

HINDU NATIONALISM AND THE NEW JIM CROW

Ashutosh Varshney and Connor Staggs

Ashutosh Varshney is Sol Goldman Professor of International Studies and the Social Sciences, and professor of political science at Brown University. Connor Staggs is a doctoral candidate in political science at Brown University.

Is India under Narendra Modi, who became prime minister in 2014, beginning to resemble the American South under Jim Crow? The term refers, of course, to the politics of racial oppression that came to dominate in the eleven former Confederate states following the end of Reconstruction in 1877. From about 1880 to 1965, each of these states saw grave democratic backsliding as elected legislative bodies and executive authorities ignored or circumvented the citizenship, due-process, and equal-protection clauses of the Fourteenth Amendment (1868); deprived African Americans of the voting rights they had been guaranteed under the Fifteenth Amendment (1870); and directly or indirectly supported extralegal vigilante violence against blacks, especially in the form of lynchings.

Allowing for historical differences—India never had a system of racialized chattel slavery such as held sway in fifteen of the then-34 U.S. states plus several U.S. territories at the time the Civil War broke out in 1861—it remains fair to say that if Jim Crow was about the severe marginalization of black Americans on the ground of their race, then Hindu nationalism under Modi's Bharatiya Janata Party (BJP) is about the attempted marginalization of a minority, namely, Muslim Indians, on the ground of their religion.¹

As Avidit Acharya, Matthew Blackwell, and Maya Sen argue, the motives behind Jim Crow were not only economic (a desire to keep the minority's labor cheap) but also political and social: fear of black political power in the South, where blacks continued to make up a large share of the populace, and fear of the social equality presaged by the end of slavery and the passage of the Fourteenth and Fifteenth Amendments.²

Here is where the parallels with Modi's Hindu nationalism begin. Just as a key aim of Jim Crow was to blunt the Reconstruction Amendments and turn blacks into second-class citizens, Hindu nationalists seek to diminish the constitutionally guaranteed equal citizenship of Muslims and turn them into marginalized, less than fully equal citizens. White supremacy and Hindu supremacy are twins in that sense. Their histories are different, but their political objectives and discourses are much the same.

Similarity marks even the methods deployed: exclusionary laws, segregation, and vigilante violence. Just as in the Jim Crow South a combination of state-level election victories and extralegal methods was deployed to deprive blacks of their rights, Hindu nationalism is using both legislative power and extralegal methods to subdue Muslims. Vigilante violence, condoned or supported by the state, has been on the rise since Modi and his party came to power. In short, elections are being used to create legislatures that pass anti-Muslim laws, while street-level vigilantism supports the formal politics of exclusion. This was also how democracy worked in the American South after Reconstruction collapsed in the late 1870s.

Unlike Nazi Germany in its targeting of Jews, the Jim Crow project was not eliminationist. Hindu nationalists likewise seek not the physical elimination of Muslims, but rather their relegation to second-class citizenship. The Third Reich had concentration camps for Jews. The Jim Crow South did not have such camps, nor does India today. To annihilate the equality that blacks were promised after the Civil War was the objective of Jim Crow. Hindu nationalists also seek to abolish the equality granted to Muslims by India's 1950 Constitution. Jim Crow was about white supremacy; Hindu nationalism is about Hindu supremacy.

Jim Crow lasted for the larger part of a century, not weakening until the 1950s and not ending until the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The Hindu-nationalist project is in its early phases and can still be forestalled. Before a Jim Crow-style Hindu-nationalist order is institutionalized via political and legislative processes, voters can remove the BJP from power via defeat at the polls. If voters do not turn back Hindu nationalism, it is our grim prediction that its similarities to Jim Crow will only grow. Parallels are already disturbingly in evidence.

Exclusionary Ideologies

Jim Crow was rooted in the idea of racial hierarchy and Hindu nationalism is driven by belief in a religiously defined national community. The notion of equality among groups is an anathema to both, and the presumption of group exclusion and hierarchy a defining feature of each. In one case, the exclusion is racially formulated and in the other, the basis for exclusion is religious, or what one might call ethnicized re-

ligion. Moreover, both are governed by historically constructed notions of honor and ignominy and do not shy away from violence as a mode of restoring honor and avenging perceived humiliation.

