SECULARISM IN INDIA TODAY

How Misunderstandings and Distortions Jeopardize our Citizenship Ideals

ABSTRACT

Over several centuries, India developed a distinctive conception of political secularism that espoused a policy of principled distance and was sensitive to conditions of deep religious diversity. In so doing, it aimed to provide citizenship rights to all. This conception of secularism is crisis-ridden in India, partly because neither its advocates nor its opponents properly understand it. But it is also shaken by deliberate distortion: it has nearly come to be equated with a form of ethno-religious majoritarianism, which is leading not only to systematic denial of citizenship rights – particularly for minorities – but also to their deepening estrangement from the polity.

RAJEEV BHARGAVA

Rajeev Bhargava is Senior Fellow and Director, Centre for the Study of Developing Societies in New Delhi. He has been a visiting professor and fellow at several European and North American universities. His publications include, among others: *Individualism in Social Science* (Clarendon Press, 1992), *Multiculturalism, Liberalism and Democracy* (edited with A. Bagchi and R. Sudarshan, OUP, 1999), and *Politics and Ethics of the Indian Constitution* (OUP, Delhi, 2008). He has also contributed to the *Routledge Encyclopedia of Philosophy* and the *Oxford Handbook of Political Theory.*

Secularism in India is in a crisis. This article focuses on the particular set of conceptions that serve as the backdrop to this crisis. It would seem that social and political actors who use the term "secularism" either fail to properly understand its meaning or distort it. This failure of understanding what secularism means and the willful or unwitting distortion of what the term stands for is at least partly responsible for the crisis of secularism in India.

What is Indian secularism? What is the most plausible and defensible interpretation of its conceptual and normative structure? It is not easy to answer this question. Over the last three decades, the practices of the Indian state have been deeply mired in such confusion and contradiction that it is extremely hard to read precisely what model of secularism is at work here. We must cut through the ideological babble and retrieve the Indian model of secularism by examining the principal documents of the movement for Indian independence and the debates of the constituent assembly. Space does not permit us to expand on the process of such a retrieval, but only on the conclusions of this author's inquiry (Bhargava 2002, 2006, 2006a). Moreover, since the main features of Indian secularism can be better grasped by juxtaposing and contrasting it with the mainstream Western conception of secularism (MWS), let us first list its features.

Mainstream conception of Western secularism

Generally speaking, secularism is a view by which the state must neither be theocratic nor establish any religion and therefore must be separated from religion for the sake of certain values, including peace, liberty and equality, to name just a few. For some, the overriding value of this separation is liberty. Thus for the American version of secularism, state and religion must be separated in order to protect the freedom of the individual, including religious freedom. Early Western conceptions of secularism, which emerged prior to the birth of modern democracies, were centered on negative liberty. Later, equality of citizenship also began to matter. Secularism became vital because citizenship rights had to be distributed regardless of the sectarian or religious affiliation of individuals. Thus in the French Republican conception, the state must be separated from religion for the sake of equality of citizenship. For both freedom-centered and equality-centered models, however, the bearer of rights was, without a doubt, the individual. This is not surprising. MWS developed in predominantly single-religion societies. Their primary concern was *intra*-religious domination. For example, the French model grew out of a radical disquiet with an oppressive Church and the power of the clerics – an intra-religious issue – and valorized a citizen-oriented state as an alternative to the Church. The American model was partly concerned with peace between denominations but was primarily shaped by a larger Protestant ethos that gave primacy to the freedom of the individual to interpret the core religious beliefs as he or she saw them – again, intra-religious issues. A corollary to this is that MWS has generally neglected *inter*-religious domination. This is evident in the absence of commitment in most Western constitutions to the rights of religious communities. Furthermore, these versions generally granted overriding primacy to one value or the other: liberty, in the case of the American model, and equality of citizenship, in the French. These conceptions are single-value doctrines of individualist secularism. At least one of these – the French model – strongly believes that religion must be a private matter and not brought into the public domain. Many American liberals also interpret their own version of secularism in this manner. Thus, MWS has the following four features: a) it focuses on intra-religious domination; b) it is predominantly a single-value doctrine; c) it is tied to individualism; and d) it is committed to the privatization of religion.

