



o m e s a h

**'CHALLENGERS to PLURALISM  
in SOUTH ASIA'**



**SAPRI**

South Asia Policy & Research Institute  
a think tank

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## FOREWORD

This volume of ALOKA 3, the journal of the South Asia Policy and Research Institute (SAPRI) is devoted to the presentations at a Colloquium organized by SAPRI on 7<sup>th</sup> January, 2014, titled “Challenges to Pluralism in South Asia”. Drawing on expertise from the South Asia region and beyond, the panel discussion was held in two segments: (a) Religion and Politics in South Asia, and (b) Secularism on Trial in South Asia.

Papers were presented to the Colloquium by Prof. Rajeev Bhargava (India), Prof. Radhika Coomaraswamy (Sri Lanka), Ms. Asma Jahangir (Pakistan) and Dr. Christophe Jaffrelot (France). Their presentations, together with the concluding remarks of Dr. Clem McCartney (Club de Madrid) formed the core of the discussion and generated an exchange of views. The panels were moderated by two distinguished academics in Sri Lanka, namely, Dr. Deepika Udugama, Head of the Department of Law at the University of Colombo and Prof. Savitri Goonesekere, former Professor of Law and former Vice Chancellor of the Colombo University.

The Colloquium was conducted in association with the Club de Madrid (CdeM), SAPRI’s partner in the project on *Building Religious Harmony*. The CdeM was represented by Dr. Clem McCartney at the Colloquium.

SAPRI has, as one of its guiding principles, the evolving of a ‘Shared, Inclusive Society’ where all citizens enjoy equal access to opportunities and none is discriminated against or disbarred on the basis of ethnicity, language, caste, religion, gender or physical disabilities. Madam Chandrika Kumaratunga, Chair/SAPRI is an ardent proponent of the concept of *Shared Societies and Inclusive Development* and is a Co-chair of the *Shared Societies Project* of the CdeM.

The Colloquium was held as a brainstorming to stimulate SAPRI's project on 'Building Religious Harmony' as part of the larger initiative of building a Shared Society. With the escalation of signs of religious intolerance and violence in 2013 and 2014, SAPRI commenced an interfaith dialogue by setting up a multi-religious forum comprising prelates from the four major religions in Sri Lanka, namely, Buddhism, Hinduism, Islam and Christianity; leaders of civil society groups; the private sector; youth and women's groups. The Forum for Inter-Faith Dialogue (FIFaD), formulated a set of recommendations to promote *Religious Harmony*, which was launched at a public ceremony in January, 2014.

The 'Recommendations' would be disseminated across the spectrum of society, from the Government's leaders, to key opinion leaders and the grassroots. SAPRI intends to take this message to the neighbouring countries in South Asia experiencing similar problems.

**Daneshan Casie Chetty**

Executive Director

South Asia Policy & Research Institute

## Secularism After Western Hegemony

Rajeev Bhargava

The current conjuncture in the world is witness to a dramatic, almost irreversible break down of the hegemony of mainstream intellectual traditions of the West<sup>1</sup>. Ideas and practices associated with the modern West have been subjected to critique for long, both from within the West and outside it. They have been viewed with suspicion and rejected, rightly or wrongly, in the past. But never before in modern times has the impact of this critique been so profound as to lead to a real possibility in the transformation of the social and political imagery of large numbers of people throughout the world.

A new historical dynamic has been set in motion in recent times that has fundamentally altered the relationship between what formerly were the centres and their peripheries. The centre has been pluralized. We now live, as Eisenstadt says, in a world of continuously shifting hegemonies. Modern Western traditions are just one among many, with certain strengths and several weaknesses, as much – as Gandhi once put it - in need of cure as all others. It has clearly fallen off its high pedestal. With this, we see the beginning of the end of what might be called the colonization of the mind and intellectual cultures, of what may be called *epistemic injustice*<sup>2</sup>. Nowadays, instead, a space has emerged of real intellectual and civilizational equality between a much

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<sup>1</sup>See Rajeev Bhargava, "Overcoming the epistemic injustice of colonialism" in *Global Policy* Volume 4 . Issue 4 . November 2013, pp. 413-417.

<sup>2</sup>Rajeev Bhargava, 'Overcoming the epistemic injustice of Colonialism', 2013

weakened hegemony and a previously hegemonised world. At such times we can expect new non-Western conceptions to emerge – and this is no doubt happening.

Yet we must not assume that such conceptions were not invented earlier. However, it is a feature of living under a strong hegemon that it does not allow one to notice these evolving conceptions, even when one notices them to not see or proclaim their novelty and distinctiveness. In fact, those who innovate them timidly pass them off as Western. This is disastrous, for, when brought to the notice of the West, these are naturally not taken seriously: why pay attention to second hand versions when the original is so close to hand? And in their own home they are condemned to further neglect, because, when real issues to which they relate grip the public mind, discussions around them tend to happen in terms of older hegemonic conceptions. Thus, to take one example – when Hindu Nationalism was resurgent in India in the 80's plunging secularism into crisis and forcing contestation over it, both, those who defended it and those who opposed it shared common assumptions about secularism, indeed, shared the same conception, namely that,

(a) there is just one secularism<sup>3</sup>

(b) that it developed in the West – a gift of Christianity, born out of a dialectic between Protestantism and Enlightenment<sup>4</sup>.

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<sup>3</sup>Rajeev Bhargava, *Secularism* in The Encyclopedia of Global Studies ed. Helmut K. Anheier Mark Juergensmeyer, Sage, New York, 2012

<sup>4</sup>T.N.Madan, *Secularism in its place* in Rajeev Bhargava (eds.) *Secularism and its Critics*, OUP, New Delhi, 1998



(c) That it meant a strict separation between church and State, possibly between religion and State and in some cases between religion and public life altogether<sup>5</sup>.

Secularism entails, it was assumed, that religion ought to be a private matter. Defenders believed that it was a worthy ideal. Opponents, that it was undesirable, unworkable in the cultural context of India or both<sup>6</sup>.

No one bothered to see which conception is really embedded in the best practices of the Indian state, or examine the Constitution and the public discourse at the time of the legislative assembly debates.

In short no one really grasped the actual contours of Indian secularism, to see its difference from the Western conception or its distinctiveness, leave alone, what trans-cultural potential it promised. This is what I propose to do – to outline its difference and distinctiveness. Indeed I shall claim that there emerged two such conceptions, each of which was distinctive. Perhaps, it is best to contrast it with the mainstream European conception and to do so I focus on the background conditions presupposed by European secularism and which shape it. The account has to be brief and sketchy, but for my purposes I hope it would do.

The broad story that I wish to allude to here concerns tumultuous events in Europe between 1550 and 1650. This is the period in the immediate aftermath of the Reformation and

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<sup>5</sup>Rajeev Bhargava, Secularism in The Encyclopedia of Global Studies ed. Helmut K. Anheier Mark Juergensmeyer, Sage, New York, 2012

<sup>6</sup>Rajeev Bhargava, The Distinctiveness of Indian Secularism, in The Future of Secularism, (ed.) T.N. Srinivasan, Oxford University Press, Delhi, 2006.

the consequent collapse of Western or Latin Christendom. The unity of Western Christendom was broken with the birth of Protestantism and with its further division into many subjects. This was followed or accompanied by the so-called wars of religion. Societies were riven with rival, fiercely combative ideological camps that fought for territory, wealth, power and the loyalty of populations, above all, for their belief. For many, intolerance was a constitutive feature of piety. The more true one was to his doctrine, the more intense his piety, the less tolerant he simply had to be towards religious dissenters or opponents. Thus, religious wars resulted in the extermination of rival ideologues. Fuel to the already raging fire was added by the introduction of “*cujus regio, ejus religio*” (the rulers’ religion to be the religion of his subjects) as also the principle of ‘one king, one law, one faith’. According to this principle the subjects of a particular territory could be forced to have whatever religion their king happened to choose. From now on religious dissenters became political dissidents.