While the United States has always had more than two races, Jim Crow focused on a racial binary. “The white people who settled this country . . . should alone govern it,” said Alfred Moore Waddell, the former Confederate officer who led a bloody 1898 white-supremacist coup against a duly elected, biracial city government in Wilmington, North Carolina.³

The victory of the United States over the breakaway Confederate States of America in the Civil War had led to a period of “emancipation” for black Americans, who had mostly lived in slavery for two and a half centuries prior. The Thirteenth Amendment (1865) formally abolished slavery, while the other two Reconstruction Amendments that followed it, as we have seen, guaranteed equal citizenship and voting rights.

Within a few years of slavery’s end, black voter registration across the Deep South averaged about 90 percent.⁴ During all of Reconstruction (1865–77), nearly 1,500 black citizens held local office in the former Confederacy, while there were sixteen black members of the U.S. House of Representatives and two U.S. senators (both from Mississippi).⁵ Along with the *de jure* expansion of rights for black citizens, *de facto* federal enforcement of those rights was key: The parts of the South with the most federal troops were also the most likely to see black candidates for office succeed.⁶ Thus the legal expansion of democratic rights was not left to the mercies of former Confederate states. Under the Reconstruction Acts of 1867, Washington deployed federal troops to these states. In 1870, Congress created the U.S. Department of Justice under President Ulysses S. Grant’s attorney-general, Amos T. Akerman, with the mission of enforcing the Reconstruction Amendments and prosecuting civil-rights violations in the ex-Confederacy. With Grant’s full support, Akerman (a former Confederate officer who had come to favor racially inclusive politics) brought thousands of criminal cases and made serious headway in suppressing violence against black Americans.⁷

The idea of blacks as bearers of equal rights and holders of political authority was abhorrent to white supremacists, mostly tied in that period to the Democratic Party in the South. Democrats complained that the Thirteenth Amendment had violated their property rights, rejected the Fourteenth Amendment’s extension of citizenship to blacks, and insisted that their alleged inferiority should disqualify them from voting. Given the South’s large black population, voting rights posed the most immediate threat to white dominance.

A decade after the end of slavery, the 1874 elections brought a nationwide resurgence by the Democrats as voters blamed Republicans for the financial crisis and economic downturn that became known as the Panic of 1873. Despite a partial Republican comeback in 1876, Demo-

crats retained their U.S. House of Representatives majority and were able, following the disputed presidential race that year, to extract an unwritten vow to pull federal troops out of the South as the price of letting Rutherford B. Hayes take the White House. A North and a Republican Party weary of the expense and effort of battling white Southern resistance complied with the Democrats' wishes by abandoning Reconstruction and tacitly agreeing to subordinate the constitutional rights of blacks (at that time still mostly residing in the South) to the concept of "states' rights." Blacks saw their rights as citizens sharply curtailed; white dominance was back. In white-supremacist parlance, this counterrevolution came to be known as "Redemption." The Redeemers had "restored the region's honor by beating back the scurrilous Reconstruction."⁸ Restoration of white honor and degradation of black citizens went together.

Why Do Hindu Nationalists Exclude Muslims?

What race was to Jim Crow, religion has been to Hindu nationalism since that ideology's founding a century ago.⁹ If white supremacy in the U.S. South meant rejection of racial equality, Hindu nationalism comes with the denial that Muslims and Hindus can be equal in India. And if India's postindependence constitution has made Hindus and Muslims legally equal, such equality, according to Hindu nationalists, must be reversed, just as the racial equality imposed by Reconstruction required backtracking. White supremacists such as Waddell believed that "the white people who settled this country" had by that token superior rights. Hindu nationalists think that Hindus are India's "original peoples," which justifies a greater endowment of rights for them. Muslims, say Hindu nationalists, came as "invaders" from the Middle East and Central Asia, and granting them equality with Hindus is a grave historical and political injustice.

In his 22 June 2023 speech to a joint session of the U.S. Congress, Prime Minister Modi offered Hindu nationalism's reading of Indian history as "a thousand years of slavery," a standard ideological trope in the movement's literature.¹⁰ The term "slavery" here is not meant to signify chattel enslavement such as was found in the antebellum South. Instead, it is a metaphor for colonialism. Hindu nationalists believe that India's colonization did not begin with the British in 1757, but started more than a millennium earlier when Muhammad ibn al-Qasim led forces of the Umayyad Caliphate in conquering Sindh (then a kingdom in Northwest India, now a province of Pakistan) in the year 711 C.E. Later came the establishment of first the Delhi Sultanate (1206–1526) and then Mughal rule (1526–1757). Muslim princes, say Hindu nationalists, humiliated Hindus by forcing them to convert and by destroying Hindu temples, with some of those sites later used for mosques.