A fifth feature of MWS is that it conceives separation either as mutual exclusion or as one-sided exclusion. Mutual exclusion means that neither the state nor religion can interfere in the other's jurisdiction. The state can neither help nor hinder religion. Likewise, religion must not intervene in the affairs of the state. This idea of separation is best captured by the Jeffersonian metaphor of a wall of separation between the religion and the state. One-sided exclusion means that the state may intervene in the affairs of religion but religion is not permitted to interfere in the affairs of the state. Such intervention usually takes the form of hindering religious activity but may constitute some form of facilitation – except that the motive underlying this help is control of religion. Thus the state may set up a Ministry of Religious Affairs or pay the salaries of the clergy, but the underlying motivation behind the provision of such facility is to confine religion within a framework entirely determined by the state. The theoretical self-understanding of MWS is that separation must mean either of these two forms of exclusion of religion from the activities of the state.

A sixth feature flows from this. MWS forces us to choose between active hostility and passive respect towards religion. By taking a hands-off approach to religion, the American wall of separation model espouses the idea that the only way to show respect for religion is to not interfere in it. This is passive respect. Active, though sometimes concealed, hostility is the hallmark of one-sided exclusion.

The distinctiveness of Indian secularism

Each of the features of the Indian conception is decidedly different from its counterparts in the Western model. To begin with, the Indian model responds *simultaneously* to intra-religious and inter-religious domination. In Indian society, a land not of recent immigrants but witness to continuous migration over the course of several millennia, it is hard to distinguish migrants from settlers. This continuous influx has added layers of heterogeneity to India so that the country is marked by deep religious diversity of two broad varieties:

- ***Diversity of religions:*** India is a land not only of Hindus but also of Buddhists, Jains, Sikhs, Muslims, Christians, and Parsis, to name just a few faiths.
- ***Diversity within religions:*** This refers to different sects within Islam and Christianity. Hinduism itself is not a monolithic religion but a federation of faiths and, therefore, marked by radical internal diversity. This diversity is not only horizontal but also vertical. Its vertical hierarchy developed as low-castes, out-castes and women, to name a few, were compelled to develop different practices once they were excluded from the mainstream.

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Now endemic to diversity is the threat of domination. This being so, diversity within religion can easily turn into intra-religious domination (also a feature of MWS), while diversity between religions can easily breed inter-religious domination. Given that multiple religions are the very foundation of Indian secularism and not just an optional extra, and given the threats of multiple forms of domination, Indian secularism has had to evolve into a multi-value doctrine – the second feature of Indian secularism. For the Indian model, liberty of individuals is important. Individuals must have the right to dissent from the dominant interpretation of their religious communities. They also need to be protected from discrimination on grounds of religion and be granted equal citizenship rights. For example, every individual has the right to vote, stand for public office and deliberate on public matters, regardless of their religion. But as important as individualist values are community-oriented values. For example, it is important to have peace within and between communities. Equally crucial is the need to check religious majoritarianism. In other words, Indian secularism protects the freedom of religious communities to maintain their own practices or shape them by their own lights. Likewise what is important is not only equality among individual citizens but also a rough equality among religious communities. This makes Indian secularism sensitive to the rights of religious communities. In short, religion must be separated from the state for the sake of many values, including those of liberty and equality, in which both liberty and equality are construed individualistically as well as non-individualistically. Combining and reconciling all of these values is never easy but is nevertheless unavoidable if the reasons for separation stem from multiple values.

Third, Indian secularism is not entirely averse to the public character of religions. True, the state is not identified with a particular religion or with religion more generally (there is no establishment of religion and no theocracy). Yet official, and therefore public, recognition is granted to religious communities.

Fourth, it does not erect a wall of separation between state and religion. There are boundaries, of course, but these are porous. They allow the state to intervene in religions,

to help or hinder them, but without the actual intention of controlling them. Thus the state may grant aid to educational institutions of religious communities or intervene to correct gender inequalities on a non-preferential basis; moreover, its policies may differ from religion to religion. For example, a particular religious community may be granted exemptions from some laws or dress codes applicable to all others, and the state may intervene only in the social institutions of a particular religious community because they deny equal dignity and status to their own members. The ban on untouchability and the obligation to allow everyone, irrespective of their caste, to enter Hindu temples is another example based on a more sensible understanding of equal concern and respect for all individuals and groups. In short, Indian secularism interprets separation to mean not strict mutual or one-sided exclusion or strict neutrality but rather *principled distance*.

Fifth, this model shows that we do not have to choose between active hostility and passive indifference, or between disrespectful hostility and respectful indifference. We can tolerate the necessary hostility as long as there is also active respect: the state may intervene to inhibit some practices, so long as it shows respect for the religious community and does so by publicly lending support to it in some other way.

Sixth, by not fixing its commitment from the start exclusively to individual or community values or marking rigid boundaries between the public and private spheres, India's constitutional secularism allows decisions on these matters to be taken within the open dynamics of democratic politics – albeit with basic constraints such as abnegation of violence and protection of basic human rights, including the right not to be disenfranchized.

