

POLITICAL SECULARISM

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Secularism is a beleaguered doctrine. The predicted decline of religion or its privatization has failed to occur, in non-western and western societies alike. (Casanova 1994) And political secularism, the doctrine of the separation of state and religion, felt a seismic tremor with the establishment of the first modern theocracy in Iran. Soon other religious voices began aggressively to occupy the public domain. In Egypt, people were exhorted to free themselves of the last vestiges of a colonial past and to establish a Muslim state. In 1989, an Islamic state was established in Sudan. In 1991, the Islamic Salvation Front won the election in Algeria. Islamic movements emerged in Tunisia, Ethiopia, Nigeria, Chad, Senegal, Turkey, and in Afghanistan. (Westerlund 1996; Keppels 1994) The states of Pakistan and Bangladesh increasingly acquired theocratic and Islamicist overtones. (Ahmed 1987; Mohsin 1999).

Movements that challenged the seemingly undisputed reign of secularism were not restricted to Muslim societies. Singhalese Buddhist nationalism in Sri Lanka, Hindu nationalists in India, religious ultra-orthodoxy in Israel and Sikh nationalists demanding a separate state partly on the ground that Sikhism does not recognize the separation of religion and state all signaled a deep challenge to secularism. (Jeurgensmeyer 1994). Strong anti-Muslim and anti-Catholic movements of Protestants decrying secularism emerged in Kenya, Guatemala and Philippines. Religiously grounded political movements arose in Poland, and Protestant fundamentalism became a force in American politics. In Western Europe, where religion is a personal response to divinity still largely private, change has come from migrant workers of former colonies and intensified globalization. This has thrown together a privatized Christianity

with Islam, Sikhism, and pre-Christian, South Asian religions that do not draw a boundary between the private and the public in the same way. These strange bedfellows have created a deep religious diversity the like of which has never before been known in the West. (Turner 2001, 134) As the public spaces of western societies are claimed by these other religions, the weak public monopoly of single religions is challenged by the very norms that govern these societies. This is evident in both Germany and Britain but was most dramatically highlighted by the headscarf issue in France. (Freedman 2004) The suppressed religious past of these societies is now fore grounded and their supposedly robust secular character comes under question.

Secularism is also contested in political theory, with Indian academics among the first to voice their opposition (Nandy 1998, Madan 1998, Chatterjee 1998). The argument here is that the external threat to secularism in India is symptom of a deeper internal crisis, and that the conceptual and normative structure of secularism is itself terribly flawed. Secularism is said to be linked to a flawed modernization, has a mistaken view of rationality and its importance in human life, makes an impractical demand that religion be extruded from public life, fails to appreciate the importance of communities in the life of religious people, and has a wholly exaggerated sense of the positive character of the modern state. The critics of secularism also include several western scholars. Up until the 1990s, western critics mostly wished to fine-tune secular states, making them a littler more sensitive to religion, and tended to focus narrowly on two issues: can citizens in liberal democracies *justify* political decisions by relying exclusively on religious reasons? and can they *make* such decisions by relying solely on religious rather than secular considerations? Critics argued either (a) that while the justifications may be public and secular, actual decision making may be grounded solely on a religious rationale (Greenawalt 1998) or (b) that not only political decisions but their justification too, could in certain contexts, rely solely on a religious rationale. (Perry 1991).

Critiques of western secularism have since become more trenchant. Several western scholars claim that by enjoining believers to leave behind religious convictions when they step into public life, secularism shows hostility to believers, inhibits diversity, and homogenizes the public domain. Others say it is suited to Protestantism and religions that are weakly protestantized, but excludes or is inimical to other religions. Secularism is said to be a parochial doctrine with universalistic pretensions. (Keane 2000, 14-18; Connolly 1999, 23-25; Asad 2003). It denies its own dependence on a visceral register it publicly denounces as irrational; it purports to fight religious hegemony but establishes itself as the authoritative basis of adjudication in public life. (Connolly 1999, 38-39). Secularism is seen as failing to accommodate community-specific rights and unable protect religious minorities from discrimination and exclusion; its peace-talk is represented as mere sham because it is a conflict-generating ideology that threatens pluralist democracies.