Those who happened not to have the same religion as that of the prince became traitors overnight to be weeded out from the kingdom. Extermination of people became more intense accompanied by massive expulsions of dissenting populations. This led to the birth of confessional states. Religious diversity was liquidated and religiously homogenous societies began to take root in virtually all of Europe. As a result, England became Anglican, Netherlands became Calvinist, Scandinavian countries became Lutheran, Poland became Catholic and so on<sup>7</sup>. Another important constituent of this background condition was this – institutional separation of church and state had already occurred in such societies to a very large degree, which of

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<sup>7</sup>Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in early Modern Europe*, (Cambridge: Harvard University Press, 2007), p37;

course is one reason why it is profoundly mistaken to identify secularism with mere church-state separation. The State has already wrested a lot of power from the Church. Yet, it did not even occur to any one that the State needed to more thoroughly sever its link with the Church in order to become secular. It was inconceivable at that time that the State would not be religious. Therefore, most states retained a formal and legal tie with religion. There were strongly institutionalized religious (confessional) states.

The principal point to be underlined here is that just when political power was delinked from the centralized power of Roman Catholicism thus leading to institutional and personnel separation, just then, it almost immediately led to the intensification of formal and legal ties between the State and national churches. One form of church-state connection was replaced by another form routed through disconnection. While a semi-theocratic rule of the Holy Roman Empire may have weakened, states with strongly established religions or confessional states were born. It is simply not true that the seeds of political secularism were sown with the collapse of Western Christendom and the outbreak of religious wars.

When and where was Political Secularism born? The birth of the idea of political secularism- an idea that finds little institutional expression until the 20<sup>th</sup> century- happened with an abrupt break with the past, with the Revolution in France. The French revolutionaries tried to deconfessionalize the French state, rejected toleration and sought the strict separation of the Church-based religion and State, not only at the level of institutions and personnel but also at the level of ends. The State had to be separated from the objectives of the Church for the sake of an emancipatory agenda<sup>8</sup>. The

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<sup>8</sup>See Jean Bauberot, in Rajeev Bhargava (eds) *Secularism and its Critics*, OUP, New Delhi, 1998. Also see Ahmet T Kuru. *Secularism and State Policies Towards Religion: The United States, France, and Turkey* (Cambridge: Cambridge University Press. 2009).

enormous social power of the Church had to be curbed in order to grant liberty and equality to all individuals.

Even more important was the equality of individuals as citizens of a common Republic, now made available to all, regardless of religion<sup>9</sup>. They could have it, provided they left behind their communal identity and entered the public domain merely as individuals. They would be treated as full citizens as long as they left behind their religion in the private domain and entered the public domain without it<sup>10</sup>. Political secularism here meant the privatization, not just of powerless religions, but equally of the most powerful religion in France—Catholicism. Not only was the separation of Church-based religion and State introduced here, but separation itself was given a new meaning. For the French, it meant one-sided exclusion. From now on the State could intervene in every matter of all religions, to help or hinder them, but no corresponding power was available to any religion including Catholicism. No other state in Europe had even a faint idea of political secularism at that time. Indeed, even in France, this conception of *laïcité* had a chequered journey<sup>11</sup>. It hardly grew in France in a linear manner but endured many reversals and setbacks. It is this model, however, that has travelled to Turkey, Russia, China and other countries. The idea of French *laïcité* is exceptional because it makes a break from everything taking place in Europe at that time: strong Church-State intermingling and the intermittent practice of toleration and intolerance.

When institutionally secure secularism was born – this, as I mentioned, did not really occur in the 20<sup>th</sup> century – it meant

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<sup>9</sup>Ibid.,

<sup>10</sup>Ibid.,

<sup>11</sup>See Jean Bauberot, Ibid.,

deconfessionalization in single-religion societies and involved a further weakening of ties of the State with the Church. The Church came increasingly to be seen as a very repressive component of the wider social domain, which, along with the State, threatened the freedom of and equality between individuals. Henceforth, the principle of secularism became part of an emancipatory agenda, one which emerges in response to what one might call intra-religious domination<sup>12</sup>.

I have presented one way of telling a part of the story of the background conditions of the birth of secularism. There are others. One other way of relating it involves the use of categories of self and the other. In this narrative, religious homogenization came in the wake of a persistent, deep and pervasive anxiety about the other, about both the other outside one's religion and potentially, the other within. The other was viewed and felt as an existential threat. Doctrinal differences were not mere intellectual disagreements but were cast in order to undermine the basic trust in one another. The other could not be lived with, but simply had to be expelled or exterminated – this was the experience of most European countries. Even in what is called the middle belt of Europe that included what today form Holland, Belgium, parts of Switzerland and Germany, some form of toleration existed.

It is important however to understand what the practice of toleration meant for those who partook in it. Members of the tolerated religion could no longer have their churches on the main high street. These had to be tucked away in by-lanes in buildings which could not look like churches.

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<sup>12</sup>Rajeev Bhargava, Rehabilitating Secularism in *Rethinking Secularism* (eds.) Craig Calhoun, Mark Juergensmeyer and Jonathan Van Antwerpen, Oxford University Press, New York, 2011

I am referring here to the phenomenon of *shueilkerk* (semi-clandestine church)<sup>13</sup>. In short, these powerless religions were privatized and the privatization of these powerless religions meant their invisibilization. A state that gave monopolistic privilege to a single Church to dominate the public life of a society was accompanied in some places by practices of toleration. Indeed, such toleration went hand in hand with the intensification of confessionalism. Most European states either had relentless confessionalization or confessionalization with some tolerance, although such toleration could hardly have been a pre-cursor of political secularism.

The background conditions in India were different, at least till the advent of colonial modernity. For a start, different faiths, modes of worship, philosophical outlooks, and ways of practicing existed. Deep diversity was accepted as part of the natural landscape – all were at home. Syrian Christians, Zoroastrian, Jews, Muslims (Arab traders on the Malabar coast), Turks, and Afghans, who came initially as conquerors – not to speak of a variety of South Asian faiths – were all at home. To feel and be secure was a basic psychosocial condition on the Indian subcontinent. They all exhibited basic collective self-confidence, possible only when there is trust between communities.

In short, the presence of the other was never questioned. There was no deep anxiety; instead a basic level of comfort existed. The other did not present an existential threat. This is not to say that there were no deep intellectual disagreements and conflicts, some of which led even to violent skirmishes, but these did not issue in major wars or religious persecution. There was no collective physical assault on the other on a major scale.

