

The Distinctiveness of Indian Secularism

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Since the ominous growth of militant Hindu nationalism and the consequent alienation of religious minorities, only someone with blinkered vision would deny that secularism in India is gravely threatened. Party-ideologues, public intellectuals and academics, both its supporters and opponents share the view that it is endangered. However, an ambiguity lying at the very heart of this claim has not altogether been dispelled: is the crisis due primarily to external factors as when a good thing is undermined by forces always inimical to it, when it falls into incapable or wrong hands, when it is practised badly? Or, is it rather that the blemished practice is itself an effect of a deeper conceptual flaw, a bad case of a wrong footed ideal? Madan, Nandy and Chatterjee have all argued that the external threat to secularism is only a symptom of a deeper internal crisis. Secularism in their view has long faced an internal threat in the sense that the conceptual and normative structure of secularism is itself terribly flawed. In different ways, each argues that secularism is linked to a flawed modernization, to a mistaken view of rationality, to an impractical demand that religion be eliminated from public life, to an insufficient appreciation of the importance of communities in the life of people and a wholly exaggerated sense of the positive character of the modern state. In what follows, I try to argue against this view. I do not dispute their claims about modernity, rationality and the importance of religion and community. But I do disagree on their understanding of secularism and its ties with a flawed modernist project. In particular, I contend that these critics fail to see that India developed a distinctively Indian and differently modern variant of secularism. Ideals are rarely if ever and never simply transplanted from one cultural context to another. They invariably adapt, sometimes so creatively to suit their new habitat that they seem unrecognizable. This is exactly what happened to secularism in India. Indian critics of secularism neither fully grasp the general conceptual structure of secularism nor properly understand its distinctive Indian variant. Indian secularism did not erect a strict wall of separation, but proposed instead a 'principled distance' between religion and state. Moreover, by balancing the claims of individuals and religious communities, it never intended a bludgeoning privatization of religion. It also embodies a model of

contextual moral reasoning. All these features that combine to form what I call contextual secularism remain screened off from the understanding of these critics.

Though I do not agree with these critics that secularism is conceptually flawed, I do agree that it faces an internal threat. However, I have a different understanding of the nature of this threat. Isaiah Berlin has reminded us that the history of ideas is replete with great liberating ideas slowly turning into suffocating straightjackets. One reason for this is that we forget that they need continual interpretation: no idea can flourish without its defenders finding better and better ways of articulating and formulating them. An idea faces an internal threat when its supporters, out of akrasia, willful or unwitting neglect, ignorance, confusion or delusion cease to care for it, or when its own proponents mistakenly turn against it. I have no reason to doubt secularism is threatened by forces fiercely opposed to it. But my focus in this paper is on the internal threats to secularism. The principal contention of my paper is that one such internal threat is the failure to realize the distinctive character of Indian secularism.

I

Three Preliminary Points

I cannot proceed further without making three preliminary points. The *first* is a clarification. The term ‘distinctive’ in the title of the paper does not mean ‘unique’. The basic constituents of secularism remain the same throughout the world. Broadly speaking, secularism, anywhere in the world, means a separation of organized religion from organized political power inspired by a specific set of values. Just as without separation there is no secularism, just so a value-less separation does not add up to secularism. In this sense, secularism is a universal doctrine. But it does not follow that these elements are interpreted or related to each other in any one particular way or that there is a single ideal way in which they should be interpreted or related to one another. Many ways exist of interpreting these elements as do different ways of relating them. Each conception of secularism may unpack the metaphor of separation differently or select different elements from the stock of values that give separation its point. It may also place different weights on the same values. So when I talk about the distinctiveness of Indian secularism, I do not imply that it has a unique conceptual

structure. I only mean that embedded in it is a specific and interestingly different way of interpreting and relating the basic constituents of secularism. This distinctive character of Indian secularism does not make it non-universalizable. Indian secularism has a trans-cultural potential.

My *second* point concerns a mistake not uncommon among those who write and think about contemporary secularism. They unwittingly assume that it is a doctrine with a fixed content. Frequently, it is wholly identified with one of its several current interpretations, as if that is the only one available. It is also believed to be timeless, as if it has always existed in the same form. But it does not take much to realize that secularism has multiple interpretations which change over time. All living doctrines evolve and therefore have a history. Secularism too has a history made at one time largely by Europeans, then a little later by North Americans and much later by non-western countries. Non-western societies inherited from their western counterparts specific versions of secularism but they did not always preserve them in the form in which they were received. They often added something of enduring value to them and, therefore, developed the idea further. Western theorists of secularism do not always recognize this non-western contribution. It may have been earlier adequate for western scholars to focus exclusively on that part of the history of secularism which was made in and by the west. But today it would be a gross mistake to identify western variants of secularism with the entire doctrine, if the part was viewed as the whole. For a rich, complex and complete understanding of secularism, one must examine how the secular idea has developed over time trans-nationally.

There are other reasons why we must attend to the histories of secularism. The current crisis of secularism must compel one to ask why we need it at all. After all, one rarely mourns the loss of a useless thing. But it breaks one's heart to see a valuable thing decay. In such transitional moments, when a thing is born, is dying or in crisis, evaluative judgments become especially urgent and it is crucial to get them right. However, when a thing is in good health, when it is working well and effectively, such judgments appear to be redundant. In these periods of the stability and well-being of an entity, we bother little about its value and purpose. As it is taken for granted, its purpose recedes into the background. Over time, its underlying point may even be forgotten. This may happen with material things as well as with institutions, ideas and doctrines. Now, something like this appears to have happened also to secularism. When it was working well, we are quick to take the trouble to foreground its purpose

taking it for granted and eventually forgetting it. This forgetting was not troublesome or threatening as long as the secularism remained challenged. But when increasingly questioned, this forgetfulness becomes a terrible handicap. To reduce a rich and complex idea to a dead and monotonously repeated formula is bad enough but to know that an ideal is valuable and yet not know what precisely its value consists in is worse; both frustrating and debilitating. The only option in such situations is to infuse the idea with spirit and to bring it back to life, and to remember and retrieve its value-content.

But why must this be done with the help of a historical account? I believe this necessity arises because at some remote point in the past, say at the time of its birth, the idea had to prove its worth to its potential beneficiaries. To make place for itself in a climate of fierce competition it had to marshal all forms of argumentative resources. It could not have survived without being explicit about its normative structure. In short, it could not be in the state of inarticulacy in which it currently happens to be. This is why its retrieval from the background involves going back in time. We can no longer do without its history.

I think secularism in the single-religion societies of the west is beginning to be challenged not only from religious believers within but also from recently emigrated believers of other religions. This new multi-religiosity is threatening to throw western secularism into turmoil. Recall the controversy over the head scarf in France. Western societies can no longer take for granted their own current interpretation of secularism, but must re-examine what separation means and what it is for. They must do so because reasons for secularism acceptable to the dominant religious majority are not automatically endorsed by religious minorities. For example, on the hitherto dominant interpretation of secularism, it means a strict separation of Church and state for the sake of religious liberty construed individualistically, or, at best, for individualistically construed citizenship rights. However, neither the idea of strict separation nor an individualist defence of religious liberty and citizenship rights may be acceptable to non-protestant, South Asian or Middle Eastern religions. To convince them of its need and importance, one needs to retrieve the complicated structure of values behind it. Thus, to meet this new challenge to western secularism, it may be necessary to reconstruct its history.