Critical writing on secularism is ambiguous between two claims: whether to seek alternatives to secularism, or alternative conceptions of secularism. I begin by asking what distinguishes secular states from their competitors and what precise alternatives critics have in mind when they seek to replace them. I consider the merits and demerits of secular and non-secular states, exploring what ethical gains or losses might ensue in the movement from a secular state to one that grants more importance to religion. If secular states are more worthy, is this true of all forms of secular states or only some? If only some, which? I elaborate the conceptual and normative structure of secularism, so as to identify a version that meets the most important objections. Finally, I consider whether the search for alternative conceptions enables us to cut through the division between a modern West and traditional East. I argue that the Indian version of secularism is a modern alternative to its Western counterpart, one from which everyone may benefit in the future.

The Conceptual Structure of Secularism

Theocracy and states with established religions

To identify the conceptual structure of secularism, I begin by contrasting it with the anti-secular doctrines to which it is related and opposed. Anti-secular doctrines favour not separation but union or alliance between church/ religion and state. A state that has union with a particular religious order is a theocratic state, governed by divine laws directly administered by a priestly order claiming divine commission. (The Catholic Encyclopedia of Religion, Volume 14, 13). The Islamic republic of Iran as Khomeini aspired to run it is an obvious example. A theocratic state should be distinguished from one that establishes religion. Here religion is granted official, legal recognition, but while both state and religion benefit from a formal alliance, the sacerdotal order does not govern the state. States with an established church are therefore in some ways disconnected from religion. In particular, there is a degree of institutional differentiation between the two, with distinct functions performed in each by different personnel. Yet there is a more significant sense in which the state and church *are* connected to one another, sharing a common end largely defined by religion. There may also be a connection at the level of policy and law, with these flowing from and being justified in terms of the union between state and church. The institutional *disconnection* - at the level of roles, functions and powers – therefore goes hand in hand with a first- and third-level *connection* of ends and policies. It is the second-order disconnection of church and state that differentiates a state with established church-based religion from a theocracy.

Just as theocracy is not always properly distinguished from the establishment of religion, so a distinction is not always drawn between the establishment of religion and the establishment

of the church of a religion. Not all religions have churches. Yet a state may grant formal recognition to a church-free religion. A majority of Hindu nationalists in India, for example, wish to establish Hinduism as the state religion but have no church to establish. Early Protestants wanted to disestablish the Roman Catholic Church without wishing the state to derecognize Christianity as the favoured religion. The establishment of a single religion is consistent with the disestablishment or non-establishment of a church, with the establishment of a single church, or the establishment of multiple churches. Establishment of multiple religions, with or without church, is also possible. There are, therefore, five types of regime with a close relationship between state and religion. First, a theocracy, where there is no institutional separation between church and state, and the sacerdotal order is also the direct political ruler. Second, states with the establishment of single religion, subdividing into three types: (a) without the establishment of a church, (b) with the establishment of a single church. and (c) with the establishment of multiple churches. Third, there are states which establish multiple religions.

When anti-separationists imagine the replacement of a secular state with some other type, which of these do they have in mind? Some religious activists clearly desire a theocracy or a state that establishes their own religion or church. However, most anti-separationist academics neither endorse nor explicitly reject this, attacking separation but distancing themselves from a wholly religion-centered polity. This is not surprising, for a cursory evaluation of such polities shows that all are deeply troublesome. In states that established a single church - the unreformed established Protestant Churches of England, Scotland and Germany, and the Catholic Churches in Italy and Spain - there was not only inequality among religions but also among churches of the same religion (Levy 1994, 5). When members of other church or religious groups gained strength, the multiple-denominational society was wracked by inter-religious or inter-denominational wars. When they did not, religious minorities faced persistent religious persecution. (as was the case with Jews in several European countries till the 19th century).