In the minds of Hindu nationalists, then, the rise of Islam and Hindu decline in India are two sides of the same coin. It follows that a restoration of Hindu pride not only means rebuilding magnificent Hindu

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temples, buildings, and statues, but also attacking historic Muslim influences in India and its culture. The BJP government in Delhi and its junior partners in the eighteen states where the BJP rules by itself or as part of a coalition are altering the names of buildings, cities, and roads even when these names date to medieval times. These Hindu nationalists in power believe that India's arts and architecture, films and music, literature and thinking must be purged of allegedly corrupting Muslim influences no matter how old such influ-

ences may be. Today's Hindu India, the thinking runs, cannot be itself until the symbols of an earlier, Muslim-dominated India are erased.

At least equally significant is the understanding of national loyalty that has been added to this historical reasoning. In 1923, V.D. Savarkar, the leading early ideologue of Hindu nationalism, sought to define who is a true Indian and who is disloyal to India.¹¹ His definition continues to reverberate through Hindu nationalism's discourse. Only a Hindu, Savarkar argued, could be a true Indian because both birth and religion were critical to the formation of national loyalty. Hindus typically regard India as their fatherland, but their religion was also born in India. Muslims, said Savarkar, cannot be truly loyal Indians, for even if they were born in India, their religion was born outside India, in the Middle East. To them, Mecca and Medina will always outrank India.

For Hindu nationalists, the final proof of Muslims' enduring disloyalty came quite recently. In 1947, the leading Muslim political party secured India's partition and formed Pakistan. At that time, out of a total Indian population of nearly four-hundred million, about a quarter were Muslims. Roughly 65 million of these became citizens of Pakistan, which the party also called a Muslim homeland.

Instead of punishing India's remaining Muslims, however, the leaders of India's freedom movement and its constitutional framers protected them. The 1950 Constitution was based on the idea of religious equality. It gave universal franchise to all adults, regardless of religious affiliation. And worrying that a Hindu majority might overwhelm minorities, it gave special protection to minority educational and cultural institutions as well as religiously governed "personal laws" that dealt with matters of family, marriage, and inheritance. The Hindu majority, the

framers reasoned, needed no special privileges. In a democracy, Hindus' preponderant numbers—they currently make up almost 80 percent of India's population—would safeguard their interests. Those Muslims who remained in India, the framers continued, should not be punished for the birth of Pakistan. Having chosen to be citizens of India, they deserved the same rights as other citizens. Today, their descendants account for about 14 percent of the Indian people.

The reading of Indian history that lay behind this vision of equal rights without regard to religious identity was very different from that of Hindu nationalists. Not only the freedom movement's leaders but professional historians argued that while some Muslim invaders had indeed looted and razed Hindu temples, most Muslim rulers ended up "Indianizing" themselves and made huge contributions to the development of Indian culture. Further, historians found, the idea of forced mass conversions to Islam was more legendary than real. The role of Sufi shrines, the center of popular Islam even today, was hugely significant. Most conversions took place voluntarily at the lower levels of Hindu society. Many from the lower castes embraced Islam, especially through Sufi shrines, to escape the oppressive hierarchy of the Hindu caste system.

India's Muslims have historically been divided into a wealthy few at the top and a huge mass of poor Muslims at the bottom, the descendants of converts who came to Islam from the lower Hindu castes. Surveys continue to show that along with Dalits (once called "untouchables") and Adivasis (a catchall term for tribal peoples), Muslims are among the poorest communities in India.¹² Citing the actions of certain Muslim princes, military commanders, and religious elites, Hindu nationalists want modern-day Muslims punished for humiliations suffered by Hindus in the past. But why should millions of poor Muslims today be implicated in the historical misdeeds of Muslim elites from centuries ago?

India's first-generation leaders and constitution makers, liberal in outlook, thought of individuals as citizens with equal rights. Hindu nationalists, by contrast, privilege the rights of perceived communities over those of individuals. By this logic, poor Muslims must pay for the historical sins of the Muslim elite. The founders of the modern Republic of India deemed this idea so odious that they refused to dignify it with even the barest consideration. Hindu nationalists, now in power, have brought it back with full force. The dire results of this are now unfolding.