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<sup>13</sup>Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in early Modern Europe*, (Cambridge: Harvard University Press, 2007), p172-197

It was not until the advent of colonial modernity and the formation of Hindus and Muslims as national communities that this background condition was unsettled. Religious coexistence could now no longer be taken for granted, it forced itself upon the public arena and became a problematic issue to be spoken about and articulated. An explicit invocation and defence of the idea became necessary that all religions must be at peace with one another, that there should be trust, a basic level of comfort among them and if undermined, mutual confidence must be restored. This was put sometimes normatively and sometimes merely affirmed. The term used by Gandhi for this was "communal harmony."<sup>14</sup> Soon after Independence, this idea found political articulation as secularism, strictly speaking, political secularism.

The state must show *sarvadharmā sambhāv*, (be equally well disposed to all paths, god, or gods, all religions, even all philosophical conceptions of the ultimate good.)<sup>15</sup> But this should not be confused with what is called multiple establishment, where the state has formal ties with all religions, endorses all of them, and helps all of them, and, where it allows each to flourish in the direction in which it found them, to let them grow with all their excrescences, as for example, in the Millet system under the imperial British rule. Rather the task of the State as an entity separate from all religions was to ensure trust between religious communities, to restore basic confidence if and when it was undermined. This happens under conditions when there is a threat of interreligious domination, when a majority religion threatens to marginalize minority religions. Here secularism is pitted against communalism.

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<sup>14</sup>M.K.Gandhi, *The Way to Communal Harmony*, Navjivan Publishing House, Ahmedabad, 1963

<sup>15</sup>Rajeev Bhargava, *The Distinctiveness of Indian Secularism*, in *The Future of Secularism*, (ed.) T.N. Srinivasan, Oxford University Press, Delhi, 2006

To generalize even more, secularism came to be used for a certain comportment of the state, whereby it must distance itself from all religious and philosophical conceptions in order to perform its primary function, i.e. to promote a certain quality of sociability, to foster a certain quality of relations among religious communities, perhaps even inter-religious equality under conditions of deep religious diversity.

A second conception developed too, even more ambitious, that tried to combine its major aim of fostering better quality of social relations with an emancipatory agenda, to not only respect all religions and philosophies but to protect individuals from the oppressive features of their own religions or religious communities – or to put it differently, to confront and fight both inter-religious and intra-religious domination, simultaneously<sup>16</sup>. This is the constitutional secularism of India.

Several features of this model are worth mentioning. First, multiple religions are not optional extras added on as an afterthought but were present at Indian secularism's starting point as part of its foundation. Indian secularism is inextricably tied to deep religious diversity<sup>17</sup>.

Second, this form of secularism has a commitment to multiple values, namely liberty, equality and fraternity-- not conceived narrowly as pertaining to individuals but interpreted broadly to cover the relative autonomy of religious communities and their equality of status in society -- as well as other more basic

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<sup>16</sup>Rajeev Bhargava, Rehabilitating Secularism in Rethinking Secularism (eds.) Craig Calhoun, Mark Juergensmeyer and Jonathan Van Antwerpen, Oxford University Press, New York, 2011

<sup>17</sup>Ibid



values such as peace, toleration and mutual respect between communities<sup>18</sup>. It has a place not only for the right of individuals to profess their religious beliefs but also for the right of religious communities to establish and maintain educational institutions crucial for the survival and sustenance of their distinctive religious traditions<sup>19</sup>.

The acceptance of community-specific rights brings me to the third feature of Indian secularism. Because it was born in a deeply multireligious society, it is concerned as much with interreligious domination as it is with intrareligious domination. Whereas the two Western conceptions of secularism have provided benefits to minorities only incidentally (Jews benefited in some European countries such as France not because their special needs and demands were met but because of a change in the general climate of the society), under the Indian conception even community-specific political rights (through political reservations for religious minorities) were almost granted during the drafting of the Constitution but were withheld in the last instance only for contextual reasons<sup>20</sup>. In fact, it is arguable that a conceptual space is still available for these rights within the Indian Constitution.

Fourth, Indian secularism does not erect a wall of separation between religion and State<sup>21</sup>. There are boundaries, of course, but they are porous. This situation allows the state to intervene in religions in order to help or hinder them without

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<sup>18</sup>Ibid

<sup>19</sup>Rajeev Bhargava, India's Secular Constitution in *India's Living Constitution* (eds.) E. Sreedharan, Zoya Hasan, R. Sudarshan, Permanent Black, Delhi 2002.

<sup>20</sup>Ibid

<sup>21</sup>Ibid

the impulse to control or destroy them. This intervention can include granting aid to educational institutions of religious communities on a nonpreferential basis and interfering in socio-religious institutions that deny equal dignity and status to members of their own religion or to those of others -- for example, the ban on untouchability and the obligation to allow everyone, irrespective of their caste, to enter Hindu temples, as well as, potentially, other actions to correct gender inequalities. In short, Indian secularism interprets separation to mean not strict exclusion or strict neutrality but what I call *principled distance*, which is poles apart from one-sided exclusion, mutual exclusion, strict neutrality, and equidistance.

When I say that principled distance allows for both engagement with or disengagement from and does so by allowing differential treatment, what kind of treatment do I have in mind? First, religious groups have sought exemptions when states have intervened in religious practices by promulgating laws designed to apply neutrally across society. This demand for non-interference is made on the grounds either that the law requires them to do things not permitted by their religion or that it prevents them from doing things mandated by their religion. For example, Sikhs demand exemptions from mandatory helmet laws and from police dress codes to accommodate religiously required turbans. Muslim women and girls demand that the state not interfere in the religious requirement that they wear the chador. Rightly or wrongly, religiously grounded personal laws may be exempted. Elsewhere, Jews and Muslims seek exemptions from Sunday closing laws on the grounds that such closing is not required by their religion. Principled distance allows a practice that is banned or regulated in the majority culture to be permitted in the minority culture because of the distinctive status and meaning it has for the minority culture's members. For other conceptions of secularism, this variability is a problem because of a simple and somewhat absolutist morality that attributes overwhelming importance to one value -- particularly to equal treatment, equal liberty, or equality of

individual citizenship. Religious groups may demand that the State refrain from interference in their practices, but they may equally demand that the State interfere in such a way as to give them special assistance so that they are able to secure what other groups are routinely able to acquire by virtue of their social dominance in the political community<sup>22</sup>. The state may grant authority to religious officials to perform legally binding marriages or to have their own rules for or methods of obtaining a divorce. Principled distance allows the possibility of such policies on the grounds that holding people accountable to a law to which they have not consented might be unfair. Furthermore, it does not discourage public justification -- that is, justification based on reasons endorsable by all. Indeed, it encourages people to pursue public justification. However, if the attempt to arrive at public justification fails, it enjoins religiously minded citizens to support coercive laws that, although based purely on religious reasons, are consistent with freedom and equality.

Principled distance is not just a recipe for differential treatment in the form of special exemptions. It may even require State intervention and moreover, in some religions more than in others, considering the historical and social condition of all relevant religions. To take first examples of positive engagement, some holidays of all majority and minority religions are granted national status. Subsidies are provided to schools run by all religious communities. Minority religions are granted a constitutional right to establish and maintain their educational institutions. Limited funding is available to Muslims for *Hajj*. But state engagement can also take a negative interventionist form. For the promotion of a particular value constitutive of secularism, some religion, relative to other religions, may require more interference from the state<sup>23</sup>. For example, suppose that the value to be advanced is social equality. This requires in part

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<sup>22</sup>Ibid

<sup>23</sup>Ibid

undermining caste and gender hierarchies. Thus there is a constitutional ban on untouchability, Hindu temples were thrown open to all, particularly to former untouchables should they choose to enter them. Child marriage was banned among Hindus and a right to divorce was introduced.