The persecution of minorities and internal dissenters continues as a problem wherever one religion is both formally and substantively established. It is important to stress this because recent critiques of secularism often recommend a more accommodative stance towards religion while neglecting elementary facts about what this might entail. Consider Pakistan, where the virtual establishment of the Sunni sect has proved disastrous to minorities, including Muslim minorities. For example, under Article 260 of the constitution, Ahmedis have been deemed a non-Muslim minority and forbidden from using Islamic nomenclature in their religious and social lives (Malik 2002: 10; Bhargava 2004: 30). Ahmedis have been tried and convicted for calling themselves Muslims or using the word 'mosque' to designate their place of worship. Or consider the pogrom in Gujarat, and how disastrous the establishment of a Hindu *Rashtra* in India would be for Muslim minorities. Consider Israel, where it would be hard to claim that religious minorities enjoy the same rights as Jews.

States which substantively establish multiple churches or religions - New York in the middle of the 17th century, the Vijayanagar Kingdom in the 14th century - are in some ways an improvement. They are likely to be relatively peaceful. Members of different denominations are likely to tolerate one another. There may be general equality among churches or religions. Schools run by religious institutions may be financially aided on a non-discriminatory basis (Levy 1994: 12). The state may grant each denomination considerable autonomy in its own affairs. But states with establishment of multiple churches have their limitations, for they may continue to persecute members of other religions and atheists; and are usually indifferent to the liberty of individuals within each religious group. Closed and oppressive communities can thrive in such contexts. These states may not have legal provisions allowing individuals to exit their religious community. They may give recognition to particular religious identities but fail to recognize multiple or what may be called non-particularized identities. They are usually

unconcerned with the *non-religious* liberties of individuals or groups; and often indifferent to citizenship rights.

Secular States

So are secular states better, from an ethical point of view? From a moral point of view, at least some secular states are deeply troublesome. I distinguish here three levels of disconnection, corresponding with the already identified levels of connection. A state may be disconnected from religion at the level of ends (first-level), of institutions (second-level) and of law and public policy (third-level). A secular state is distinguished from both theocracies and states with established religions by a primary, first-level, disconnection. It has free standing ends that are substantially, if not always completely, disconnected from the ends of religion. Like states with established religions, secular states are institutionally disconnected. But secular states go considerably further in their disconnection: they break away completely, refuse to establish religions, or formally disestablish these by withdrawing privileges established churches had earlier taken for granted. In a secular state, no official status is given to religion. No religious community can say the state belongs exclusively to it. No one is compelled to pay tax for religious purposes or to receive religious instruction. No automatic grants to religious institutions are available.

Theoretically, two things follow. First, a non-theocratic state is not automatically secular, because it is entirely consistent for a state neither to be inspired by divine laws nor run by a priestly order, but still have a formal alliance with one religion. Second, the institutional separation of state and religion cannot be the distinguishing mark of secular states, because this is also a feature of states with established churches. Political secularism cannot be identified with church - state separation.

Varieties of Secular States

A state may also be disconnected from religion at the level of law and public policy. In some cases, this disconnection is entirely opportunistic, serving the self-aggrandizing purposes of the state and its political class. I shall call these self-aggrandizing, amoral, secular states. Usually, they are imperial and autocratic. A good example would be the British colonial state in India, which despite the frequent allegation of Christian bias, was a predominantly secular state motivated almost exclusively by power, wealth and social order, with a policy of tolerance and neutrality towards different religious communities. This is not so surprising, for empires are interested in the labour or tribute of their subjects, not their religion. Distinct from amoral secular states are value-based ones, states guided by values such as peace, liberty, or/and equality. Value based secular states may defend the rights of individuals to criticize the religion into which they are born, and at the extreme, reject it; to freely embrace another religion, or remain without one. They make active citizenship rights, such as the right to vote or stand for public office, available without discrimination, regardless of religion.