Emerging Indian Laws

In India, legal discrimination against Muslims has not yet achieved the suffocating ubiquity of racial oppression in the Jim Crow South, but we must recall that Jim Crow laws took time to be put in place. It was not until the first decade of the twentieth century that sweeping segregationist policies and racist legal subterfuges such as poll taxes, literacy tests,

property qualifications, and “grandfather clauses” were brought to bear with comprehensive force to restrict black Americans to second-class status, bar their way to advancement, and strip them of voting and other rights. How far India’s anti-Muslim laws will go, of course, depends heavily on the BJP’s electoral fortunes at both the national and state levels. Things have gone far enough in an illiberal, exclusionary direction in both Delhi and the states, however, that it is worth taking stock.

Soon after the BJP won reelection in 2019, having increased both its vote and seat share and remaining at the head of its ruling coalition, two of its biggest moves in Parliament were anti-Muslim. The first was a fundamental change in legal status of the disputed state of Kashmir. India is an asymmetric federation, meaning that not every state has the same rights. Kashmir, the only state with a Muslim majority, had greater autonomy within the national constitutional framework. Only defense, foreign relations, and communication were under Delhi’s control; other realms of policy and governance were left to Kashmir’s own state government. Some other states, especially in the Northeastern tribal areas, have roughly similar status. Yet Kashmir, in the eyes of Hindu nationalists, had a built-in religious defect: its Muslim majority.

In August 2019, the BJP used its new majority to strip Kashmir of its special autonomy and make it the eighth of India’s “union territories.” These federal entities are run directly by the national government in Delhi, with no governments of their own. The implication was clear: A Muslim-majority state was being shown its proper place in Hindu-majority India.

In December came passage of a change to the Citizenship Act of 1955. This law had imposed no religious criteria on aspiring citizens, but the new law (called the Citizenship Amendment Act, or CAA) opened a “fast track” to Indian citizenship for “persecuted minorities” from Afghanistan, Bangladesh, and Pakistan. Two things about this law were noteworthy. First, it specified only the Muslim-majority countries in India’s neighborhood as sites of persecution. It left out Sri Lanka, which is mostly Buddhist and has a Hindu (ethnically Tamil) minority that often complains of persecution and was on the losing side of a civil war. Also unmentioned was Burma, where a small (4 percent) Muslim minority has been the target of violence often condoned or even assisted by the government.

Not only did the CAA rest on the false premise that only Muslim-majority countries near India have religious persecution problems, but it also specified “persecuted minorities” in a way that conspicuously ignored Muslim victims of ill treatment. The text lists Buddhists, Christians, Hindus, Jains, Sikhs, and Zoroastrians but is silent about the Shia Hazaras in Afghanistan and the Ahmadis in Pakistan, for instance, though both these groups have long suffered at the hands of oppressive Sunni majorities. The ideological nature of this was clear: In the BJP’s eyes, no Muslim groups deserved the status of persecuted minorities.

Amit Shah, head of the Home Affairs Ministry under Modi, announced that the CAA would set in train the creation of a National Registry of Citizens (NRC). The need for proof-of-citizenship documents imposed by the NRC had the potential to strip millions of their citizenship. Hindus without papers could sidestep the threat, however, by citing their status in the eyes of Indian law as members of a minority persecuted elsewhere in the region (Nepal is the world's only other Hindu-majority country). Muslims have no such recourse. Even if born in India, they could face expulsion for want of papers.

Since voting depends on citizenship, even Muslims who manage to stay in India may find that their lack of papers will disenfranchise them. Hindus, again as a "persecuted minority," are less likely to be affected. States not run by the BJP denounced the NRC and said that they would refuse to implement it, so the plan remains on hold. If the BJP and its allies do better at the polls, the scheme could return. There are tens of millions of Muslims who might fall afoul of it and be declared noncitizens, but their numbers are so large that concentration camps or expulsion to Muslim-majority neighboring states are unlikely. Their disenfranchisement, however, is highly feasible and appears to be the real point of the NRC anyway.