The condition of Indian secularism is no different, though some of the causes for its crisis certainly are. It is not a coincidence, however, that the external threat to Indian secularism has intensified precisely at a time of its degeneration into a meaningless formula. (Perhaps the real

crisis of Indian secularism began when the real meaning of secularism was forgotten and ritualistically, the word 'secular' was introduced in the Indian constitution) or when it is viewed purely as a procedural doctrine that mechanically separates religion from the state and is foolishly innocent of its ties with substantive values. Critics of secularism are quick to point out its links with all kinds of things they dislike: the nation state, instrumental rationality, the hegemony of science, mindless industrialization and realist state-craft. But both its critics and its defenders appear to have forgotten its constitutive relation with substantive values. Undoubtedly, because of a history that it shares with the west, Indian secularism is at least partly western. But this western history can also be told as a history of important values. The distancing of religion from the state became necessary, both in India and the west, to protect individual citizens from their own oppressive religiously sanctioned social customs. Hence the connection of secularism with individualistically conceived liberty and equality. Unfortunately, Indian critics of secularism have developed an amnesia about these values. They also seem not to recall that 'separation' in the early constitutional history of India was never understood to mean the blanket exclusion of religion from the state.

It is important that we go back in time and to retrieve the complex purposes underlying it, to examine how Indian secularism was originally conceived. This would be beneficial not only for us, in India, but also for students of western secularism. For once we unearth the complicated conceptual structure of Indian secularism, we may find that it has the potential to shape the future of western secularism. If so, it is not enough for students of western secularism to look backwards, at the history of its own versions of secularism. They may need to look sideways, at the Indian variant and discover that in it is reflected not only a compressed version of their own history but also a vision of its future.

I have claimed that students of both Indian and western secularism will benefit from identifying the distinctiveness of Indian secularism. However, this is not always easy. To answer why brings me to my *third* point. In India, everything has begun to be seen in terms of an irritatingly dichotomous grid that divides the social world into two groups, the western modern and the indigenous traditional. Those who accept this grid are ineluctably inducted into a certain pattern of thinking. If secularism is modern, they believe, then it must be western. The whole of western secularism is then identified with one's preferred variant, usually that which is currently dominant. For example, the currently dominant western structure has it that secularism entails a strict separation of religion and the state for the sake

of religious liberty and individual autonomy. This stereotype is uncritically also accepted in India by its defenders as well as its opponents. Thus those who defend secularism in India proclaim unstinting support for this western stereotype. Similarly, secularism is opposed in India because critics have good reason to be unhappy with this western stereotype. Since they also accept the view that to be Indian, a thing or an idea must be rooted wholly in home-grown traditions uncontaminated by the west, they seek to replace secularism by ideas of toleration available within indigenous religious traditions. Much of the debate on secularism in India has been framed by this interpretative grid. But I wonder how useful it is to hold on to it, for it misses out on the simple point that something can be at once Indian and modern, that something that started out as western can overtime be transformed, and in responding to specific Indian problems and by being nurtured in an Indian context, can become distinctively Indian; different from both its western counterpart and from anything found within indigenous traditions. Unless those who defend secularism grasp this point, they will continue to defend a version that has little validity in the Indian context. Since they are seen to support a doctrine that can be legitimately criticized, the popular legitimacy of every version of secularism is bound to be eroded in the long run. Critics of secularism too fail to realize that a persistent attack on the very idea of secularism has grave practical consequence. In a context in which secularism is anyhow under threat from Hindu extremists, the mistaken occlusion of the distinctiveness of Indian secularism only ends up granting intellectual legitimacy to the larger political attack on the secular idea.

In these preliminary remarks, I hope to have drawn attention to the importance of grasping the distinctiveness of Indian secularism. In what follows I must try to show what this distinctiveness consists in. I argue that Indian secularism is distinguished from others because of the full-blooded self-recognition of its multi-value character. It is also distinctive because it rejects the claim that separation must mean strict exclusion or neutrality and espouses what I call principled distance. In my view, this particular feature of Indian secularism is unique to it.

II

THE CONCEPTUAL STRUCTURE OF SECULARISM

Theocracy, Establishment, Multiple Establishment

To identify the conceptual structure of secularism, it is best to begin with some ideal-typical distinctions, the first of which is between a state that establishes religion and a theocratic state. A theocratic state is governed by divine laws directly administered by a priestly order claiming a divine commission. The Islamic republic of Iran run by Ayatullahs is an obvious example. On the other hand, a state that establishes religion grants it official, legal recognition. Here, religion benefits from a formal alliance with government. The sacerdotal order does not govern a state where religion is established.

Establishment of religion takes two forms. On the classical European view, it means that ‘a *single* Church or religion enjoys formal, legal, official monopolistic privilege through a union with the government of the state’¹ The phrase ‘establishment’ has been used for centuries to describe the established Protestant Churches of England, Scotland and Germany, and the Catholic Churches in Italy and Spain. Thus, if, in preference to all other religions, the state recognizes a particular religion as the official religion, compels individuals to congregate for only one religion, punishes them for failing to profess a particular set of religious beliefs, levies taxes in support of one particular religion or makes instruction in one religion mandatory in educational institutions or in the media, then it is known as the establishment of religion. Where a particular religion is established, equality among religions is non-existent, and while members of the established religion may enjoy a modicum of religious liberty, those belonging to religions that have not been established are unlikely to enjoy any liberty. If the number of such persons is large, then such a multi-religious society may be wrecked by inter-religious wars. If the number is small, then religious minorities may not only fail to enjoy full religious liberty but may not even be tolerated. They are likely to face persistent religious persecution.

This classical European view of establishment is to be distinguished from one where the state respects more than one religion, recognises and perhaps nurtures all religions without preferring one over the other. This might be termed ‘multiple establishment’ or ‘establishment without a name’². Such a state may levy a religious tax on everyone and yet grant the freedom to remit the tax money to a Church or religious organisation of their

¹ Leonard W. Levy, *The Establishment Clause*, the University of North Carolina Press, 1994, p.7.

choice. It may financially aid schools run by religious institutions but on a non-discriminatory basis. It may punish people for disavowing or disrespecting religion, though not compel them to profess the beliefs of a particular religion. A state that respects multiple establishment treats all religion non-preferentially. It gives liberty to each group to conduct its religious affairs but is indifferent to the freedom of members within the group. The state of New York in the middle of the 17th century that allowed every Church of the Protestant faith to be established furnishes perhaps the earliest example of ‘multiple establishment’. The colonies of Massachusetts, Connecticut and New Hampshire show a similar pattern.³ Related examples abound in India, for example the 14th century Vijayanagar kingdom that granted official recognition to the Shaivites, the Vaishnavites and perhaps even the Jains. Arguably, the British empire gave de facto legitimacy to multiple establishment.