A fifth feature of Indian secularism is this: it not entirely averse to the public character of religions. Although the State is not identified with a particular religion or with religion more generally, official and therefore public recognition is granted to religious communities. The model admits a distinction between de-publicization and de-politicization, as well as between different kinds of de-politicization. Because it is not hostile to the public presence of religion, it does not aim to de-publicize it. It accepts the importance of one form of de-politicization of religion.

Sixth, this model shows that in responding to religion, we do not have to choose between active hostility and passive indifference or between disrespectful hostility and respectful indifference. We can combine the two, permitting the necessary hostility as long as there is also active respect<sup>24</sup>. The State may intervene to inhibit some practices as long as a religion shows respect for other practices of the religious community and does so by publicly lending support to them. This is a complex dialectical attitude to religion that I have called critical respect<sup>25</sup>. The State protects all religions, makes them feel equally at home, especially vulnerable religious communities, by granting them community-specific rights. For instance, the right to establish and maintain their own educational institutions and the provision of subsidies to

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<sup>24</sup>Rajeev Bhargava, *The Distinctiveness of Indian Secularism*, in *The Future of Secularism*, (ed.) T.N. Srinivasan, Oxford University Press, Delhi, 2006

<sup>25</sup>*Ibid.*, also see Rajeev Bhargava, *Rehabilitating Secularism*, 2011

schools run by religious communities. The State also hits hard at religion-based oppression, exclusion, and discrimination. Thus the State is committed to actively abolishing the hierarchical caste order. It has banned untouchability and forcibly opened all Hindu temples to ex-untouchables, should they wish to enter them.

Seventh, by not fixing its commitment from the start exclusively to individual or community values and by not marking rigid boundaries between the public and the private, India's constitutional secularism allows decisions on these matters (all matters pertaining to religion at level 3) to be made either within the open dynamics of democratic politics or by contextual reasoning in the courts<sup>26</sup>.

Finally, the commitment to multiple values and principled distance means that the state tries to balance different, ambiguous, but equally important values<sup>27</sup>. This makes its secular ideal more like a contextual, ethically sensitive, politically negotiated arrangement -- which it really is -- rather than a scientific doctrine conjured by ideologues and merely implemented by political agents.

A somewhat forced, formulaic articulation of Indian secularism goes something like this. The State must keep a principled distance from all public or private and individual-oriented or community-oriented religious institutions for the sake of the equally significant -- and sometimes conflicting -- values of peace, worldly goods, dignity, liberty, equality and fraternity in all of its complicated individualistic and nonindividualistic versions.

What relevance do these conceptions have? Why do they have the potential to be noticed today? Secular states and the

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<sup>26</sup>Ibid

<sup>27</sup>Ibid

doctrine underpinning them have come under strain elsewhere. Secularism was severely jolted with the establishment in Iran of the first modern theocracy, rejected partly because of the perception that it was a Western idea. By the late 1980s similar Islamic political movements had emerged in Egypt, Sudan, Algeria, Tunisia, Ethiopia, Nigeria, Chad, Senegal, Turkey, Afghanistan, Pakistan, and even Bangladesh. Movements challenging secular states were hardly restricted to Muslim societies. Protestant movements decrying secularism emerged in Kenya, Guatemala, and the Philippines. Protestant fundamentalism became a force in American politics<sup>28</sup>.

Sinhalese Buddhist nationalists in Sri Lanka, practitioners of religious ultra-orthodoxy in Israel, and diasporic communities in Canada and Britain, all began to question the separation of State and religion<sup>29</sup>. The hegemonic Western conceptions of political secularism do not appear to have travelled all that well in other societies. What is surprising is that such conceptions and the secular states they underpin are coming under strain even in Europe, where, until recently, they were believed to be firmly entrenched and secure<sup>30</sup>. Why so? It is true that the substantive secularization of European societies has brought about the extensive secularization of European states; regardless of their religious affiliation, citizens have a large basket of civil and political rights unheard of in religion-

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<sup>28</sup>Rajeev Bhargava, How Should States Deal with Deep Religious Diversity: Can Anything Be Learnt from the Indian Model of Secularism?*in* Rethinking Religion and World Affairs (ed.) Timothy Samuel Shah, Alfred Stepan and Monica Duffy Toft , Oxford University Press, New York, 2012, PP 73-84.. **Also see, David Westerland**, Questioning the Secular State. 1996, London : Hurst & Company.

<sup>29</sup>Ibid

<sup>30</sup>Ibid

centred states, past or present<sup>31</sup>. Nevertheless, two problems remain.

First, migration from former colonies and intensified globalization have thrown together in Western public spaces, Christian, Islamic, and pre-Christian faiths such as Hinduism. The cumulative result is unprecedented religious diversity, the weakening of the public monopoly of single religions, and, the generation of mutual suspicion, distrust, hostility, and conflict<sup>32</sup>. This is evident in Germany and Britain but was dramatically highlighted by the headscarf issue in France, the Cartoon affair in Denmark and the murder of filmmaker Theo Van Gogh in the Netherlands shortly after the release of his controversial film about Islamic culture.

Second, despite substantial secularization, in some European states, inequities resulting from the formal establishment of the dominant religion have done little to bolster better intercommunity relations or to reduce religious discrimination. With the deepening of religious diversity, the religious biases of European states have become increasingly visible. European states have continued to privilege Christianity in one form or another. They have publicly funded religious schools, maintained clerical salaries and real estate holdings of Christian churches, facilitated the control by churches of cemeteries, and trained the clergy. In short, there has been no impartiality within the domain of religion, and despite formal “equality” this privileging of Christianity continues to have a far-reaching impact on the rest of society<sup>33</sup>. Even the widespread belief regarding the existence of a secular European public sphere is based largely on a myth. As a result, the formal or informal establishment of a

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<sup>31</sup>Ibid

<sup>32</sup>Ibid

<sup>33</sup>Janet Klausen, J (2005) *The Islamic Challenge: Politics and religion in Western Europe*, Oxford: Oxford University Press

single religion, even the weaker variety of establishment, continues to be part of the problem.

In these circumstances, as societies become religiously diverse or recognize it in their midst, the world has much to learn from these conceptions of secularism that are emerging from the shadow of the previously hegemonic models. My principal objective here is to draw attention to the point that political theorists do not see the normative potential in the secular practices of these different states because they are obsessed with the normativity of mainstream, hegemonic model of Western secularism. Western states need to improve their understanding of their own secular practices, just as Western secularism needs a better theoretical self-understanding. Rather than get stuck on models they developed at a particular time in their history, they would do well to more carefully examine the normative potential in their own political practices or to learn from original Indian variants.



## **Religion and Politics: Exploring Spirituality while Limiting Religion in the Public Space**

Radhika Coomaraswamy

I have to thank my friends and colleagues who discussed and challenged me throughout the process of preparing this presentation. They may not be satisfied with the final result but I must sincerely thank them for challenging my theories and assumptions.