If the CAA and NRC resemble Jim Crow's poll taxes and literacy tests in their intended effect of keeping a disfavored group from voting, the "anti-love jihad" ordinances of today's India resemble the anti-miscegenation laws of the American South. Hindu nationalists have long pushed a conspiracy theory that Muslim men are seeking to lure Hindu women into marriage in order to swell Muslim numbers. Interfaith marriages, it is said, must be outlawed lest Hindus find themselves reduced to a minority. The strangeness of the math here—Hindus currently outnumber Muslims in India by more than five to one—has not stopped BJP politicians and ideologues from insisting that the love jihad is a real threat and trying to spread fear that the far-fetched scenario will come to pass. Several BJP-ruled states have passed measures to prevent Muslim men from marrying Hindu women, even if the desire to marry is wholly voluntary on the part of two adults.

Exclusionary Violence in the U.S. South

Jim Crow, of course, was more than unfair laws. Behind the laws stood the ever-present threat of extralegal violence, including but not limited to lynchings. The practice of extralegal but public executions by mobs was widespread in the South. Reconstruction's end, with federal troops leaving and the U.S. Justice Department standing down from prosecutions, brought rising racial savagery against black Americans. Lynching and other forms of mob violence were not confined to the South, but they were far more common there than in the rest of the United States. Charles Seguin and David Rigby have identified three lynching "regimes" in the country from 1883 to 1941: One held sway in the

Wild West, where mostly whites were lynched in the absence of strong state institutions. Another, smaller one involved lynchings of Mexicans at the southern border. The largest, most punitive, and most widespread, however, was the “slavery regime” of lynchings in the South that aimed mostly at black men.¹³

While the precise numbers killed by these reigns of the noose are hard to pin down, all the estimates are almost certainly undercounts.¹⁴ Lynchings appear to have peaked in 1891–92, some fifteen years after the end of Reconstruction. It has recently been argued that the upward curve leading into the early 1890s was a result of the incompleteness of laws restricting the right to vote. Once these were enacted in successive states during that decade, they took over the work of disenfranchising blacks and the perceived need for vigilante violence grew less acute. Increasingly, extralegal violence such as lynchings became a backup expedient for enforcing white supremacy, while laws were its mainstay.¹⁵

Recent comparative research suggests that vigilante violence is frequently enabled by a “politics of impunity,” whereby perpetrators are protected against prosecution or reprisal for their crimes by state actors.¹⁶ Such was the case in the U.S. South, in which lynching perpetrators were seldom punished. Indeed, there are only a few extant accounts of lynch mobs being prosecuted for their crimes through either formal or informal channels. In 1900, the *San Francisco Call* noted a case from Patrick County in southern Virginia, where six members of a single lynch mob had been successfully prosecuted and sent to prison. The paper approved of efforts “to put an end to those outbursts of violence and cruelty” before adding that the identities of lynchers were often well known to the authorities and lamenting that “it has been found impossible to induce juries to convict [lynchers], no matter how strong and clear might be the evidence against them,” with the result that “lynchers have felt no restraint in the commission of violence and have vied with one another in efforts to carry it from one degree of savagery and fiendishness to another.”¹⁷

Three things enabled lynchings. First, court rulings laid the groundwork for Southern state legislatures’ passage of discriminatory laws. In a series of rulings from 1872 to 1898, the U.S. Supreme Court limited the scope of the Fourteenth Amendment’s equal-protection clause to only those rights conferred by *national* (rather than state) citizenship, thereby providing states with a constitutional basis on which to discriminate.¹⁸ The Court also ruled, notes historian C. Vann Woodward, that the Fourteenth Amendment gave the U.S. Congress “power to restrain states but not individuals from acts of racial discrimination and segregation.”¹⁹ As Woodward relates, this allowed

a racial ostracism that extended to churches and schools, to housing and jobs, to eating and drinking. Whether by law or by custom, that ostracism

extended to virtually all forms of public transportation, to sports and recreations, to hospitals, orphanages, prisons, and asylums, and ultimately to funeral homes, morgues, and cemeteries.²⁰

With so many domains segregated, the number of possible transgressions by blacks multiplied, and with “private mobs” willing and able to lynch, legal redress was a forlorn hope.