States with multiple establishment are better than states with singular establishment. For example, such states are likely to be relatively peaceful. Members of each religious group are likely to tolerate one another. There may even be inter-religious equality; the state may treat all religions equally and grant each religious group considerable autonomy in its own affairs. But states with multiple establishments have their limitations. For a start, they may persecute atheists. Second, they are indifferent to the liberty of individuals within each religious group. Even the slightest internal dissent may not be tolerated. Third, they may not allow an individual to exit his religious community and embrace another religion or remain unattached to any religion whatsoever. Fourth, such states give recognition to particular religious identities but fail to recognize what may be called non-particularised identities, i.e. identities that simultaneously refer to several particular identities or transcend all of them. Fifth, such states are unconcerned with the non-religious liberties of individuals or groups. Finally, such states are entirely indifferent to citizenship rights.

A secular state is to be distinguished not only from theocracy but also from a state where religion is established. A non-theocratic state is not automatically secular because it is entirely consistent for a state not to be run by priests inspired by ‘divine laws’, but to have a formal alliance with one or more religions. A secular state on the other hand refuses to establish religion or has disestablished it. Therefore, it follows what can be called principle of non-establishment. The non-establishment of religion means that the state is separated not

² Ibid., p.12

merely from one but from all religions. (I shall call it feature-a). No religious community in such a state can say that the state belongs to it. A secular state is not anti-religious but exists and survives only when religion is no longer hegemonic. It admits a more general equality between believers and unbelievers. It allows freedom for all religions but also freedom from religion itself. Thus, in a secular state, a formal or legal union between state and religion is impermissible. Official status is not given to religion. Persons are as free to disavow religion as they are to profess one. No one is compelled to pay tax for religious purposes or to receive religious instruction. No automatic grants to religious institutions are available.

Values of a Secular state

This brings me to more explicitly articulate the connection of a secular state with several important and substantive values. The first of these is peace or rather the prevention of a society from its regression into barbarism, not an uncommon tendency where there exist two or more incompatible visions of the good life. The second is toleration, i.e. the state does not persecute anyone on grounds of religion. I may here mention an auxiliary point. We must eschew the tendency within western modernist discourse to conceive of civil strife as a result purely of a clash of interests. The development of secularism in the west and elsewhere cannot be properly understood without fully comprehending the fear of cruelty and disorder that marks the conflict of ultimate ideals. This is equally true of the American and the French experience as it is of India. Consider the United States. One might say that the first amendment, the pivot of American secularism is a product of the widespread feeling of vulnerability experienced in different religious denomination such as the Anglicans, the Presbyterians and the Quakers, each dominant in one particular area but vulnerable in others and each viewing the other as fanatical, or at least as extremely odd⁴.

Third, a secular state is constitutively tied to the value of religious liberty that has three dimensions. The first refers to the liberty of members of any one religious group. (Feature-b) It is a brute fact that in most religious communities, one or two interpretations of its core beliefs and practices come to dominate. Given this dominance, it is important that every

³ Ibid., p.11

individual or sect within the group be given the right to criticize, revise or challenge these dominant interpretations. The second aspect of this important liberty in a secular state, (feature-c), is that it is granted non-preferentially to all members of every religious communities. It is entirely possible that non-preferential treatment by the state of groups that accord religious liberty to its members is also found in states respecting multiple establishment. But religious liberty is not part of the core principles of multiple establishment. However, it is a constitutive feature of the secular state. The third dimension of religious liberty, (feature-d), unthinkable in states with multiple establishment, is that individuals are free not only to criticise the religion into which they are born, but at the very extreme, to reject it and further, given ideal conditions of deliberation, to freely embrace another religion or to remain without one.

Religious liberty, when understood broadly, is one important value of a secular state. To understand another crucial ingredient, it is necessary to grasp the point that liberty and equality in the religious sphere are all of a piece with liberty and equality in other spheres. It is not a coincidence that the disestablishment clause in the first amendment to the American constitution institutes not only religious freedom but also the more general freedom of speech, of peaceful assembly and political dissent. It is entirely possible that a state respecting multiple establishment permits *religious* liberty and equality but forbids other forms of freedom and equality. For instance, a person may challenge the authority of the religious head of his own denomination but not be free to challenge the authority of the state. This is impossible in a secular state which is committed to a more general freedom and equality. Thus, the second value to which a secular state is constitutively linked is the equality of free citizenship.

The value of equal citizenship has two dimensions, one active, the other passive. It is a feature of democratic polities that these two roles of citizens coincide and therefore a democratic government must be continuously justifiable from both points of views⁵. To be a passive citizen is to be entitled to physical security, a minimum of material well-being and a sphere of one's own in which others ought not to interfere. Although a part of this idea of passive citizenship goes back to ancient Rome, the radical emphasis on material well-being

⁴ On this point see, Michael McConnell, Taking Religious Freedom Seriously, in *Religious Liberty in the Supreme Court*, (ed.) Terry East Land, William B. Eerdmans Publishing Company, Michigan and Cambridge, 1993, pp.497-510.

and on privacy is a result of a profound trans-valuation of values that has taken place under conditions of modernity⁶. This lies at the root of the idea of the right to life, liberty, material welfare and perhaps, education – crucial elements if ordinary people are to lead their ordinary life with dignity. Any citizen of the state must be entitled to these benefits. This is partly an extension of the point implicit in the defence of religious liberty but in part it adds something substantial of its own. The benefits of citizenship – resources that enable a dignified ordinary life – must be available to everyone and there is no room here for discrimination on grounds of religion. (Feature-e) This equal treatment is entailed by equal (passive) citizenship. State agencies and the entire system of law must not work in favour of one religious group. If the state works to protect the security and well-being of some individuals or groups but fail to secure these meagre but important benefits to others then the principle of equal (passive) citizenship is violated. Likewise, since citizenship is conditional upon education, no one must be denied admission to educational institutions, solely on grounds of religion (Feature-f).

The active dimension of citizenship involves the recognition of citizens as equal participants in the public domain. Such active citizenship rights can be denied in two ways. Either when they are brutally excluded from the political domain (they are politically dead)⁷, or when their recognition in the public domain betrays the social acceptance of a belief in the intrinsic superiority of one group as when there is communally weighed voting or efforts to dilute the votes of religious minorities through the use of gerrymandering techniques⁸. Groups singled out as less worthy are demeaned and insulted, encouraged to feel that patterns of disrespect existing in society at large enjoy official sanction. In contrast to this, equality of citizenship to which secularism is tied conveys a community wide acknowledgement of equal respect for everyone in the political domain. (Feature-g).

A simple comparison between different types of state-religion political orders shows that at least in multi-religious society and relative to theocracies and states with established religion, a secular state gives maximum liberty and equality, conceived individualistically or non-individualistically to all its citizens. This point can be made with reference to a chart given

⁵ Beitz, *Political Equality*, Princeton University Press, 1989, Ch.5

⁶ See Charles Taylor, *Sources of the Self*, Cambridge University Press, Cambridge, 1989.