In this author's view, the development of India's version of secularism is one of the sub-continent's greatest achievements and it would not have been possible without the experience of a long history of deep-rooted diversity. Further, under conditions of radical religious heterogeneity, this model is morally superior to its mainstream Western versions. It is therefore deeply ironical that its nature and value are misrecognized in the very region where they were fully developed.

Indeed, it is *this* model of secularism which is in crisis in India. Several scholars believe that Indian secularism is no different from mainstream Western conceptions. They then go on to show that this generalized, indeed universal doctrine of secularism cannot work in India. Such critics find some essential, irredeemable flaw in secularism. This contention is deeply mistaken. There are no cultural or civilizational reasons that account for the crisis in Indian secularism. Its crisis is due to a continuous but contingent assault on it by Hindu ultra-nationalists and because of the opportunism of various political parties. It stems from the lack of nerve on the part of constitutional secularists. Most importantly, as mentioned earlier, it is due to internal misunderstanding and deliberate distortion.

Indian secularism misunderstood

Some proponents of secularism look to the French model as a prism through which to understand the Indian version. Other advocates display some ability to move away from this model but then, because of a false sense of fairness, view it in an extremely partial and one-sided manner. These proponents reduce Indian secularism to a single-function doctrine, which is designed solely to defend the rights of minorities. In doing so, they open themselves up to the charge of "minorityism", an accusation that is largely false and frequently mischievous. Opponents of secularism (predominantly Hindu ultra-nationalists) also view it through the lens of mainstream Western conceptions and then redraw its conceptual contours in such a way that it becomes indistinguishable from a doctrine defending the will of the religious majority. Neither is able to grasp the basic and distinctive features of the Indian model of secularism whereby the state must keep a principled distance from all public or private, individual- or community-oriented religious institutions for the sake of the equally significant (and sometimes conflicting) values of peace, this-worldly goods, dignity, liberty and equality (in all of its complicated individualistic and non-individualistic versions).

[M]any proponents of secularism fail to explain why the state appears to intervene negatively only in one religion, namely Hinduism. Why ban untouchability or alter Hindu personal laws but adopt a policy of non-interference in a minority religion such as Islam? Why does the state not intervene in Muslim personal law?

For example, many proponents of secularism fail to explain why the state appears to intervene negatively only in one religion, namely Hinduism. Why ban untouchability or alter Hindu personal laws but adopt a policy of non-interference in a minority religion such as Islam? Why does the state not intervene in Muslim personal law? Why adopt a policy of one-sided exclusion for Hindus and of mutual exclusion for Muslims? Why this differential treatment? And when the state intervenes in minority issues, why does it do so to help only the minorities, for example by a subsidy for Haj or support for minority educational institutions? If one identifies separation with either mutual or one-sided exclusion as proponents of secularism usually do, a good justification for such policies is hard to come by. If one interprets separation as mutual exclusion, then it is hard to understand why at all the state is allowed to intervene in religion. If it means one-sided exclusion, why intervene only in Hinduism? Such secularists have no proper response because they have no proper understanding, let alone a theory of what separation really means or stands for. Their confused utterances or silence only ends up making secularism

identical with positive intervention of the state in favour of the rights of religious minorities. Hindu ultra-nationalists, who are generally anti-secularists too, then add fuel to the fire by wrongly claiming that the exercise of these rights is always at the expense of the majority. They then point to the American model of mutual exclusion and charge proponents of secularism of not being properly secular and of being pseudo-secular instead. There is a lot of mischief with the facts here: for example, no figures are ever provided as to the expenditure by the state on arrangements for Hindu fairs attended by several million devotees. But this is not at issue here. The point, rather, is that the proponents of secularism in India can save it from such criticism if they correctly understand separation to mean principled distance. They can then justify why the state may contextually help or hinder religion and why it may even intervene, positively or negatively, in one religion more than in others. They forget to make the point that is central to the notion of principled distance: that sometimes treating all religious communities as equals requires differential treatment. There is nothing wrong with allowing Sikhs to wear turbans in the armed forces if everyone recognizes the deep significance this has for Sikhs but not for other religious people. Nor is anything wrong if upper-caste dominated Hindu temples are singled out for state intervention in order to prevent the exclusion of Dalits, should they wish to enter them. True, the failure of reforms in Muslim personal law is an anomaly that needs fixing, but the grounds on which to do so need to be properly understood.