Next was the lack of substantive physical protections for blacks exercising their political, social, and economic rights. During Reconstruction, federal troops stationed in parts of the South had gone some way toward providing protection, but their withdrawal gave lynch mobs free rein. Finally, and perhaps most importantly, the Democratic Party’s hold on white voters in the “Solid South” shaped a perverse nexus of collusion among politicians, police authorities, and white-supremacist groups such as the Ku Klux Klan. The reality of de facto state capture by white supremacists gave lynchers well-founded confidence that they would face no judicial consequences. Indeed, elected officials, sheriffs or police officers, and other public figures were known to join lynch mobs, whose extralegal death-dealing could take on a carnival air:

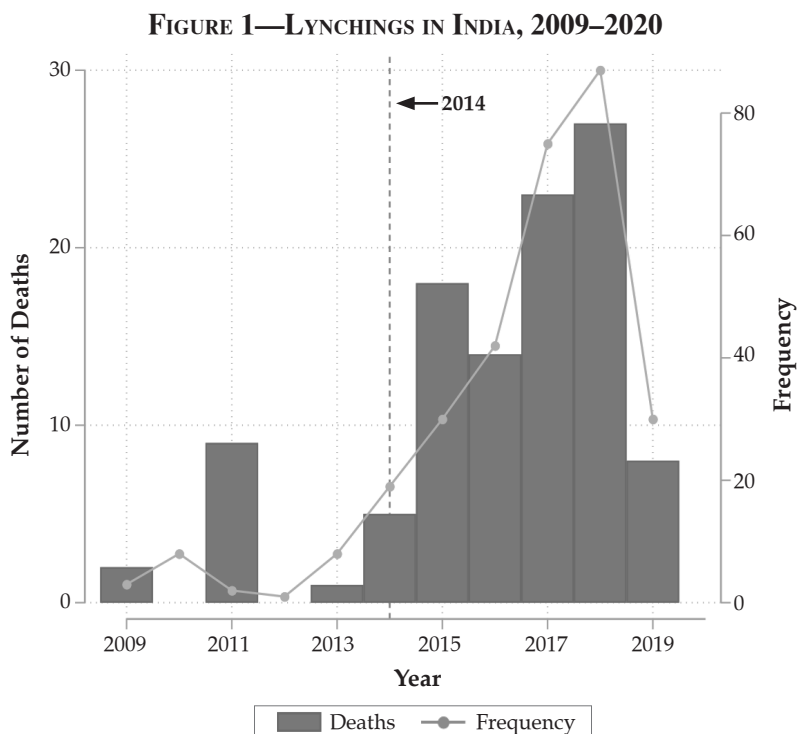
Lynchings were more than executions; they were public spectacles, even entertainments, that often took place before large crowds. White men tortured black men, dismembering, castrating and burning them. Photographers memorialized the murders. The photographs, turned into postcards, sold widely. . . . Far from being a problem for the Democrats, lynching carried little political cost with their Southern base. It reinforced their standing as a white man’s party and defender of Southern home and womanhood.²¹

India’s Mob Violence: Then and Now

In India, the primary form of mob violence used to be the riot. Lately, however, riots have declined in frequency,²² and lynchings are taking their place. Riots and lynchings are different, and exploring how they differ will also clarify what the role of the state is in vigilante violence.

Riots are clashes between civilian mobs. Many people on both sides are targeted for violence. The neutrality of the state—embodied, in effect, by the refusal of its police on the ground to “take sides”—may be in doubt but is not abandoned. A lynching is a mob attack whose target is a single person or at most a handful of people, which makes such attacks different from riots. As a new and growing body of research shows, lynching will not become widespread unless those who lead lynch mobs feel confident that the police and local authorities will look the other way and let lynchers go free. Studies from India are beginning to underline this finding.

Unlike the American South after the close of Reconstruction, India has had no noted tradition of communal lynchings. There have been lynchings in reaction to individual violations of law and order—after