⁷ This idea is closely related to the notion of social death to be found in Oscar Patterson's writings. See, Beitz, *Op cit.*, p.109

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below :-

Values Form of State	Peace with Justice	Religious liberty		Citizenship Identification		Passive citizenship benefits/rights		Active citizenship rights					
		Dominant Group	Others	Dominant Group	Others	Dominant Group	Others	Dominant Group	Others				
		Elites	Others	Elites	Others	Elites	Others	Elites	Others				
Theocracy	A	P	A	A	P	A	A	P	A	A	A	A	A
States with substantive singular establishment	A	WP	A	A	P	P	A	P	A	A	A	A	A
States with substantive multiple establishment	WP	WP	A	WP	P	P	A	P	WP	A	A	A	A
States with formal singular establishment	P	P	P	P	P	P	A	P	P	P	P	P	P
States with formal multiple establishment	P	P	P	P	P	P	WP	P	P	P	P	P	P
Anti-religious 'secular' state	A	A	A	A	P	A	A	P	P	P	A	A	A
Liberal and democratic secular state	P	P	P	P	P	P	P	P	P	P	P	P	P

Ab – Absent; WP – Weakly Present; P - Present

Indian Secularism

Which of the different religion-related political orders mentioned above is found in India? We may answer this by examining the relevant articles of the Indian Constitution. The state in the Indian constitution appears to possess all the features (Feature-a to g) of a secular state.

Feature-a is specified in Article 27 which rules out the public funding of religion and Article 28(1) under which ‘no religious instruction is to be provided in any educational institution wholly maintained out of state funds’.

Articles 25, 27 and 28 guarantee religious liberty and meet the conditions specified by features-b, c & d. Under Article 25(1), ‘all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.’ (Feature-b and c) The phrase ‘freedom of conscience’ is meant to cover the liberty of persons without a religion (Feature-d). Under Article 27, ‘no person is compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.’ Finally, under Article 28(3), ‘no person attending any educational institution.... shall be required to take part in any religious instruction or to attend any religious worship that may be conducted in such institution’.

Equality of citizenship is guaranteed by Articles 14, 15(1) and 29(2) of the Indian constitution. Article 15(1) states that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (Feature-e) Article 29(2) declares that no citizen shall be denied admission into any educational institution maintained by the state on grounds only of religion, race etc. (Feature-f) Article 16(1) & (2) of Indian constitution affirm an equal opportunity for all citizens in matters relating to employment or appointment of any office under the state. It further affirms that no citizen, on grounds of religion or race be eligible for or discriminate against in respect of any employment or office under the state. The clause on universal franchise as well as Article 325 that declares a general electoral roll for all constituencies and states that no one shall be ineligible for inclusion in this roll or claim to be included in it on grounds only of religion, etc. embody the value of equal active citizenship. Thus Feature-g is specified in the Articles on equality of active citizenship.

The implications of accepting that the state in the Indian constitution is meant to possess features-a to g are not always spelt out. First, the constitution rules out theocracy and the establishment of religion. The term ‘secular state’ is usually contrasted simply with theocracy. This is misleading, if not false, because the absence of theocracy is compatible with the establishment of religion. The secular credentials of the state cannot be derived from

the mere absence of theocracy.⁹ Second, the Indian state is not meant to be merely tolerant. (in the sense specified above). Indian secularism must not be confused with a generally professed Hindu tolerance. It is frequently claimed that Indians have a natural, traditional affinity with secularism. In view of our traditional obsession with subtle and not so subtle hierarchies, this claim must be taken with a pinch of salt if not pepper. Of course, this should not detract from the important point that tolerance, even within a hierarchical framework, forms an important background condition for the development of modern secularism. Elements of this important background condition can certainly be found within India. Third, the secularism of the Indian constitution is neither a simple-minded single-value idea nor over-inflated and hyper-substantive. Rather, it is a complex, multi-value doctrine.

A further point to note concerns the precise form of secularism to be found in the constitution. Broadly, secularism is taken to be the view that religion must be separated from the state for the sake of extensive religious liberty and equality of citizenship. This view can be differently interpreted. For Donald Smith, the secular state involves three distinct but interrelated relations concerning the state, religion and the individual¹⁰. The first relation concerns individuals and their religion, from which the state is excluded. Individuals are thereby free to decide the merits of the respective claims of different religions without any coercive interference by the state - the libertarian ingredient in secularism. The second concerns the relation between individuals and the state, from which religion is excluded. Thus, the rights and duties of citizens are not affected by the religious beliefs held by individuals - the egalitarian component in secularism. Finally, for Smith, the integrity of both these relations is dependent on the third relation, between the state and different religions. Here he argues that secularism entails the mutual exclusion of state and religion. Just as political power is outside the scope of religion's legitimate objectives, just so it is not the function of the state to promote, regulate, direct or interfere in religion. This interpretation is in line with the dominant American interpretation of secularism as erecting 'a wall of separation' between religion and state. On the classical American view of disestablishment, there can be no support for religion even on a non-preferential basis. Even partial aid to educational institutions run by religious organizations will constitute some form of

⁹ Partha Chatterjee's piece on secularism exemplifies this error. Thus he mistakenly concludes that since the Hindu right does not want the laws of the state to be in conformity with the general spirit of the Dharmasastra, it is at peace with the institutional procedures of modern western secularism. See, Partha Chatterjee, *Secularism and Tolerance*, in Bhargava, *ibid*, pp.345-379. Arguably, the Hindu Right may wish the de facto, somewhat disguised establishment of its own variant of Hinduism.

establishment. Moreover, a state that disestablishes all religions is one that has no power to interfere in the affairs of religious institutions. For better or for worse, the state is powerless to bring about changes in religion. So, for Smith, secularism means the strict exclusion of religion from the state for the sake of the religious liberty and equal citizenship of individuals. This is also the dominant understanding of western secularism.

Departures from Mainstream Western Secularism

Does Indian secularism erect a similar ‘wall of separation’ for the sake of individualistically construed values? Is it a western idea on Indian soil? Articles 15, 16, 25, 29(2) and 325 support this interpretation. Though there is no direct reference to disestablishment, Articles 27 and 28(1) imply strict separation. By giving the President of the Republic the option of not taking oath in the name of God, Article 60 confirms the strictly neutral character of the Indian constitution. From the discussion so far, it appears that the state in India is constitutionally bound to follow Smith’s model of western secularism. However, further examination of the constitution reveals this impression to be mistaken. To begin with, Article 30(1) recognises the rights of religious minorities and therefore, unlike other Articles applicable to citizens qua individuals, it is a community-based right. Indeed, another community-specific right granting political representation to religious minorities was almost granted and was removed from the constitution only at the last minute. Second, Article 30(2) commits the state to give aid to educational institutions established and administered by religious communities. Also permitted is religious instruction in educational institutions that are partly funded by the state. These are significant departures from the ‘wall of separation’ view of the secular state. Even more significant are Articles 17 and 25(2) that require the state to intervene in religious affairs. Article 25(2)(b) states that ‘nothing in Article 25(1) prevents the state from making a law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.’ Article 17 is an uninhibited, robust attack on the caste system, arguably the central feature of Hinduism, by abolishing untouchability and by making the enforcement of any disability arising out of it an offence punishable by law. Both appear to take away the individual freedom of religion granted under Section 1 of Article 25 and to contravene Article

26.

These features of the Indian constitution depart from the stereotypical western model in two ways. First, unlike the strict separation view that renders the state powerless in religious matters, they enjoin the state to interfere in religion. Second, more importantly, by giving powers to the state in the affairs of one religion, they necessitate a departure from strict neutrality or equidistance. This power of interference may be interpreted to undermine or promote Hinduism. Either way it appears to strike a powerful blow to the idea of non-preferential treatment.