There are four propositions I would like to make during this presentation:

1. The question of religion and politics is related to the greater issue of pluralism and the way a State and society deal with diversity. Though religion has some unique factors, handling the issues is also a reflection of a society's approach to difference.
2. The nature of religion is not static, whether at the local or national level. It evolves over time. The Hinduism, Buddhism, Islam and Christianity we practice today are not what were practiced in medieval times. In addition, the modern world and cosmopolitan culture have thrown up new forms of spirituality. Any institutional arrangement for religion in the realm of politics today should not entrench the present forms of religion and preempt the possibility of change in the nature and other expression of spirituality in the future.
3. Religion should as far as possible remain in the private sphere and all recent suggestions to have it play a greater role in the public sphere should be treated with caution- especially when it

comes to the rights of women and because political entrenchment of religion is corrosive to the religion itself and to the expression of spirituality in any given society.

4. The only institutional structure in the public sphere that should be accepted is a procedural mechanism for conflict resolution, or inter-faith dialogue and consultation for reconciliation. The long-term strategy to deal with hatred, prejudice and violence should be to "un-inherit" aspects of our past (including religion) that deal with intolerance. This should be done through education, the media and social networks. In this, the role of the state and political leadership is key. Religious teachings and traditions that encourage tolerance can play an important part.

## **Introduction**

The dilemma posed by religion's role in contemporary politics can be generally brought under the rubric of the problem of pluralism in the modern world. Pluralism- or the respect for diversity- along with caste, class and gender remains a major fault line of South Asia- the politics of which threatens to tear apart South Asian societies.

Pluralism is often coupled with the general need for tolerance. In this call for tolerance, respect for diversity often poses problems for the goals of the developmental state in South Asian societies. This developmental state relies heavily on the concept of national sovereignty and forces the centralization of power that results in controlled governance and economic planning along the lines dictated by those who have assumed or grabbed office. To consolidate its political base, governments often use the developmental state to entrench the perception that the State should bear the homogenous marks of the majority community while the social reality on the ground presents a more plural, multi cultural and multiracial mosaic.

In this context I must make clear that given my background in human rights, I have no hesitation in fighting this homogenizing impulse of the modern developmental state, preferring to advocate for the rights of minorities, their recognition in society and the creation of structures and laws that allow for the full celebration of a plural, multi religious and multicultural society where everyone has a stake in the nation state and where everyone feels equal ownership. As Director of the International Centre for Ethnic Studies for some time, I must admit that this was one of our goals.

However we must also in true honesty recognize that pluralism also poses its own dilemmas, which we cannot shy away from. There is increasingly an internal dynamism within minorities and social groups which is extremely problematic, and, which in turn poses issues of internal democracy and internal human rights-often related to women's rights and the rights of minorities within the group. The decision by many women's groups to postpone the struggle for a Uniform Civil Code in India,<sup>1</sup> which had the aspiration of giving equality to all women regardless of community, points to the fact that we may not be able to fully resolve the latter i.e., internal democracy and human rights within minority groups- until we resolve the former, the creation and acceptance of the structures of pluralism at the national level and within society at large. We notice, as the Indian feminists found in India, that the struggle for internal human rights within minority groups is often hijacked by the forces of majoritarianism that are opposed to the creation of a State that acknowledges the multicultural and plural nature of society. Extreme Hindu nationalists took up the call of the Uniform Civil Code not because of any sympathy for women but to bludgeon Muslim identity. This

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<sup>1</sup>Nivedita Menon, "State, Community and the Debate on the Uniform Civil Code in India" in M. Mamdani ed., *Beyond Rights Talk and Culture Talk:- Comparative Essays*, (2003)

then poses one of the most serious strategic dilemmas to the achievement of pluralism in South Asia- how to recognize minority rights while also fighting for women's rights and individual and group rights within religious communities.

### **Religion- A Perspective**

Before I go onto describe one aspect of pluralism- that is religion and- its link to politics, let me seek your indulgence to stray a little and say a few words about religion and spirituality. Though they are not one and the same, there is a strong linkage between the two, especially in the modern world.

Most of us in my generation came of age during independence or in the decade or two just after. We were greatly influenced by thinkers such as Marx and Weber<sup>2</sup>who believed that religion will fade away with modernity and rationality. Religion was seen as primitive man's attempt to deal with the contingency of life. Max Weber in his influential book *The Sociology of Religion* argues that religious needs are attempts to deal with external and internal distress and would disappear when rationality allows modern man to come to terms with his mortality.<sup>3</sup> Politics was seen in purely material terms, a quest for economic, social and political power by different groups using religion to advance their interest.

Recent polls of the so-called youngest generation, called "the Millennials"<sup>4</sup>that grew up after the Reagan-Thatcher years and who spend a lot of time on the internet, seem to indicate that

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<sup>2</sup> See Max Weber, *The Sociology of Religion*, trans. By E. Fischoff (1995); K. Marx and F. Engels *On Religion*, 1955

<sup>3</sup> Weber, Chapter 1, *ibid*

<sup>4</sup> See Pew Research Center , *Religion and the Public Life Project*,- Report One:- Religious Affiliation, Report 2 :-Religious Beliefs and Practices: Social and Political Views, (2013)

the pull of religion in its orthodox and fundamentalist form appears to have fallen sharply. Traditional churches are having trouble recruiting priests and congregations in western churches have declined. This may make some think that Weber and Marx were right and the hold of religion is beginning to fade. However, though the “millennial” do not go to church, those who consider themselves religious, or spiritual remains relatively high. As Charles Taylor writes *In a Secular Age*<sup>5</sup> alternative churches and new forms of spirituality are replacing orthodox churches. This has made many conclude that Weber’s and Marx’s prediction that religion will fade away may not be true and that many modern men and women, like their forefathers and mothers, still seem to have a core need for spirituality and spiritual expression, separate from the institutions and structures of religious institutions. One could argue that we have the making of what may be termed cosmopolitan spirituality.

First, cosmopolitan spirituality often celebrates the heterodox traditions within established religions and opposes the rigidity of orthodox structures. Mahatma Gandhi’s Hinduism, Gananath Obeyesekere’s Buddhism, Liberation theology revived in a popular form by Pope Francis, and the Sufi tradition within Islam are the examples celebrated by many modern thinkers and laymen. Today you see greater identification with these traditions by those who do not want to completely move away from their religion but who want to distance themselves from the exclusivity and narrow mindedness of established religious institutions and practices which they find profoundly embarrassing in the modern world. They in fact argue that the modern version of established Asian religions is more imitative of colonial values than the values of the indigenous people. These heterodox traditions are of course the humanistic pathway for believers to confront the legalistic and

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<sup>5</sup> C. Taylor, *In a Secular Age*, ( see especially Part V), 2007

formalistic interpretations of established religion and give wide room for spiritual expression and inclusivity.