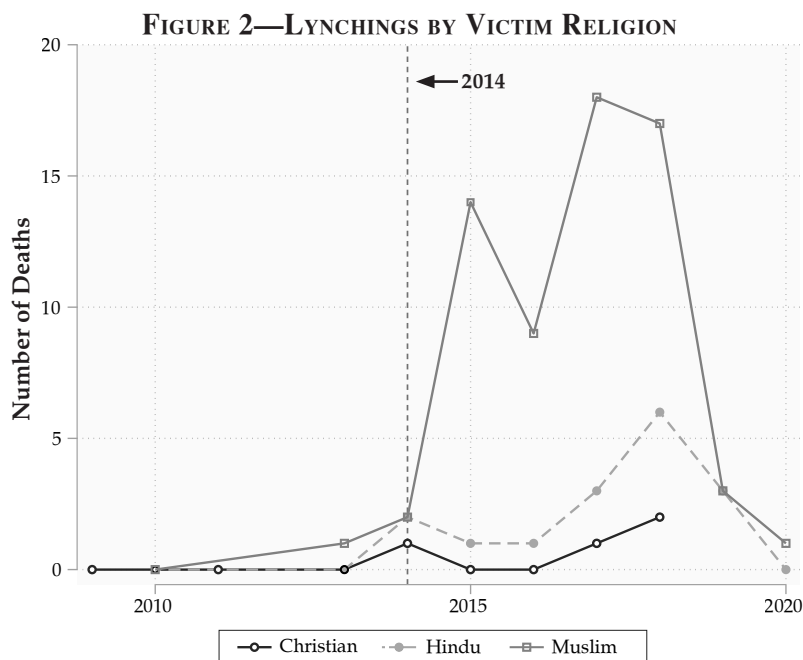


Source: Hate Crime Watch, Centre for Equity Studies, New Delhi.

traffic accidents, thefts, or “black magic,” for instance—and mob violence has also been known to punish transgressions of entrenched sexual boundaries, as when relationships between Dalit men and upper-caste women come to light. But India has had no sustained, long-term record of Hindu-Muslim lynchings. This may now be changing, however.

Figure 1 shows lynchings since 2009. Modi and the BJP entered government in May 2014, and after that time we see a distinct rise.²³ Figure 2 breaks down lynchings by the victim’s religion. Muslim victims exceed Hindu victims several times over even though Muslims form a much smaller share of the population. The numbers leave no doubt that Muslims have been the main victims of lynching.

It can also be shown that a disproportionately large proportion of lynchings have taken place in states ruled by the BJP.²⁴ This is consistent with the comparative research on ethnic or racial lynchings mentioned above. BJP governments rarely condemn lynchings in anything like forthright terms, and BJP-affiliated groups tend to celebrate the ringleaders of such violence and present the lynching as justified. A common aim of lynchings is to prevent the eating of beef, the production and selling of cow meat, and the cattle trade. Because cows are sacred to Hinduism, say Hindu nationalists, these activities must be stopped.



Source: Hate Crime Watch, Centre for Equity Studies, New Delhi.

Other aims of lynchings include preventing or punishing conversions to Islam, and stopping young Muslim men from marrying Hindu women. These too are ideological projects for Hindu nationalists. So long as lynching is presented as serving a larger ideological cause, the BJP's state administrations rarely take action.

Indeed, something worse is now being done. In several BJP states, local officials or the police are increasingly bulldozing Muslim homes and businesses while claiming that Muslims of the vicinity took part in a protest, impeded the celebration of a Hindu festival, or committed a crime. Court orders for these demolitions of property are neither wanted nor sought. Thirteen states today have non-BJP governments, so these punitive administrative or police actions are not yet an all-India phenomenon. But in several BJP-run states, recent years have seen instances of Muslim properties disappearing under bulldozer blades.

State conduct such as this is disturbingly reminiscent of the Jim Crow South. "Rulers supplemented restrictions on civil liberties by directing, endorsing, or acquiescing in the *physical coercion* of their subjects. . . . Coercion took many forms, from imprisonment . . . and destruction of property to torture, murder, and state execution."²⁵ Legal and extralegal forms of subordination are not the exclusive province of authoritarian states. With power handed to them by the voters, governments in democracies can deploy both forms for illiberal, oppressive ends.

What makes Modi's India and the Jim Crow United States comparable? It is the idea that electorally legitimated majoritarianism can be used to create an ensemble of laws and practices which seek to deprive a disfavored group of its rights, subject it to extralegal violence, and reduce it to second-class citizenship.

The emergence of the full-blown Jim Crow system in the post-Civil War United States took several decades. As an ideology, Hindu nationalism has been in power at the national level for only a single decade. The political order preferred by Hindu nationalism is not yet complete or firmly in place; only the first steps have been taken. If the BJP keeps winning elections, there can be no doubt that these steps will continue and the impetus behind them will be stronger. In the United States, Jim Crow went against the Constitution, but the courts for a long time would not apply that document. In India likewise, the judiciary is not playing its assigned role as guarantor of liberal constitutionalism against the trespasses of overweening executives and legislatures. Although it took them until the 1950s to fulfill their role, America's courts eventually did so and began enforcing civil rights. Will India's? Whatever the answer, friends of liberal, constitutional democracy will be wise not to count on judges to salvage the situation. In the end, only the voters can decide to stop Hindu nationalism, or else underwrite its final advance. The choice is theirs.