In short, some Articles in the Indian constitution support an individualist interpretation and others a non-individualist one. Some conceive separation as exclusion, others as non-preferential treatment and, finally, some depart altogether from separation understood as exclusion or neutrality. At the end of the day, a confusing, somewhat contradictory picture on secularism emerges from a reading of the constitution. Critics could hardly fail to notice this and for many of them, Articles 17, 25(2), 30(1 & 2) compromise the secularity of the Indian state. For Donald Smith, any intervention in Hinduism – for example the legal ban on the prohibition of Dalit entry into temples or any protection of the rights of communities seriously compromises secularism. For others, like Chatterjee, the presence of these features in the Indian constitution shows why the Indian state cannot be really secular. The Indian constitution does not give an unambiguous criteria for maintaining the secularity of the state and, quite simply, given Indian conditions, it could never have.

By accepting community-based rights for religious minorities and endorsing state-intervention in religion, did the constitution depart from secular principles? I do not think it did. Rather, it developed its own modern variant. This distinctiveness of the Indian secularism can be understood only when the cultural background and social context in India is properly grasped. At least four such features of this socio-cultural context call for attention. First, there exists the mind boggling diversity of religious communities in India. Such diversity may coexist harmoniously but it invariably generates conflicts, the most intractable of which, I believe, are deep conflicts over values. Second, within Hinduism in particular and in South Asian religions more generally, a greater emphasis is placed on practice rather than belief. A person's religious identity and affiliation are defined more by what she or he does with and in relation to others, than by the content of beliefs individually

held by them. Since practices are intrinsically social, any significance placed on them brings about a concomitant valorization of communities. Together, these two features entail inter-community conflicts which are further exacerbated if fuelled by competing conceptions of democracy and nationalism. Third, many religiously sanctioned social practices are oppressive by virtue of their illiberal and inegalitarian character, and deny a life of dignity and self-respect. Therefore, from a liberal and egalitarian standpoint, they desperately need to be reformed. Such practices frequently have a life of their own, independent of consciously held beliefs, and possess a causal efficacy that remains unaffected by the presence of conscious beliefs. Furthermore, a tendency to fortify and insulate themselves from reflective critique makes them resistant to easy change and reform. It follows that an institution vested with enormous social power is needed to transform their character. Fourth, in Hinduism, the absence of an organized institution such as the Church has meant that the impetus for effective reform cannot come exclusively from within. Reform within Hinduism can hardly be initiated without help from powerful external institutions such as the state.

In such a context, India needed a coherent set of intellectual resources to tackle inter-religious conflict, and to struggle against oppressive communities not by disaggregating them into a collection of individuals or by de-recognizing them (and therefore, not by privatizing religion) but by somehow making them more liberal and egalitarian. A political movement for a united, liberal, democratic India had to struggle against hierarchical and communal conceptions of community but without abandoning a reasonable communitarianism. Besides, the state had an important contribution to make in the transformation of these communities; for this reason, a perennial dilemma was imposed on it. The state in India walked a tight rope between the requirement of religious liberty that frequently entails non-interference in the affairs of religious communities, and the demand for equality and justice which necessitates intervention in religiously sanctioned social customs. Secularism in India simply had to be different from the western liberal model that does not recognize communities, and dictates strict separation between religious and political institutions.

If we abandon the view, such as Donald Smith's, that political secularism entails a unique set of state policies valid under all conditions which provide the yardstick by which the secularity of any state is to be judged, then we can better understand why despite 'deviation'

from the ideal, the state in India continues to embody a model of *secularism*.¹¹ This can be shown even if we stick to Smith's working definition of secularism as consisting of three relations. Smith's first relation embodies the principle of religious liberty construed individualistically, i.e., pertaining to the religious beliefs of individuals. However, it is possible to make a non-individualistic construal of religious liberty by speaking not of the beliefs of individual but rather of the practices of groups. Here religious liberty would mean distancing the state from the practices of religious groups. The first principle of secularism can then be seen to also grant the right to a religious community to its own practices. Smith's second relation embodies the value of equal citizenship. But this entails - and I cannot substantiate my claim - that we tolerate the attempt of radically differing groups to determine the nature and direction of society as they best see it. In this view, then, the public presence of the religious practices of groups is guaranteed and entailed by the recognition of community-differentiated citizenship rights. Smith's version of secularism entails a charter of uniform rights. But it is clear that the commitment of secularism to equal citizenship can dictate community-based rights and therefore differentiated citizenship. In principle, this could easily accommodate a reasonable demand for community-specific political rights. In India, for reasons outlined above, it meant community-specific social rights, such as the right to administer and maintain educational institutions. Smith's third principle pertains to non-establishment and therefore to a strict separation of religion from state, under which religion and the state both have the freedom to develop without interfering with each other. Separation, however, need not mean strict non-interference, mutual exclusion or equidistance, as in Smith's view. Instead, it could be a policy of principled distance, which entails a flexible approach on the question of intervention or abstention, combining both, dependent on the context, nature or current state of relevant religions. This theoretical interpretation of separation sits much better with its own best practice but perhaps also with the practice of other western secular states, something that is never properly recognized by western theories of secularism. But what is this idea of principled distance?

Principled Distance

¹¹ For an interesting critique of Smith's interpretation of Indian secularism as derived from the American model with an "extra dose of separation", see Marc Galanter, 'Secularism, East and West' in Rajeev Bhargava, (ed.),

Principled distance is one particular way of unpacking the metaphor of separation. In conventional western secularism, separation of state and religion means either mutual exclusion or neutrality. Let me elaborate. Clearly, the demand for separation comes in the wake of some undesirable pre-existing unity, in this case, a complete intermeshing of religion and state. Against the view that religion and state possess an identical overall agenda, a common, indistinguishable project, the separationists argue for a parting of ways. This much is uncontroversial. But from here, a bifurcation occurs. One avenue leads to total exclusion; separation here means the meticulous refusal of any contact whatsoever between religion and the state. The two must keep off one another. This stand-offishness may be robust or mild. When robust, it generates mutual hostility. For example, the secular state, on this view, must be anti-religious. This anti-religiosity may be interventionist or non-interventionist. In its interventionist form the state actively discourages religion. In its non-interventionist incarnation it typifies a hysterical brahminical attitude: Religion is untouchable, so any contact with it contaminates secularist purity. Secularism here becomes a doctrine of political taboo; it prohibits contact with certain kinds of activities. The milder variety of exclusion of religion from politics proposes that religious and political institutions live as indifferent strangers to each other. At best, this mutual incomprehension leads to some perplexity. But no further curiosity is possible. The second view on separation does not demand total exclusion. Some contact is possible but also some distance. But the terms of engagement and disengagement are antecedently fixed. This is central to the notion of strict neutrality. Those who interpret separation as neutrality demand that a secular state be neutral with respect to all religions. It may help or hinder all religions to an equal degree. If it intervenes in one religion, it must also do so in others.