Secondly, cosmopolitan spirituality in multi religious societies results in people acquiring multiple identities and religious rituals and mixing and matching faiths on an individual basis. People identifying with many faiths, will be at ease at a Buddhist temple, a church, a Hindu temple or a mosque. Cynics may call it “hedging their bets” but people continue to do pujas, novinas or visit the shrines of holy saints regardless of religion and all at the same time. Ironically Jock Stirrat in his book<sup>6</sup> points out how at the local level and among the poor this has been the norm for centuries. It is now taking root in cosmopolitan centres and among the cosmopolitan elite. More and more, there is an attempt among theorists also to mix and match and synthesis categories. For example the writings of Dr. Mark Epstein tries to combine his Buddhist beliefs with his training as a psychoanalyst giving profound value to his insights.<sup>7</sup> The writings of intellectuals from this type of spirituality borrow from all the religions and see beauty in the ideas and expressions contained in all those faiths. One is as fascinated by the beauty of the Buddha with the Sapphire eyes in Dehiwela, as one is by the structure and interior of the Trinity College Chapel in Kandy, the calligraphy of some of the Holy Korans in Sri Lanka and by the Chola bronzes now in the Colombo museum.

Elaine Scarry in her book *On Beauty and Being Just*<sup>8</sup> shows the clear linkage between some ideas of beauty, justice, truth and spirituality. A person pondering the beauty of the Dambulla cave

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<sup>6</sup>RL.Stirrat, *Power and Religiosity in Post-Colonial Setting- Sinhala Catholics in Contemporary Sri Lanka*, (1992)

<sup>7</sup> See Dr. M. Epstein, *Psychotherapy Without the Self:- A Buddhist Perspective*, (2007)

<sup>8</sup> Elaine Scarry, *On Beauty and Being Just*, (1999)

paintings, Mughal miniatures, or listening to M.S.Subbulakshmi at her best is often experiencing the same transcendental sensation as someone overcome by Verdi's *La Traviata*. Some may say this has nothing to do with religion but that may be because we have limited the category of religiosity and spirituality to a narrow formalism. Charles Taylor in the last part of his book, *A Secular Age* argues that for many modern cosmopolitans, spirituality has taken the form of artistic expression- music, literature, painting, and theater. Appearing secular in form these art experiences often carry the deep meaning and moral force associated with religion.

If we go further and analyse these modern forms of spiritual expression as well as the hybridity of the popular religiosity described by Jock Stirrat, we can call upon theorists like Judith Butler<sup>9</sup> and Roberto Mangabeira Unger<sup>10</sup> who argue that established categories should be unhinged from their traditional meaning so that they may be liberated to encompass new realities. What we could say is that, what we have in the modern world is a sort of a "free floating spirituality" unattached to any particular mainstream religion that sometimes finds expression in but also yearns to be free from orthodox structures of religion; this "free floating spirituality" is not anchored in the structures of orthodoxy but is constantly searching for what Scarry describes as beauty, truth and justice. In a beautiful paragraph she describes this state of mind ... "it is porous, open to the air and light, swings forward while swaying back, scatters its stripes in all directions, and delights to find itself beached besides something invented only that morning or standing beside an altar from three millennia ago".<sup>11</sup>

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<sup>9</sup> J. Butler, *Gender Trouble:- Feminism and the Subversion of Identity*, (2006)

<sup>10</sup> R.M. Unger, *Politics:- A Work in Constructive Social Theory*, (2004)

<sup>11</sup> Elaine Scarry, *ibid.*,

You may ask why I have gone on this strange journey to explore the depths of spirituality. You may think that after she joined the United Nations she has lost her mind. I am exploring these issues because my international experience only reinforces the point that religion and spirituality cannot be fixed, they are constantly changing in theory and practice, and in modern times new and innovative interpretations abound every day. This freedom that is also a key to the creativity of any society must not be crushed by any political arrangement that seeks to entrench any particular version of religion or any particular style of spirituality. While I am a great believer in the importance of spirituality, I want to minimize the political space of established religion that have actually limited our spiritual experience and over time become “this worldly”.

### **Religious Majoritarianism**

Now let me move onto discussing the issue at hand. In discussing religion and politics I think it is important to see the crucial difference between a religion that is a majority religion with some form of state patronage and a minority religion within a country. Religious majoritarianism as we have seen in South Asia, if backed by state power can be a terrifying phenomenon. The violence of the 1980’s and 1990’s in Colombo, Delhi and Gujarat are all examples of what can happen in these situations. These were not the spontaneous riots of early eras but what Asis Nandy calls “manufactured riots” or “assembly line violence”.<sup>12</sup> Even today all over South Asia we see militant religious organizations of the majority community walking around with legal impunity, with shadow links to the state. This combination of majority intimidation and coercive state power leaves minority individuals

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<sup>12</sup> A. Nandy, *Telling the Story of Communal Conflicts in South Asia*” Ethnic and Race Studies, (2002)



powerless and vulnerable. Next to terrorism it is the worst form of excess in South Asia.

The one good side of religious majoritarianism is that if the leadership of the State wants to progressively reform religion, and it is a popular government, it has the confidence and the political backing to do so. Again leadership is key. Under Nehru's guidance, and even in states like Tamil Nadu, after the influence of thinkers like Periyar, the Indian state brought in ordinances to abolish untouchability and caste discrimination, to strengthen anti Sati laws, to force temple entry to the Dalit community, to change the personal law system of the Hindus to allow for, among other things, women to be treated equally, as well as the abolition of animal and bird sacrifices. Meanwhile in Sri Lanka, the State is hesitant to intervene to change the personal laws of the Tamil community to give women equal rights or to stop the animal sacrifices in places like Munneswaram. I do not want to be identified with the views of the Hon. Member of Parliament for Kelaniya but his support for the cause actually points to the dilemma we actually face.

If the state does intervene, given the present politics and the heightened sensitivity and insecurity of minorities, even some progressive members of the Tamil community may see it as a sign of double standards, persecution and outside interference.

### **Religion and Politics: How We Got Here**

Now let me come to the relationship of religion to politics and some ideas for the future. Thomas Jefferson once said that the way to silence religious disputes is not to take any notice of

them.<sup>13</sup> Religion in politics was a messy business and he wanted no part of it. Secularism was in some sense an answer to remove government from this messiness-to keep it operating in a rational form, neutral and equidistant. Unfortunately that is not a complete possibility in South Asia where religions and religious institutions wield enormous power.

At independence, Sri Lanka and India in a broad sense accepted what is now called the Nehruvian compromise. Laws, structures and values influenced by liberal or socialist worldviews, would govern public life. The economy would be governed by a combination of capitalism and socialism. The state would not carry the imprimatur of any religion and would strive to be neutral as possible. Science and rationality will be paramount.

While public life would imitate the west so that we would develop the skills that led to our defeat at the hand of colonial masters, religion would be relegated to the private sphere. In addition, as Partha Chatterjee writes, women would become the custodians of all culture including religion, their dress, wearing the imprimatur of their identity and the rituals and customs, kept alive by them to be passed onto the next generation<sup>14</sup>. Many feminist writers have pointed out that Christmas, Pongal or Vesak are not holidays for women-they have to toil from day to night to keep a large amount of people fed and happy. This public private distinction – western ways in public life with a neutral secular state and religion, and, custom relegated to the private sphere- was the key to this Nehruvian compromise.

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<sup>13</sup> It was Thomas Jefferson who introduced the term “Wall of Separation” between Church and State. See Thomas Jefferson’s letter to the Danbury Baptists, (1802)

<sup>14</sup> P. Chatterjee, *Colonialism, Nationalism and Colonized Women*, American Ethnologist, (1989)

Many theorists have argued, especially those foregrounding secularism, that this notion of a neutral state with regard to religion that Nehru espoused may have been valid in theory but in practice was never the case. The discourse even of people like Gandhi was full of the religious language and symbolism of the majority community. After independence, the symbols and the accompanying theatre of government from the lighting of lamps to the granting of blessing was always drawn from the rituals and symbols of the majority community. Nevertheless we could argue that Nehru's aspiration and the aspiration of people like Ambedkar who drafted India's constitution was to make the state neutral as possible and to encourage symmetry in dealing with religion.