NOTES

1. According to the 1860 U.S. Census, blacks made up about 14 percent of the national population on the eve of the Civil War, which is about the same share of India's population that Muslims accounted for in the 2011 Census of India, the last one taken before the BJP became the governing party. Nineteenth-century black Americans remained residentially concentrated in the South, even forming majorities in Mississippi and South Carolina, while Muslims in post-1947 India have been more spread out. Only a single Indian state, Jammu and Kashmir, has a Muslim majority.

2. Avidit Acharya, Matthew Blackwell, and Maya Sen, *Deep Roots: How Slavery Still Shapes Southern Politics* (Princeton: Princeton University Press, 2018), 130.

3. Quoted in Steven Levitsky and Daniel Ziblatt, *Tyranny of the Minority: Why American Democracy Reached the Breaking Point* (New York: Crown, 2023), 130.

4. Robert Mickey, *Paths Out of Dixie: The Democratization of Authoritarian Enclaves in America's Deep South, 1944–1972* (Princeton: Princeton University Press, 2015), 38.

5. Acharya, Blackwell, and Sen, *Deep Roots*, 133.

6. Mario L. Chacón, Jeffrey L. Jensen, and Sidak Yntiso, "Representation and Imposed Democratization: Evidence from Black Enfranchisement During Reconstruction," New York University, unpubl. ms., March 2021, <https://bedrosian.usc.edu/wp-content/uploads/2021/04/2021.04.06-Chacon-Jensen-Yntiso.pdf>.

7. Ron Chernow, *Grant* (New York: Penguin, 2017), 700–11. See also Stephen Budyanskiy, *The Bloody Shirt: Terror After Appomattox* (New York: Viking, 2008).

8. Mickey, *Paths Out of Dixie*, 39.
9. Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven: Yale University Press, 2002), ch. 3.
10. M.S. Golwalkar, *We, or Our Nationhood Defined* (Nagpur: Bharat Prakashan, 1939).
11. V.D. Savarkar, *Hindutva*, 6th ed. (Bombay: Veer Savarkar Prakashan, 1989, orig. publ. 1923).
12. “Social, Economic and Educational Status of the Muslim Community of India: A Report,” Ministry of Minority Affairs, Delhi, November 2006, <https://minorityaffairs.gov.in/WriteReadData/RTF1984/7830578798.pdf>.
13. Charles Seguin and David Rigby, “National Crimes: A New National Data Set of Lynchings in the United States, 1883 to 1941,” *Socius* 5 (January–December 2019), <https://journals.sagepub.com/doi/full/10.1177/2378023119841780>.
14. Lynchings in isolated areas or places beyond the range of newspaper coverage would be less likely to leave a record. There is also evidence of active attempts to suppress news reporting of lynchings and other incidents of white violence, presumably to prevent public outrage in the North, though the extent of this suppression is unclear.
15. Brad Epperly et al., “Rule by Violence, Rule by Law: Lynching, Jim Crow, and the Continuing Evolution of Voter Suppression in the U.S.,” *Perspectives on Politics* 18 (March 2019): 756–69. It should also be noted that ups and downs in lynchings have been linked to economic factors such as changes in the commodity price of cotton.
16. Sana Jaffrey, “Right-Wing Populism and Vigilante Violence in Asia,” *Studies in Comparative International Development* 56 (June 2021): 223–49.
17. “The Punishment of Lynchers,” *San Francisco Call*, 9 April 1900, <https://cdnc.ucr.edu/?a=d&d=SFC19000409.2.43&e=-----en--20--1--tx-txIN-----1>.
18. *Reconstruction in America: Racial Violence After the Civil War, 1865–1876* (Montgomery, Alabama: Equal Justice Initiative, 2020), 88–89, <https://eji.org/wp-content/uploads/2005/11/reconstruction-in-america-rev-111521.pdf>.
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22. Ashutosh Varshney, “How India’s Ruling Party Erodes Democracy,” *Journal of Democracy* 33 (October 2022): 104–18.
23. Figure 2 stops at 2019 because since that year, the Indian government has made it virtually impossible to collect data on lynchings. Institutions within India that carry out this kind of research, moreover, are facing threats of closure.
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25. Mickey, *Paths Out of Dixie*, 57. Emphasis in original.