Principled distance must be distinguished from both strict mutual and equally strict neutrality. This complex notion builds upon two ideas, at least one of which derives from a distinction explicitly drawn by the American philosopher, Ronald Dworkin between equal treatment and treating everyone as an equal.¹² The principle of equal treatment, in the relevant political sense, requires that the state treat all its citizens equally in relevant respect, for example in the distribution of a resource of opportunity. The principle of treating people as equals entails that every person is treated with equal concern and respect. This second principle may sometimes require equal treatment, say equal distribution of resources but it may also

occasionally dictate unequal treatment. Treating people as equals is entirely consistent with differential treatment. This idea is the second ingredient in what I have called principled distance. To say that a state keeps principled distance from religion is to claim that it intervenes or refrains from interfering in religion, depending entirely upon whether or not some values are protected or advanced. Moreover, it is to admit that a state may interfere in one religion more than in others, depending once again on the historical and social condition of all relevant religions. For the promotion of a particular value constitutive of secularism, some religion, relative to other religions, may require more interference from the state. For example, suppose that the value to be advanced is social equality. This requires in part undermining caste hierarchies. If this is the aim of the state, then it may be required of the state that it interferes in caste-ridden Hinduism much 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. To want to do so would be plainly absurd. All it must ensure is that the relationship between the state and religions is guided by non-sectarian motives consistent with the values and principles mentioned above.

Consider those laws that interfere with Hinduism. The relevant consideration in their evaluation is not whether they immediately encompass all groups but whether or not they are just and consistent with the values undergirding secularism. Three reasons exist for why all social groups need not be covered by these laws. First, they may be relevant only to Hindus. Take the abolition of child marriage and devadasi dedication or the introduction of the right to divorce. Here, before deciding whether it was necessary to enact a special provision for Hindus, the legislature took into account their social customs and beliefs. Similar laws for Muslims were simply redundant. Second, laws in liberal democracies require legitimacy; the consent of at least the representatives of communities is vital. If consent has indeed been obtained from the representatives of only one community, it is sometimes prudent to enact community-specific laws. It is wise to apply the general principle in stages, rather than not

¹² Ronald Dworkin, *Liberalism*, in Stuart Hampshire (ed.) *Public and Private Morality*, CUP, Cambridge, 1978,

have it at all. Finally, 'it is perfectly within the competence of the legislature to take account of the degree of evil which is prevalent under various circumstances and the legislature is not bound to legislate for all evils at the same time. Therefore, an act passed by the legislature cannot be attacked merely because it tackles only some of the evils in society and does not tackle other evils of the same or worse kind which may be prevalent.' Thus, if the legislature acting on these considerations, wanted to enact a special provision in regard to, say, bigamous marriages among Hindus, it cannot be said that the legislature was discriminating against Hindus only on the ground of religion.¹³ The Indian courts have frequently followed this line of reasoning. They have defended a policy if they found that its purpose is the eradication of a social evil traceable to religious practices, even if the policy was targetted at specific communities. It has argued that so long as the state has taken gradual steps towards social welfare and reform and has not introduced distinctions or classifications that are unreasonable or oppressive, equality before law is not breached. A state interfering in one religion more than in others does not automatically depart from secularism. Indian secularism rejects the assumption that one size fits all. Thus, secularism requires principled distance, not exclusion or equidistance.

Contextual Secularism

A context-sensitive secularism, one based on the idea of principled distance, is what I have elsewhere called contextual secularism. Contextual secularism is contextual not only because it captures the idea that the precise form and content of secularism will vary from context to context and from place to place but also that it embodies a certain model of contextual moral reasoning. This it must do because of its character as a multi-value doctrine. Let me explain this point by introducing a distinction between types of situations and types of moral doctrines. Some conflict-ridden human situations are such that their morally defensible resolution is dictated by single-value doctrines, i.e. those which give priority to a value held to be supreme. For example, bodily integrity may be viewed as such an important value that nothing can justify its violation. I may be prevented from torturing someone no matter what

my reasons for doing so: neither self-interest nor pursuit of truth can justify it. Other human situations are different because they genuinely involve a value conflict and the resolution of this conflict cannot be read off the values themselves. Single-value doctrines do not suffice here because they always dictate a unique outcome antecedently favourable to the protection of one value. In these situations multi-value doctrines are more appropriate. They take on board these conflicts and admit that no general a priori procedure can antecedently arbitrate between competing value claims. Rather, whether a value will outweigh others or which, if at all, will override others will be decided entirely by the context. Frequently, such situations necessitate a trade-off or compromise albeit one that is morally defensible.

By explicitly accepting that secularism is a multi-value doctrine, we recognize that its constitutive values do not always sit easily with one another. On the contrary, they are frequently in conflict. Some degree of internal discord and therefore a fair amount of instability is an integral part of 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. Everything then is a matter of situational thinking and contextual reasoning. Whether one value overrides or is reconciled with another cannot be decided before hand. Each time the matter presents itself differently and will be differently resolved. If this is true, then the practice of secularism requires a different model of moral reasoning than the one that straightjackets our moral understanding in the form of well delineated, explicitly stated rules¹⁴. This contextual secularism recognizes that the conflict between individual rights and group rights or between claims of equality and liberty or between claims of liberty and the satisfaction of basic needs cannot always be adjudicated by a recourse to some general and abstract principle. Rather they 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

¹³ AIR, 1952, Bom.84, *The State of Bombay vs. Narasu Appa*.

¹⁴ See Charles Taylor, "Justice After Virtue" in John Horton and Susan Mendus (ed.) *After MacIntyre, Polity*

values.

This accommodation may be accomplished in a number of ways. First, by placing values at different levels. Second, by seeing them as belonging not to water-tight compartments but as sufficiently separate so that an attempt is made to make a value work within its own sphere without frontally conflicting with another value operating in a different sphere. This endeavour to make concepts, view-points and values work simultaneously does not amount to a morally objectionable compromise. This is so because nothing of importance is being given up for the sake of a less significant thing, one without value or even with negative value. Rather, what is pursued is a mutually agreed middle way that combines elements from two or more equally valuable entities. The roots of such attempts at reconciliation and accommodation lie in a lack of dogmatism, in a willingness to experiment, to think at different levels and in separate spheres and in a readiness to take decisions on a provisional basis. It 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.' In this way of thinking, it is recognized that though we may currently be unable to secure the best of both values and therefore be forced to settle for a watered-down version of each, we must continue to have an abiding commitment to search for a transcendence of this second best condition. Such contextual reasoning was not atypical of the deliberations of the Constituent Assembly in which great value was placed on arriving at decisions by consensus. Yet, the procedure of majority vote was not given up altogether. On issues that everyone judged to be less significant, a majoritarian procedure was adopted. It is by virtue of this kind of reasoning that the Indian constitution appears at once federal and unitary, and why it favours both individual and group-specific rights. It is frequently argued against Indian secularism that it is contradictory because it tries to bring together individual and community rights, and that articles in the Indian Constitution such as 25 and 26(b) that have a bearing on the secular nature of the Indian state are deeply conflictual and at best ambiguous. This is to misrecognise a virtue as a vice. In my view, this attempt to bring together seemingly incompatible values is a great strength of Indian secularism. Secularism in India is not understood to be a mechanical doctrine with a uniform, technical application. Therefore, the demand that the relevant articles in the Indian constitution give us an unambiguous criteria for evaluating separation or the complaint that the best of Indian secularists have an inconsistent understanding of the relationship between state and religion remains wide off the target and altogether fails to grasp the conceptual structure of secularism in India. If

secularism embodies contextual reasoning, it must be understood that this is not private-moral reasoning applied to politics but rather public-political reasoning infused with a moral character.