This third - level disconnection may be made for different ends but also take different forms. In some cases, disconnection means strict exclusion. Secularism here becomes a doctrine of political taboo and prohibits contacts with religious activities. This exclusion itself may take two forms. The first (one-sided exclusion) is typified by the early French and Turkish model. Here, religions are excluded in order to control, regulate, sometimes even destroy them. These states are anti-religious and may justify the disconnection on epistemological grounds, for example, that religion is obscurantist or superstitious. Or they may refer to a value such as equality, arguing that important values can be realized only by controlling or eliminating religion. The second form, exemplified by the American or later French model, conceives of disconnection as mutual exclusion. Here, religious and political institutions live as strangers to each other, at best with benign or respectful indifference. When a state is disconnected from

religion at all three levels in this particular way, we may say that a ‘wall of separation’ has been erected. On this conception of secularism, religion must be outside the purview of the state, and in this sense, privatized. These states (typically liberal-democratic) are not *anti*-religious, but give religion a particular form, protecting religious liberty, liberty more generally, and the equality of citizenship.

Liberal-democratic secular states usually enjoin their citizens to support only those coercive laws for which there is public justification. Why so? Because if others are expected to follow a law in terms they do not understand and for reasons they cannot endorse, the principle of equal respect is violated. (Audi 1993: 701; Larmore 1996: 137; Solum 1990: 1095; Macedo 1990: 249; Rawls 1971: 337 - 38; Weithman 1997: 6). If other reasonable and conscientious citizens have good reason to reject a particular rationale in support of a coercive law then this rationale does not count as public justification. Because a religious rationale is a paradigmatic case of a reason that other citizens have good reasons to reject, it does not count as public justification. Because of this, a law grounded solely on a religious rationale must never be enacted. In short, purely religious convictions or commitments have no role to play in democratic and pluralist polities.

Critics who wish to rehabilitate religion in political life usually contrast states more hospitable to religions with self-aggrandizing amoral or mindlessly anti-religious secular states. This is an unfair comparison. This attempts to shift judgment in favour of religiously friendly states by pitting them against the worst forms of secular state. This comparison may serve a point: there is not always much to choose between theocracies or states with established states on the one hand, and amoral or absolutist secular states on the other. Both fare miserably on indices of freedom or equality. But when evaluating the relative merits of religious and secular states, it is the liberal-democratic model which must be kept in mind, not the routinely debunked, severely anti-religious, or self-aggrandizing secular states. Little is to be gained from damning secularism,

as Talal Asad does, by citing the atrocities of Hitler and Stalin or crimes committed by 'secularists' such as Saddam Hussain or Ali Hyder (Asad 2003: 10). Nor is any point served by deriding secularists for failing to realize that Sharon does not need to invoke passages of the Torah to kill and terrorize the Palestinians. Secularism, a value-based doctrine, is as committed to denouncing these secular regimes as it is to berating religious states that violate principles of liberty and equality. Likewise, it is astonishing to read the claim that 'in modern democratic politics, there is not much reason to fear a religious majority more than a secular majority' (Peter Van Der Veer 2001: 20). Charles Taylor's arguments about the exclusionary tendencies in modern democratic states with religious or ethnic majorities point clearly towards the inherent possibilities in these states towards de facto singular establishment, and the wide range of exclusions and injustices that make them what they are. (Taylor in Bhargava 1999: 138 – 163) To say, at this point, that religious majorities are no worse than secular majorities because different religious communities have coexisted in the past without violent conflict is both ambiguous and misses the point. It is ambiguous because it is hard to understand what a secular majority means. If this means a group of hard-nosed secular absolutists who are deeply anti-religious, then the statement is true. But if it means a majority that wishes not to politicize religion in unprincipled ways, then this statement is wrong. It misses the point because peace between communities is entirely compatible with all kinds of exclusions from the domain of freedom and equality. A fearful minority is willing to buy peace at any cost - something that Indians painfully learnt again after the Bombay riots in 1992-93.