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Indian secularism distorted

The crisis of Indian secularism is also due to another strategy adopted by Hindu ultra-nationalists who have slowly changed the meaning of secularism and made it indistinguishable from an ideology of states with established religion. How have they done so? First, by conflating theocracy with states with established religion and working with a simple theocracy/secular state binary. By showing that they do not wish the state to be governed by a priestly class in accordance with divinely ordained laws but rather by a political class in accordance with laws made by actual peoples, they claim that they are in favour of a secular state. A non-theocratic state, they say, is one that separates itself from religion and is therefore secular. But a non-theocratic state is not automatically secular. It can formally align itself with a particular religion and thereby establish it. Hindu ultra-nationalists may not be theocratic but nor are they secular because they stand for a *de facto* alliance with the faith and the cumulative tradition of one religious community.

Second, over a period of time, and in the eyes of large sections of Hindu society, they have managed to break the connection of a secular state with the defense of minority rights and more generally with equality of citizenship rights – not only the religious rights of minorities, but the rights of minorities are to have a voice in the deliberative process and to stand in elections to the legislative assembly. Furthermore, they have successfully sold a discourse in which the only right that matters to religious minorities is the right of individuals to worship as they please. In short, they have slowly planted the idea that the only values underlying a non-theocratic (secular) state are at peace between communities and, under certain conditions and within specified limits, the protection of the religious liberties of individuals. Once they have distorted the meaning of secularism, they can cite the absence of communal rioting when they are in power as evidence of the secular character of states governed by it. But notice how absurd this is. If secularism means the mere absence of communal violence and the freedom of members of minority religious groups to worship as they please, then it is fully compatible with the public and political dominance of Hindus and therefore with Hindu ethno-religious nationalism. The state can then claim to be secular in the same breath as it allows the de-privatization and re-politicization of Hinduism, and the simultaneous privatization and de-politicization of the non-Hindu religions of India. In short, secularism is forced to be compatible with a full-blooded religious majoritarianism or Hindutva, a brand of Hindu nationalism, and citizenship is thereby linked to specific ethno-religious affiliation.

We cannot put all the blame on one single party, that of Hindu ultra-nationalists, the Bharatiya Janata Party. The Congress Party has also contributed this confusion and subsequent crisis. It has frequently identified secularism with the multiple establishment of religions. It has espoused the view that Indian secularism implies that the state has equal respect for all religions, which is exactly the practice of states that establish multiple religions. Indeed, its practice has sometimes been worse: to support the most extremist fringe of every religious group. When such groundwork is already prepared, it is only a small step to then say that because Hindus are the majority, nothing untoward happens if the state supports Hinduism more than any other religion.

The state may respect all religions, but not equally so. Clearly, on this account, secularism means the defense of a non-theocratic state that has an overwhelming allegiance to a dominant religious group so that even under the condition of inequality the state manages to maintain a modicum of peace.

Of course, after the brutal massacre of Muslims in Gujarat in 2002, even this completely distorted idea of secularism has taken a beating. The state-sponsored violence in Gujarat shattered the myth that a state controlled by Hindu ultra-nationalists can prevent communal massacres or maintain civic peace. Paucity of space does not allow a narration of how this came about. But the cultural and conceptual groundwork for such horrendous events has long been in preparation.

The fate of Indian secularism still hangs in the balance. Despite the best efforts of activists and intellectuals and the overtures of the Congress party to redress the grievances of Muslims and other minorities, there remains a continuing denial of citizenship rights and, as a result, a persistent ghettoization and alienation of minorities. At the time of writing this, Kashmir is in turmoil again and the polarization between the Hindus of Jammu and the Muslims of the Kashmir valley is becoming more and more congealed. If India does not stem this rot, the world will witness not only the failure of one of the great experiments of secular democracy in a radically heterogeneous society, but will also lose one of the major conceptual innovations of the sub-continent.

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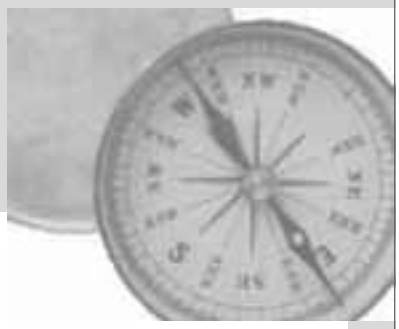

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JIMI: Suite 2-060, RTF Building, 8308-114 Street, University of Alberta, Edmonton AB T6G 2E1 Canada
Tel.: 780-492-6600 **Fax:** 780-492-2594 **Email:** jimi@ualberta.ca **www.jimi.metropolis.net**