Back to Preliminaries

This is an appropriate point at which to briefly elaborate two points I made at the very beginning. First, that it is inadequate if not mistaken to focus on current formulations of western secularism. To grasp the rich and complicated structure of secularism, it is extremely important to examine the history of the secular ideal. An idea begins to have a life much before its clear formulation and before human beings bring it to self-consciousness. Often what is taken to be the birth of an idea is partly a discovery, a re-articulation of older ideas and only in part an invention. And, as Hegel reminded us, we grasp this point only when that idea achieves a distinct and clear self-consciousness. This is certainly true of secularism. The complex set of values that coalesce around what later came to be called secularism began to live much earlier. For example, in a religiously diverse society, organized political power simply had to maintain some distance from the dominant religious group for the sake of stability and peace. The same motivation lay behind a partial acceptance and therefore the toleration of the less dominant religious groups and the half-hearted recognition of particular religious identities. States that promoted peace and toleration can certainly not be called secular but there is no doubt that they are historically connected to modern secular states and can be said to constitute the latter's pre-history. At best they may be seen to embody a local, customary or traditional secularism.

This traditional secularism is found in different societies and cultures. This is why the development of modern secularism cannot be understood as growing out of the relationship between the Church and the state. The Church-state model is one variant of traditional secularism. The presence in background cultural conditions of other variants such as the religious strife model is equally conducive to the growth of modern secularism. I have elsewhere written in detail about these two models.¹⁵ Suffice here to say that it is sufficient for the Church-state model to be operating within a non-pluralist Christian society. However,

a religious strife model necessarily operates within a society in which there exist diverse and radically differing religions or religious denominations. The Church-state model is operative in societies in which separation is an internal feature of the dominant religion. The religious strife model of secularism, on the other hand, develops even if separation within some religions is not internally permissible but purely out of the contextual necessity in situations where there exist contending religions. In short, in the first model, the state wrenches away from one religion whereas in the other model, it must distance itself from all religions at once. And, as I mentioned, this distancing is dictated by the vulnerabilities experienced by every single religious group. Each one fears persecution from the other as well as the disorder resulting from religious conflict.

Secular states really begin to exist when, apart from securing peace and toleration, they protected the religious liberties of individuals, in particular by providing secure conditions in which individuals could lead a decent life even when they dissented from the orthodoxy or orthopraxy of their own respective religions. Secularism advanced further when many aspects of an individual's well-being began to be regulated not simply by a regime of toleration but rather by a formal and legal regime of rights, so that it became possible for individuals to make formal claims of entitlement against each other or against the state: to the protection of their life, or to a private sphere in which they were free to do what they want and were secure that any interference by the state in the life or private world of the individual could proceed only according to due process of law. Thus, a secular state comes into its own when it does not discriminate on grounds of religion in the distribution of passive citizenship rights.

It would be wrong however to identify secularism simply with the view for which the state must be separated from organized religion for the sake of peace, toleration, religious liberty and equality of passive citizenship rights. For over time at least two values have gradually become integral to the secular idea. First, that a state must not discriminate on grounds of religion in the distribution of active citizenship rights. For example, a state must not debar members of minority religious groups from standing for public office. Second, in keeping with the spirit of inter-religious equality as well as equality of citizenship, a fully secular state extends rights to minority religious groups qua groups. In short, it grants community-based

¹⁵ See my review of T.N. Madan's *Modern Myths, Locked Minds* in the *Book Review*, Vol.XXI-No.8, August,

rights to religious minorities.

One can now see that over time the secular idea has both transcended already existing values and/or added to them. For example, after the advent of nationalism and democracy, the value of treating everyone as equal and therefore not discriminating in the distribution of active citizenship rights was added to existing conceptions of secularism. Similarly, there is a sense in which a regime of rights better articulates the point behind toleration. A rights-based secularism supercedes toleration because it incorporates all values served by toleration and adds something more and valuable to it. Yet, it would be wrong to think that a secular state has no need at all for a regime of toleration. The regime of rights to which it is attached cannot reach every social space and in such not-so-easily approachable spaces, the ones not covered by legal rights, there still remains a need for decent relations governed by the value of toleration.

This brings me to the second point. Western theories of secularism have tended to see it as a single-value doctrine. For them, the state is to be separated from organized religion for the sake of the fullest possible liberties of individuals including their religious liberty. More recently, this separation is seen to serve individual autonomy. However, a history of the secular idea shows secularism to be a multi-value doctrine, as tied to several important values. The Indian variant of secularism more explicitly recognizes it to be a multi-value doctrine. Furthermore, western theories of secularism, quite in contrast to the internally variegated practice of western states, have tended to unpack the metaphor of separation to mean either exclusion or neutrality. To my mind, this has been a very limiting interpretation of what is meant by separation.

Thus, a proper study of Indian secularism shows not only that it shares a past with the west but also that it has its own distinctive past. Indian and western secularisms have their own distinctive pre-histories as well as a common history. But apart from and beyond these histories, the Indian version has taken forward the idea of secularism because, from the very beginning, by virtue of an integral link with nationalism and democracy, it has had to be explicitly tied to citizenship rights, including to the rights of religious minorities. By doing so, it has never tried to completely annul particular religious identities. To discover its own

rich and complex structure, western secularism can either look backward, to its own past or else look sideways, at Indian secularism that mirrors not only the past of secularism, but in a way, also its future. Doing so will certainly benefit the secularisms of many western societies. For example, French secularism needs to look beyond its own conceptions of laicite in order to take into account its own multi-cultural and multi-religious reality. It cannot continue to take refuge in claims of exceptionalism. I feel that a good hard look at Indian secularism could also change the self-understanding of American liberal secularism.

I have argued that a recognition of its multi-value character, in particular its links with community-specific rights and ordinary life with dignity is one distinctive feature of Indian secularism. Its other distinctive feature is its commitment to the idea of principled distance. I have also argued that the multi-value character of secularism makes it inherently unstable and necessarily ambiguous but that this instability is inescapable and given the context in which it is meant to work, this vagueness is a virtue. I also argued that Indian secularism both encapsulates the history of western secularism and mirrors its future. Therefore, by examining the Indian version, the west can learn about its own history as well as see its own future direction. Interestingly, at an earlier time, Indian secularism was similarly positioned when it could see its own future in the trajectory of western secularism. The situation has now reversed. It is now the mainstream western countries that have much to learn by from attending to the distinctiveness of Indian secularism.

Ironically, this need to attend to the distinctiveness of Indian secularism is as pressing in India as it is in the west. Several critics of Indian secularism have identified it with one or the other western versions and have ignored its special character. This has been a source of gross misinterpretation and several problems. For example, it is frequently argued that secularism is purely a Christian, western doctrine and therefore, cannot adapt itself easily to the cultural conditions of India, infused as they are by religions that grew in the soil of the sub-continent. This necessary link between secularism and Christianity is exaggerated, if not mistaken. It is true that traditional secularism is derived almost wholly from Christianity. The idea that to achieve religious integrity, peace or toleration, the state must be strictly separated from religion is part of Christianity and its internal history. But as I have argued, 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 uniquely Christian values. Most non-Christian civilisations have given significant space to

each. Therefore, none of them are exclusively Christian. It follows that, even though it is in Christian writings that we find the clearest and most systematic articulation of this doctrine, even traditional secularism is not exclusively Christian. More importantly, traditional secularism must not be confused with its modern counterpart. Traditional secularism is a sufficient but not necessary part of the background condition of modern secularism. Modern secularism may be helped by the presence of traditional secularism but it can also be nourished by other traditions of peace and toleration.