Critiques of Liberal-Democratic Secularism

The question remains: what, if any, are the problems with this dominant western model? There are many criticisms. First, the requirement that religious reasons be excluded from liberal democratic politics is said to be offensive to religious persons who (like others) wish to support

their favoured political commitments on the basis of their conscience (Sandel in Eastland 1993: 483 - 496). If people believe that their politics must be consistent with their morality, why should they be discouraged or stigmatized for doing so? It is mistaken to assume that only religious people bring passion and sectarianism into politics or, as Richard Rorty believes, that only religion is a conversation stopper (Rorty 1994: 2; Eberle 2002: 77). By asking a religious person to exercise restraint and exclude religious reasons in justification for a coercive law, liberal secularism forces her to act against her conscience; in doing so it fails to respect her moral agency and violates its own principle of equal respect. Indeed, the demand that restraint be exercised may be counterproductive, because exclusion from the larger public sphere forces the religious to form their own narrow public where resentment and prejudice may flourish. (Spinner - Halev 2000: 150 - 156). This can lead not only to the freezing of identities but to the building of unreachable walls between the religious and other citizens. Therefore, 'engagement with religious people is typically better than shunning them' (Spinner-Halev 2000: 155).

Second, this kind of secularism does not understand the believer's life as it is lived from the inside. It misses out on perhaps the most significant feature of most religions: that they encourage their members to choose to live a disciplined, restricted, rule-bound, and desire-abnegating life. A religious life is not just a life of whimsical attachment to a personal God, but one in which one submits to his commands and lives obediently by them. This may be a nightmare for a standard liberal but it captures the constitutive features of most religions rather better than liberal secularism.. Third, interpreting separation as exclusion betrays its own sectarianism; this is a secularism that can live comfortably with liberal, protestantized, individualized and privatized religions, but has no resources to cope with those that mandate greater public or political presence, or have a strong communal orientation. This group-insensitivity makes it virtually impossible to accommodate community-specific rights and

therefore to protect the rights of religious minorities. In short, while this secularism copes with inter-religious domination, it does not possess resources to deal with inter-religious domination.

Fourth, western secularism is said to be a product of the Protestant ethic. Therefore, its universal pretensions are perhaps its greatest drawback. It presupposes a Christian civilization that is easily forgotten because over time it has silently slid into the background. Christianity allows this self-limitation, and much of the world innocently mistakes this rather cunning self-denial for disappearance (Connolly 1999: 24). If this description is correct, this 'inherently dogmatic' secularism cannot coexist innocently with other religions (Keane 2000: 14; Madan 1998: 298). Given the enormous power of the state, it must try to shape and transform them- a clear instance of illegitimate influence, if not outright violence. Thus, with all its claims of leaving religions alone, of granting religions liberty, this secularism is seen as hostile to non-liberal, non-protestant believers (Hamburger 2002: 193 - 251). Overall, it seems to force upon us a choice between active hostility or benign indifference. Fifth, liberal secularism relies excessively on a rationalist conception of reason that imposes unfair limits on the manner in which issues are to be brought in the public domain. Some issues are constitutively emotive; others become emotive because they are articulated by people who are not always trained to be rational in the way liberals mandate. (Connolly 1999: 27). In short, secularism's model of moral reasoning is context-insensitive, theoreticist, absolutist (non-comparative), enjoining us to think in terms of this or that, and too heavily reliant on monolithic ideas or values considered to be true or superior or wholly non-negotiable.

These are powerful critiques, but it would be mistaken to see them as rebutting secularism altogether. In our imagination of social and public life, greater space must be given to non-liberal religions; such ways of life have moral integrity that liberal secularism frequently fails to realize. Yet, in our effort to accommodate such religions, we cannot deny that they continue to be a source of oppression and exclusion. States that align with non-liberal religions

frequently condone morally objectionable practices. In Pakistan, for example, the religiously sanctioned law of evidence, *Qanoon-e-Shahadat*, holds on par the evidence of two women or two non-Muslims with that of a single male Muslim, thereby establishing the intrinsic superiority of Muslim men over women and minorities, and contravening the principle of equality (Malik 2002: 18). In Hinduism, religiously sanctioned customs related to purity and pollution, for example, the bar on the entry of menstruating women in several temples in India, continues to exclude women from the affairs of their own religion and perpetuate an institutionalized system of subordination. This violation of the religious rights of women severely compromises the secular character of the Indian state.