In Sri Lanka, Buddhism received a prominent place in the 1972 Constitution, even though it fell short of being the official religion. Critics have argued that this makes Sri Lanka a theocracy. But it was clear that this prominence would really be operative with regard to the symbols and theater of government as well as state patronage of Buddhist institutions. Otherwise the Nehruvian compromise was maintained. It was understood that religion would not be a part of everyday political or economic decision-making. In addition the different personal law systems drawn from other religions and communities that governed the lives of individuals within families remained completely intact.

While Nehru's compromise dominated our public life for many years, religion thrived in the private realm, especially at the level of community. While in the west the notion of the private is often associated with the family or the individual, in South Asia, Nehru's concept of private also included the amorphous word "community", particularly the religious community. This community directly or indirectly regulates family life. These communities are often very powerful, with religious institutions owning large amount of real estate and investment. They also have influential charitable institutions and NGOs working for them.

Since Nehru's time they have grown in power influence and organization.

As I said earlier, the most difficult part of these religious communities is the fact that they lack internal democracy and often violate the rights of their own members, especially their women and those born to a lesser status. The more powerful they are, the more oppressive they become. The State too is afraid to intervene because of the political cost as the male patriarchs of these religions wield enormous power. This forces many individuals, especially women, to adjust to these violations because the emotional and financial cost of leaving is too great. They may also begin to celebrate their loss of rights in the language of identity or resistance against imperialism. Other women flee to become, as many women have written, modern fugitives from their own community. Some of the great artists in the world today are such brave women.

### **Religion and Politics: The Future**

Given this history since independency of the Nehruvian compromise and emergence of powerful religious communities, let me now come to the present and see what pathways may follow in the future. The 1990s saw an extraordinary amount of religious revivalism in South Asia that continues even today. This led to the interrogation of many of the fundamentals of our received history with regard to the relationship between religion and politics. Leading the assault were AsisNandy<sup>15</sup> and T.N.Madan<sup>16</sup> who strongly challenged the Nehruvian compromise. Emphasizing Gandhi who said that those who thought religion and politics could

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<sup>15</sup> A. Nandy, *The Politics of Secularism and the Recovery of Religious Tolerance*, in *Alternatives*, Sage, 1998

<sup>16</sup> TN Madan, *Secularism in its Place*, *Journal of Asian Studies*, Cambridge, 1987

be separate understood neither religion nor politics, they attacked Nehru who saw religion primarily in terms of being an obstruction. They saw him as being complicit in imposing foreign ideas on the role of religion in India, ideas that would never take root. Seeing South Asian people as being deeply religious, they distinguished faith- the everyday practices of the average village person, from ideology- the language of religious fundamentalists and crusaders. To fight the latter whom they hated, as well as imperialists, real or imagined, they wanted to bring religion back into the public sphere and let the public sphere be guided by the unsaid “internal principles” of tolerance that have governed inter ethnic relations and co-existence at the local level for generations. Though interesting in theory, I have not located in any of their writing what these internal principles of tolerance that have governed us for thousands of years actually are.

In this, Nandy and Madan have strong support from some of South Asia’s leading Post Modernist intellectuals who along with Nandy and Madan launch a major attack on the public private divide and the notion of a liberal/socialist secular space governed by science and reason. Spivak<sup>17</sup>, Chatterjee have all argued that we should question global discourses tainted by imperialism and go to the local, and, the local in South Asia has a strong religious dimension. Most of them keep their argument at the level of critique but Partha Chatterjee goes further and wants to institutionalise the relationship between religion and politics, and, suggests that each religion should have its own parliament.<sup>18</sup>

This parliament would have elected members and be able to decide its own rules. This parliament would have a direct role in national

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<sup>17</sup> G. Spivak, *A Critique of Post-Colonial Reason:- Toward a History of the Vanishing Present*, (1999)

<sup>18</sup> P. Chatterjee, “Secularism and Tolerance” in *Economic and Political Weekly*, Vol.29, No.28 (1994)

decision making. I wonder whether those who are atheists or have a free floating spirituality would have their own parliament-probably not. To have parliaments of today's religions is to entrench religion as it is not recognizing the possibility of a fluid and heterodox spirituality in the fast changing world of the future that I described early on.

Seemingly at odds with the intellectuals mentioned earlier or included in their footnotes is the women's movement of South Asia whose effort of the past four decades was to break the public private distinction, not to support religion but the exact opposite-to bring the liberal and socialist values contained in the Convention on the Elimination of Discrimination Against Women ( which all our governments have signed) into the private world, to fight for a uniform civil code to replace the personal law systems that so profoundly discriminate against women, and to prohibit and condemn religious and cultural practices that are violent towards women.

While the women's movement wants to bring the Western enlightenment ideas of liberalism and socialism into the private sphere, much to the horror of feminist activism, there is increasingly a counter movement as described above which is trying to have religion break out of the private sphere into the public sphere. Many of them are appalled by the new deference given to established religion and religious ideas in our public life. We now increasingly have suggestions for regulating women's modesty, we have suggestions on restriction of their freedom of movement, freedom of expression and all sorts of bizarre ideas that treat women as children or as "she devils" whose only purpose is to entice men. We also have religious personalities entering politics and we hear calls for all sorts of new institutional arrangements that will give religion and I quote "its rightful place".

I must say, though I sympathise with some of these sentiments to find innovative solutions to the relationship between religion and politics, I remain deeply skeptical of giving established religion any prominent role in our public life. I have spent too much of my career fighting religious and cultural practices, all over the world including the west, that oppress and brutalise women, to allow the genie out of the box. Institutionalizing religion within the politics of the country beyond a symbolic form will have profoundly negative consequences. Even suggestions for the State to foster and give maximum space to all religions, in a type of symmetry, is to me, deeply problematic. Even if we embrace religion in a new way, despite all their good efforts I can predict that the heterodox aspects of the religions so loved by Nandi and Madan will not prevail at the national level. These heterodox practices by their nature do not have the power or the influence to do so. What will prevail are the orthodox, mainstream religious structures which are often patriarchal, opaque and non democratic.

One of Sri Lanka's scholars Ananda Abeysekera,<sup>19</sup> writing about ethnic and religious conflicts in South Asia suggests that we should think of the term "Aporias"- situations that have no clear resolution in the near future because of a situation of what is called "permanent provocation". Though we do not really want to accept it perhaps our differences do exist and do run deep. Alberuni, writing at the time of the first Muslim incursion into India, honestly describes the strong prejudices of the people<sup>20</sup> even at that time -prejudice that is sometimes waiting to be exploited by unscrupulous political leaders. Madan and Nandy may be right that there was and perhaps is peaceful everyday life co-existence and tolerance among religions and communities. All of us know that in

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<sup>19</sup>Ananda Abeysekera, *The Politics of Post Secular Religion:- Mourning Secular Futures*, (2008)

<sup>20</sup>Alberuni Al, translated by E.C. Sachau and edited by A.T. Embree, (1971)

our multi ethnic neighbourhoods in Sri Lanka this co-existence prevails and sometimes thrives. But we have also seen on many occasions how any direct appeal to prejudices and fear can completely disrupt that every day tolerance and lead to devastating consequences. I think we have to accept the fact that our differences do exist that in recent times they have acquired the dimensions of “permanent provocations” because of politics. These provocations are below the surface in many parts of Sri Lanka even though they co-exist with everyday tolerance and even everyday friendship. The balance between co-existence and provocation can easily be disrupted, resulting in violence and brutality. We will be fooling ourselves to believe that the inherent good sense of the villager or citizen will always prevail. We know from history that it often does not.