All right, one might say, secularism is not just a Christian doctrine, but is it not western? I have argued above that the answer to this question is both yes and no. Up to a point, it is certainly western. 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, one cannot deny that the idea of the secular first achieved self-consciousness and was properly theorized in the west. One might then say that the 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 the west after the settlement of religious conflicts, in primarily religiously homogenous societies. 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 could not be done in India. Both national and democratic agendas in India 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 could be done either by actively disregarding religion or by developing a complex attitude to it. It also had to balance claims of individual autonomy with those of community obligations. In addressing these complex issues, the very idea of the secular was taken further than had been evolved in the west. In the course of doing so, it also began to embody a form of contextual moral reasoning with which the notion of principled distance is associated. This distinguishes it from other variants of modern secularism that are grounded in more abstract, theoreticist and context-insensitive conceptions of rationality. There is nothing particularly western about these ideas. On the contrary, most conceptions of western secularisms have taken little note of them and therefore are struggling to deal with post-colonial religious diversity of their societies. The

later history of secularism is more Indian than western.¹⁶

It may still be argued that the Indianness of Indian secularism is derived entirely from its strong link with home-grown traditions and that therefore India had worked out its own conception of secularism that is neither Christian nor western. For example, secularism for many means ‘sarva dharma sambhava’: (a) religious coexistence or (b) inter-religious tolerance or finally (c) equal respect for all religions. Each of these interpretations of ‘sarva dharma sambhava’ point to a crucial ingredient of secularism but not only fails to capture its full richness and complexity but entirely ignores its relationship with extremely significant, internally constitutive values of secularism. I take religious co-existence to be equivalent to peace but to identify the secular state with a state that maintains peace between religions, that allows different religions to co-exist does little justice to the rich history and conceptual structure of secularism as a multi-value doctrine. Much the same is true of the interpretation of Indian secularism as inter-religious toleration. There are many good reasons why these two ideals should not be conflated but I shall mention only one. The mainstream idea of toleration is that it enjoins us to refrain from interfering in the affairs of others, even when one has the power to do so and additionally, even when one finds the beliefs and practices of others morally repugnant. In this sense, toleration is entirely consistent with a total refusal to respect the religion of others. It is also compatible with gross inequality and hierarchy. One may tolerate the religion of another person even as one treats him as inferior. Secularism, on the other hand, is grounded in notions of equality – equal concern and respect – and therefore goes far beyond the notion of inter-religious tolerance.

It is equally inappropriate to identify secularism with equal respect for all religions. Now it must be conceded that there is something valuable in this interpretation and something Indian about this idea. The internal plurality of Hinduism has the potential for a space where equal respect can indeed be accorded to all religions. Besides, a respect for other religions is entirely consistent with the development of their critique and the identification of local faults within them. Respecting other religions as equals does not entail their blind acceptance or endorsement. Indeed, it is precisely because respect is consistent with difference and critique that the idea of equal respect for all religions is closely linked with the proposal for an inter-faith dialogue. Yet, even an important ingredient of secularism cannot become the whole of

¹⁶ And by implication, the history of secularism must include the history of other non-western societies that have

it. Indeed, to equate the two is to do gross injustice to secularism. This equation implies that one ignores the non-religious part of human existence that all modern states must confront and which are also an integral part of modern secularism. Let me take an example. The idea of equal respect for all religions is entirely consistent with the equal unavailability of active citizenship rights to all members of society. It is also consistent with a total indifference to the freedom of individuals within each religious group. A fruitful dialogue on equal footing is entirely possible between religious groups that sanction gender and caste-related injustices or remain indifferent to them. But sensitivity to such issues is the hallmark of modern secularism. If so, it would be a terrible mistake to identify secularism with equal respect for all religions or modern Indian secularism with 'sarva dharma sambhava'. As political attitude and practice, 'Sarva dharma sambhava' is more in tune with states that establish multiple religions than it does with states that are secular.

I have argued that it is wrong to identify Indian secularism with western secularism or with notions of inter-religious tolerance. No doubt, Indian secularism has some relationship with both but it is not one of identity. At the heart of such identification is a failure to notice that we developed a version of secularism that was at once modern and Indian. Those who identify Indian secularism entirely with home-grown traditional conceptions are able to grasp the pre-history of Indian secularism (even though they do not see it as such, as pre-history), but they entirely bypass its connection with a larger common trans-national history as well as with its later history towards which Indians contributed significantly. On the other hand, those who identify the Indian variant with western conceptions fail to notice both the pre-history and the later history of secularism. As I mentioned above, like western theorists, they focus only on the middle history of secularism, one developed almost exclusively by western societies. This limited vision is shared by both advocates and opponents of secularism. For example, Indian critics of Indian secularism claim that it has privatized religion. Nothing could be further than the truth. Indian religion has a public presence that is ratified by the Indian constitution. The constitution gives official recognition to religious communities to maintain their own educational institutions. Such institutions foster particular religious identities and are sometimes even funded by the state. There could not be a more suitable illustration of the point that far from privatizing religion, the Indian constitution continues to support its publicisation.

To be sure, religion is meant to be de-politicised by the Indian Constitution. Indian secularism would not be a version of secularism if it did not support the de-politicisation of religion. But the de-politicisation of religion must not be confused with its de-publicisation. Indeed, the Constitution even allows a contextual politicization of religion, for example if such politicization advances the cause of equality and freedom. If justice ever required the local politicization of religion, then any defensible version of secularism must support it. For example, if the minority community in Gujarat is mobilized against the present government, then, even though it relies, at least implicitly, on distinctions and classifications made on the basis of religion, such mobilization would entirely be consistent with secularism. It is noteworthy that separate electorates for Muslims were rejected in post-independent India not by an appeal to a secularism of a strict separationist variety but on highly contextual grounds. The abandonment of separate electorates was supported because they were believed to have (a) started the awful habit of treating Hindus and Muslims as distinct and congealed political entities, (b) bolstered sectarianism and ghettoized minorities, and (c) strengthened the resolve of every community to care only for their own interests. In short, separate electorates were rejected keeping in mind not some general moral necessity of separating religion and state but because they had 'sharpened communal differences to a dangerous extent and prevented the development of a healthy national life'. The implication is that if they were compatible with or somehow fostered a healthy national life, then they could easily have been endorsed.

I have focused in this paper on internal threats to secularism. I have argued that a continuous failure to recognize the distinctiveness of Indian secularism strengthens this threat. I believe this problem afflicts the self-understanding of secularism in both India and several western countries. Western states need to improve the understanding of their own secular practices just as western secularism needs a better theoretical self-understanding. Rather than get stuck on a model they developed at a particular time in their history, they would do well to learn from the original Indian variant. Equally, both the self-proclaimed supporters of secularism and some of its misguided opponents could learn from examining the original Indian variant. Indeed it is my conviction that many critics of Indian secularism will embrace it once they better understand its nature and point.

No idea lives forever. But no good idea should be lost because its supporters are intellectually too lazy to properly defend it.