What does all this show? It demonstrates three things. First, we must be sensitive both to the moral integrity of liberal and non liberal religious ways of living, *and* to religion-based oppression and exclusions. Second, states that are strongly aligned to religions may be sensitive to the moral integrity of non-liberal religions but not always to their oppressions. Third, that the policy of non-interference (mutual exclusion) that is typical of liberal secularism can be self-defeating. In short, a conception of secularism is required that goes beyond but does not ignore liberal values, and does justice to both dimensions referred to above. I suggest that such a model has already been developed in the Indian sub-continent: a model that is neither wholly Christian nor western; that meets the secularist objection to non-secular states, *and* the religious objections to some forms of secularism.

Indian Secularism

Seven features of Indian secularism make it distinctive. The first is its multi-value character. Indian secularism more explicitly registers ties with values forgotten by western conceptions - for example, peace between communities - and interprets liberty and equality both individualistically and non-individualistically. It has a place for the rights of individuals to

profess their religious beliefs but also the right of religious communities to establish and maintain educational institutions crucial for the survival and sustenance of their religious traditions. Second, because it was born in a deeply multi-religious society, it is concerned as much with inter-religious as intra-religious domination. Although community-specific political rights (special representation rights for religious minorities such as Muslims) were withheld for contextual reasons, the model allows conceptual space for this. Third, it is committed to the idea of principled distance: poles apart from one-sided exclusion, mutual exclusion, strict neutrality or equidistance. Fourth, it admits a distinction between depublicization and depoliticization as well between different kinds of depoliticization. Because it is not hostile to the public presence of religion, it aims to depublicize it. It accepts the importance of one form of depoliticization of religion, namely the first and second-level disconnection of state from religion but the third-level depoliticization of religion is accepted on purely contextual grounds. Fifth, it combines active hostility to some aspects of religion (a ban on unsociability and a commitment to make religiously grounded personal laws more gender-just) with active respect for its other dimensions (religious groups are officially recognized, state-aid is available non-preferentially to educational institutions run by religious communities, there is no blanket exclusion of religion as mandated by western liberalism). This is a direct consequence of its commitment to multiple values and principled distance. The Indian model accepts the view that critique is consistent with respect, that one does have to choose between hostility and respectful indifference. In this sense, it inherits the tradition of the great Indian religious reformers who tried to change their religions precisely because it meant so much to them. Sixth, it is committed to a model of moral reasoning that is highly contextual and opens up the possibility of different societies working out their own secularisms. In short, it opens out the possibility of multiple secularisms. Seventh, it breaks out of the rigid interpretative grid that divides our social world into the western modern and

traditional, indigenous non-western. Indian secularism is modern but departs significantly from mainstream conceptions of western secularism.

Principled Distance

Let me further elucidate two features: contextual character and principled distance. As seen above, mainstream western secularism conceives separation mainly as mutual exclusion. The idea of principled distance unpacks the metaphor of separation differently. It accepts a disconnection between state and religion at the level of ends and institutions but does not make a fetish of it at the third level of policy and law. Recall that political secularism is an ethic whose concerns relating to religion are similar to theories that oppose unjust restrictions on freedom, morally indefensible inequalities, inter-communal domination and exploitation. Yet a secularism based on principled distance is not committed to the mainstream Enlightenment idea of religion. It accepts that humans have an interest in relating to something beyond themselves, including God, and that this manifests itself as individual belief and feeling as well as social practice in the public domain. It also accepts that religion is a cumulative tradition (W.C.Smith 1991: 154-169) as well as a source of people's identities. But it insists that even if turned out that God exists and that one religion is true and others false, then this does not give the 'true' doctrine or religion the right to force it on others who do not believe it. Nor does it give a ground for discrimination in the equal distribution of liberties and other valuable resources.

Similarly, a secularism based on principled distance accepts that religion may not have special public significance antecedently written into and defining the character of the state or nation; but it does not follow from this that it has no public significance at all. On some versions, the 'wall of separation' thesis assumes precisely this. But so long as religion is publicly significant, a democratic state simply has to take it into account. Indeed, institutions of religion may influence individuals as long as they do so through the same process, by access to the same

resources as anyone, and without undue advantage or unduly exploiting the fears and vulnerabilities that frequently accompany people in their experience of the religious.

