing” Islam, in a (modern) epistemic sense of “equal rights” to “religious freedom”, based on being cognitively convinced that a certain proposition is true (Asad 2012). On the contrary, Hadiya, in fact, was resisting the Kantian (1991 [1786]) anthropomorphic normative tradition where in order for an individual to be considered *unconditionally equal*, s/he must “choose” to bring about an “end of nature”, to have a drive of “restless reason” towards becoming her “own” end/ objective and not become a mere instrument for realising the ends of an external force, and therefore must “opt” for cultivating the “capacity” (*potestas*) of transcending self-incurred tutelage (ibid.: 225–226). She, in fact, in a key testimony to the Supreme Court, highlighted the act of “accepting” her faith, rather than selecting it as a matter of choosing from available options (SC Observer 2018b: 18). It is structurally similar to and therefore can be analogised with what Slavoj Žižek (otherwise infamous for his notorious statements vilifying faith-based practices in general and Islamic practices in particular) argues in relation to the question of transgenderism and conversion. Žižek (2020) observes how the dissidence of transgenderism or sex-change operations lies in the fact that these individuals are not “choosing” to be performatively/ playfully plural or eclectic. Instead, they are adhering to a radical and an “immanently antagonistic” non-bourgeois political vocabulary of choice that shows how something that is contingent can nonetheless be retroactively experienced as one’s “predestination” or “true nature” (“Now finally I live in a body into which I should have been born”) (Žižek 2020). Hegel ([2012] 1807) (from whom Žižek is drawing) called this purportedly *non-agentic* true nature, “necessity”; it often has “no positive content” and only manifests itself in relation/ connection to its opposite (ibid.: 129). I hope that this radically essentialist gesture of rendering the analytic of choice inconsequential, the radical unintelligibility of the self to the self, the need to actually undergo the pain and suffering of transition/ conversion, should not come to mean that the Muslim (female) subject is a *quintessentially* religious subject, marked by the “utter atomicity of separate individual existence” (Hegel 2012: 129). Nor is the article trying to imply that Hadiya herself did not quite comprehend the significance of her oppositional posturing. Instead, the key aim here has been to argue that when the Islamic subject needs to speak *differently*, the subversive gesture of seeking (legal) rights in and through this *necessity* of being different, as feminist philosopher Elizabeth Grosz (2005: 93) suggested in another context, need not be read as either a “lack” (“Hadiya did not know what she was doing”) or an “identity” (“Hadiya should be granted her right to convert primarily *because* she is a mature, rational adult with autonomous agency”). As an alternative, her gesture of performing difference could be considered as an indeterminate “excess” (ibid.); an *enlightened* excess that may not always, necessarily and in all contexts, align itself with the liberal-judicial language of liberation.

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Notes

- 1 *Swami* refers to Swami Vivekananda, the Indian Hindu social reformer.
- 2 *Mahabharti* is the Hindu denotation of the Indian nation-state.
- 3 Partha Chatterjee (2012: 178) uses this phrase to describe the nature of the co-constitutive relationship between liberal political thought and empire within the context of British colonialism in India. He shows how two ideologically opposed discourses, by the dint of sharing the same technical apparatus of concepts, could in fact end up ideologically justifying the petrification of a particular social group. He does this by illustrating how the functionalist anthropology undergirding Adam Smith's theory of the "stages of social development" or the utilitarianism embedded in Jeremy Bentham's theory of comparative government should be seen as theories that "prepared the discursive ground for the practices of imperial policy later in the nineteenth century" (ibid.). What is crucial in this for our purposes is that, as Chatterjee argues, both Smith and Bentham were ideologically opposed to empire (the epistemic conditions of this opposition, I suggest, is not very different from the liberal secularising intelligentsia's opposition to Hindutva in contemporary India).
- 4 The phrase "secular consumption" is borrowed from Judith Butler (2012: 11).
- 5 *Hijab* is a Muslim woman's head-covering.
- 6 *Namaz* is a Persian word meaning Islamic worship.
- 7 In relation to this argument on the Muslim as the "universal enemy", it is key to note that the Supreme Court's initial gesture of identifying Hadiya's husband as someone who, by the dint of staying in the Gulf region, had direct connections with the "Foreign Arab", and thereby has ceased to be a fellow Indian Muslim, distinctly echoes anthropologist Darryl Li's (2019) similar concern of how the discourse on the Global War on Terror constituted the *mujahid*, visiting Bosnia in the capacity of a fellow Muslim helping Bosniaks, as an intractable, unreliable "foreign fighter". I thank Dr Sanober Umar for bringing this crucial book to my notice.
- 8 I draw this expression "perception bias" from the development economists Jocelyn Kynch and Amartya Sen (1983: 365). They use it to explain why female children suffer from disadvantages and often end up having lesser chances of survival, as evident from objective data like mortality statistics.