But what precisely is principled distance? The policy of principled distance entails a flexible approach on the inclusion/exclusion of religion and engagement/disengagement of the state, which at the level of law and policy should depend on the context, nature or current state of relevant religions. This engagement must be governed by principles undergirding a secular state, i.e. principles that flow from a commitment to the values mentioned above. Religion may intervene in the affairs of the state if such intervention promotes freedom, equality or any other value integral to secularism. For example, citizens may support a coercive law of the state grounded purely in a religious rationale if this law is compatible with freedom or equality. The state may engage with religion or disengage from it, may engage positively or negatively, but which it does will depend on whether these values are promoted or undermined. Principled distance differs from strict neutrality, which insists that the state must help or hinder all religions to an equal degree and in the same manner. Rather, it rests upon Dworkin's distinction between equal treatment and treating everyone as an equal (Dworkin 1978: 125). The principle of equal treatment, in the relevant political sense, requires that the state treat all its citizens equally in the relevant respect, for example in the distribution of a resource or opportunity. The principle of treating people as equals also entails that every person or group is treated with equal concern and respect. This second principle may sometimes require equal treatment, say an equal distribution of resources, but may also occasionally dictate unequal treatment. On this view, treating people or groups as equals is entirely consistent with differential treatment.

Religious groups have often sought exemptions from practices in which states intervene by a promulgating a law to be applied neutrally to the rest of society, arguing either that the law requires them to do things not permitted by their religion or that it prevents them from doing acts

mandated by it. For example, Sikhs demand exemptions from mandatory helmet laws and police dress codes to accommodate religiously required turbans. Elsewhere, Jews seek exemptions from Air force regulations to accommodate their yarmulkes. Muslim women and girls demand that the state not interfere in their religiously required chador. Principled distance allows that a practice that is banned or regulated in one culture may be permitted in the minority culture because of the distinctive status and meaning it has for its members. Religious groups may demand that the state refrain from interference in their practices, but may equally demand that the state interfere in such a way as to give them special assistance, the argument being that this will enable them to secure what other groups are able to routinely get by virtue of their social dominance. Principled distance may grant authority to religious officials to perform legally binding marriages, to have their own rules or methods of obtaining a divorce, its rules about relations between ex-husband and ex-wife, its ways of defining a will or its laws about post mortem allocation of property, arbitration of civil disputes, and even its method of establishment of property rights.

However, principled distance does not merely allow special exemptions. Considering the historical and social condition of all relevant religions, it may require state intervention in some religions more than in others. For example, if the aim of the state is to advance social equality, this may require that the state interfere in caste-ridden Hinduism more than, say, Islam or Christianity. However, if a diversity-driven religious liberty is the value to be advanced by the state, then it may have to intervene in Christianity and Islam more than in Hinduism. If this is so, the state can neither strictly exclude considerations emanating from religion nor keep strict neutrality with respect to religion. It cannot antecedently decide that it will always refrain from interfering in religions or that it will interfere in each equally. Indeed, it may not relate to every religion in society in exactly the same way or intervene in each religion to the same degree or in the same manner. What it must ensure is that the relationship between the state and religions is guided by non-sectarian motives consistent with values and principles.

Contextual Secularism

I describe a context-sensitive secularism, based on the idea of principled distance, as contextual secularism. Contextual here captures the idea that the form and content of secularism will vary from one context to another; and that the process of moral reasoning should itself be contextual (Taylor 1994: 16-43; see also the argument in Parekh, 2000; and Carens, 2000). This reflects its character as a multi-value doctrine. To accept that secularism is a multi-value doctrine is to acknowledge that its constitutive values may come into conflict with one another. Some degree of internal discord and a fair amount of instability is therefore an integral part of contextual secularism. For this reason, it forever requires fresh interpretations, contextual judgments and attempts at reconciliation and compromise. No general *a priori* rule of resolving these conflicts exist; no easy lexical order, no pre-existing hierarchy among values or laws that enables us to decide that, no matter what the context, a particular value must override everything else. For example, the conflict between individual rights and group rights cannot always be adjudicated by recourse to some general and abstract principle. Rather it can only be settled case by case and may require a fine balancing of competing claims. The eventual outcome may not be wholly satisfactory to either but still be reasonably satisfactory to both. Multi-value doctrines such as secularism encourage accommodation – not the giving up of one value for the sake of another but rather their reconciliation and possible harmonization i.e. to make each work without changing the basic content of apparently incompatible concepts and values.

This endeavor to make concepts, viewpoints and values work simultaneously does not amount to a morally objectionable compromise. Nothing of importance is given up for the sake of a less significant thing. Rather, what is pursued is a mutually agreed middle way that combines elements from two or more valuable entities. The roots of the attempts at reconciliation and accommodation lie in a lack of dogmatism, a willingness to experiment, to

think at different levels and in separate spheres and a readiness to take decisions on a provisional basis. This captures a way of thinking characterized by the following dictum: 'why look at things in terms of this or that, why not try to have both this and that.' (Austin 1996: 318). In this way of thinking, it is recognized that though we may be currently unable to secure the best of both values and therefore forced to settle for a watered-down version of each, we continue to have an abiding commitment to search for a transcendence of this second best condition. Two things follow. First, the practice of secularism requires a different model of moral reasoning than one that straightjackets moral understanding in the form of well delineated, explicitly stated rules. Second, secularism is an ethically sensitive negotiated settlement between diverse groups and divergent values.

Is secularism a Christian and western doctrine?

What then of the claim that secularism is a Christian, western, doctrine and unable to adapt itself easily to cultural conditions elsewhere? The link between secularism and Christianity is exaggerated, if not entirely mistaken. It is true that the institutional separation of church and state is an internal feature of Christianity and an integral part of western secularisms. But we have seen that this church-state disconnection is a necessary but not sufficient condition for the development of secularism even in societies with church-based religions. It is clearly not a necessary condition for the development of all forms of secularisms. The mutual exclusion of religion and the state is not the defining feature of secularism. The idea of separation can be interpreted differently. Nor are religious integrity, peace and toleration (interpreted broadly to mean 'live and let live'), uniquely Christian values, for most non-Christian civilizations have given significant space to each. Though we find some of the most systematic articulation of this

doctrine in Christian writings, even the western conception of secularism is not exclusively Christian.

Secularism is not just a Christian doctrine, but is it western? Up to a point, secularism is certainly a western idea. More specifically, as a clearly articulated doctrine, it has distinct western origins. Although elements that constitute secularism assume different cultural forms and are found in several civilizations, the idea of the secular was first properly theorized in the west. One might then say that the early and middle history of secularism is almost entirely dominated by western societies. However, the same cannot be said of its later history. Nationalism and democracy arrived in much of the west after the settlement of religious conflicts, in societies that had been more or less religiously homogenized (with the exception of the Jews, who continued to face persistent persecution). The absence of deep religious diversity and conflict meant that issues of citizenship could be addressed almost entirely disregarding religious context; the important issue of community specific rights to religious groups could be wholly ignored. This had a decisive bearing on the western conception of secularism. However, for non-western societies such as India, the case is different. Both national and democratic agendas had to face issues raised by deep religious difference and diversity. In India, nationalism had to choose between the religious and the secular. Similarly, the distribution of active citizenship rights could not be conceived or accomplished by ignoring religion. It was necessary to actively disregard religion (as in political rights) or develop a more complex attitude to it, as in the case of cultural rights, where the state had to balance claims of individual autonomy with those of community obligations, and the necessity of keeping religion 'private' with its inescapable, often valuable, presence in the public. In doing so, Indian secularism never completely annulled particular religious identities.

The later history of secularism is more non-western than western. Mainstream theories or ideologies in modern, western, societies take little notice of features constitutive of the Indian model, and struggle to deal with the post-colonial religious diversity of their societies. To discover its own rich and complex structure, western secularism can look backward, to its own past, or sideways, to an Indian secularism that mirrors not only the past of secularism, but in a way, also its future. A good hard look at Indian secularism could change the self-understanding of western secularisms.

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