- Their article argues that a disadvantaged group like that of females, compared to males, often do not have a perception of suffering from disadvantages (like ill health for example), do not report about them and hence help in the perpetuation of those disadvantages; a condition that the authors identify as “perception bias”.
- 9 I borrow this expression from Judith Butler (2012) who defines “true religion” as something that is “related to freedom understood as *potentia*, the immanent power of the individual that is irreducible to egotism or individualism” (para 1). For Butler, in true religion, the will of god (which, for them, is both law and love) and nature (or the order of the world) are related, and it interrogates various anthropocentric and anthropomorphic conceptions of God (para 6).
 - 10 It is key to remember here that the Communist Party of India Marxist (CPIM) in Kerala was highly critical of Hadiya’s desire to convert to Islam. Further, other than the Indian Marxist politician Brinda Karat, female supporters of the Kerala CPIM were largely engaged in the act of shaming Hadiya for her decisions on conversion (Devika 2017b). Crucially enough, despite ideological differences, these politicians who supported Hadiya’s illegal custody and castigated all practicing Muslims, often mirrored Hindutva’s arguments and actions.
 - 11 See Salman Rushdie (2021) for the expression “secularization of ... fanaticism” (261).
 - 12 I draw the phrase “left-liberal” from Will Kymlicka (2006) who uses it to denote a political class which claims that the notion of individual responsibility can act as a significant “corrective” to traditional left-wing ideas on wealth distribution (9).
 - 13 Also see historian and sociologist Behrooz Ghamari-Tabrizi’s (2016) “Foucault in Iran” for an astute attempt to rid Foucault’s “What is Enlightenment” of the charge of historicism. He rightly points out that Foucault’s text is not about going back to doctrinaire liberalism, but rather a continuation of his earlier adherence to political spirituality.
 - 14 This phrase is drawn from Ashis Nandy (1984).
 - 15 The approach that considers the category of interest as a fundamental component of human nature, independent of state formations and modes of production, is “transcendental institutionalism” (Chatterjee 2017: 42). It primarily belongs to the liberal-contractarian school of thought introduced by Thomas Hobbes and then improvised upon further by Jean-Jacques Rousseau, John Locke and Immanuel Kant (Sen 2009: 6).
 - 16 Historian Quentin Skinner (2012) pointed out that for John Locke (and 17th century English political philosophy in general), action that was attached to the “passions of the soul” were identified as unfree to the extent that they were licentious, while action that was attached to reason was considered free.
 - 17 Hegel, in “The Philosophy of Right”, describes civil society as “the system of needs” (Chatterjee 2017: 42). It is a domain where the satisfaction of needs through economic self-interest gives rise to abstract rights whose recognition, via the legal powers of the state, subsequently leads to the production of the abstract citizen-subject (ibid.). Marx adopts this understanding of civil society and the bourgeois state from Hegel. For both Hegel and Marx, the category of interest is neither natural nor universal. Rather, it is very much a product of culture and power structures (ibid.: 42–43). However, while Hegel collapses the conceptual categories of “need” and “interest”, the case of Hadiya’s conversion shows a way in which need can, in fact, be dissociated from the apparatus of interests.
 - 18 The epigraph of this article, quoting the Indian Prime Minister Narendra Modi’s (2012) views on the relationship between religion and the nation-state form, echoes this dismissal.
 - 19 See B.S. Sherin (2021) for an excellent historical analysis of Muslim women’s political agency in Kerala, included a nuanced history of religious conversion in the region. This analysis, among other things, includes the illustration of the inability of contemporary secularising feminist frameworks to fully appreciate the rich feminist legacy of Kerala’s Muslim women.

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