If we accept Abeysekera’s notion of “permanent provocation” co-existing with a culture of tolerance, then what are the politics and institutional arrangements that must emerge to deal with these antagonisms. Well, it has long been said by scholars that ethnic and religious conflicts cannot be solved, they can only be managed. What we then need is a mechanism for conflict resolution and interfaith dialogue among religious groups, especially at the community level. This is absolutely essential not only as part of post war reconciliation but to prevent violence breaking out at every provocation. Such conflict resolution mechanisms and dialogues could be written into the law and the State may be proactive in facilitating the process. In Sri Lanka, where there is now religious tension in the South this may be a way forward. A procedural device for conflict resolution is all that we need. Beyond that, I would not suggest any other institution or law that would bring religion into public life or politics.

Management of conflict in terms of conflict resolution is a technical stop gap- if we want to make the so called “permanent provocation” less permanent, all communities have to be moved in



the direction of what Abeysekera calls “uninheriting” some aspects of their past, including their religious past - especially those aspects that deal with intolerance, exclusivity and hatred. This can be done through such things as inter marriage or with the tools that Benedict Anderson<sup>21</sup> has often talked about, the tools of education, media and social networks. We have to use these tools effectively and systematically to bring about reconciliation. Of course this is a long process that may take decades and may have to be accompanied by necessary changes in the political economy. This task of “uninheriting” should be led by the State, even if it does not take up the role, the task falls to all of us in academia, civil society as well as politicians and the ordinary citizen, to do what is needed. All of us must accept that responsibility.

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<sup>21</sup> B. Anderson, *Imagined Communities, Reflections on the Origin and Spread of Nationalism*, (1991)



## **Secularism on Trial in South Asia**

Asma Jahangir

Thank you very much and for your kind words. They always come from friends. If you heard my enemies you would be surprised at the words they have to say about me.

Let me begin by saying that, I, from theocratic Pakistan once travelled to secular India. At that time we had dictatorship and as you know India has had a longstanding democracy of which Prof. Rajeev Bhargava should rightly be proud of. In any event, I went there and I had to speak about religious rights. My paper obviously contained all the discriminatory laws that we have in Pakistan not only against religious minorities, which are horrendous, but they also impinged upon the rights of women. All this legislation was made by a dictator, by using religion as a tool of oppression. The person who was presiding over this conference was a Minister at that time and she looked at me at the end of my presentation and said “Oh dear, dear! I didn’t know it was so bad! The difference is that it can never happen here.” I said to the Minister, “Ms.Margaret Alvar, be very careful. This is the most contagious disease that you can have!” This contagious disease in fact did appear. Soon after I left there was the Babri Masjid incident.

Then I came to Sri Lanka a few years ago and talked with Prof. Savitri Goonesekera. I said, “you know what an open society you have!” I come back now and I think the disease has got here as well. Again, an old democracy. Again, a society and democracy we looked up to, where we thought that you had an independent judiciary. You sacked your Chief Justice, we did

too, but we got him back. That is another thing that we regretted! Bringing him back!

Similarly, I remember my erudite friend Dr. Kumar Sen from India would always say in a very, very smug manner, 'we separated from Pakistan, as we could not live in theocratic Pakistan'. Bangladesh was considered secular and you see the secular Bangladesh now! Muslims fighting Muslims, to ascertain who is a better Muslim! Now it is not a question of Muslims or Hindus or Buddhists! It is a question of who is the number one Muslim, and who is the number two Muslim!

In any event, I think we have to accept the fact that pluralism does exist in this region. If you take the region as a whole, it does exist. The question is how do we begin to respect that pluralism rather than undermine it? That is why secularism is on trial in South Asia.

When I talk of secularism, I do not think that even the West has one model of secularism. In France it is very different to the secularism in Britain, where Prince Charles could not take a second wife and be King. So there is a difference. The amendments of the American Constitution on the freedom of religion are very different to those in Germany. It appears that there are different models of secularism all over the world. When I refer to these, call it secularism, call it pluralism, call it role of the State, I mean that the State must remain neutral. It must have a non discriminatory status towards people and people belonging to different religions. Indeed looking at different communities also, the State should be non-discriminatory. It must and it is obliged, to protect the rights of the minorities, not only through laws, but also through policies. More importantly, I think that this is the time to ask that impunity be ended to violence that is perpetuated in the name of religion.

In every country there are religious tensions. There have been religious skirmishes also once in a while. But perpetrators are brought to justice. When the State becomes incapable of bringing perpetrators to justice, that indirectly also is a negation of secular rights. I want to say that in my experience as Special Rapporteur on Freedom of Religion, we looked at every region and violation of Freedom of Religion existed in every region of the world. But best practices were seen mostly in the South American region. Why, because the indigenous religions were not yet asserting themselves. Time will tell whether this religious tolerance continues and is sustained in South America or not.

Actually there are obstacles to bringing about a secular society. I am not only talking about our region, but, I am just stressing some of the obstacles that exist so that after identifying the obstacles, we can think of how to remove them and how we can overcome religious intolerance, because religious intolerance is eating into the very vitals of democracies in South Asia. It is spreading violence.

Look at Pakistan; in the name of religion one can make peoples' life quite miserable. I do not know why people want to have more religion there because there is no space for more religion. Before people eat they say a religious prayer. When they go to the Courts, before the first case, there is a religious prayer. Five times a day we are anyway supposed to pray, before we go to bed we say a religious prayer, where is the space for more religion? When we open the Television the same Mullah who said in 1960 that Television was non-religious and it was anti-religious, now does not get out of the box! I think it is important for us to look at this mix as well.

One of the things that happened particularly post September 11<sup>th</sup> was counter terrorism legislation and practices, which stigmatized the Muslim community throughout the world. You

look at the legislation in the UK for example, the “Stop and Search Legislation” which has now been reformed. A research was done and it showed that 80% of the people, who were stopped and searched, looked like me. It was obviously presumed that they are of the same religion as me, probably not as diluted, but more Number One religion! But this stop and search was very insecure. It brought insecurity to the youth, the Muslim youth in Britain. It just so happens that as UN Rapporteur, when I travelled to countries, I would begin to notice when something was about to happen. When I went there, I wrote my report, I wrote about the seething anger of the Muslim youth in Birmingham and Manchester, and, I would say, unfortunately, even in the ghettos of London. You would remember that soon afterwards there was a riot. This same counter-terror legislation has now manifested itself to even minor things like religious symbols.

We have talked about France and I can tell you that when I was going to France I thought that women should not wear scarves because it was a question of their sexuality and was it was undermining their sexuality. When I went there I looked around and heard everyone and realized that this was in fact an infringement of fundamental rights of the young girls. It somehow bothers me that, we have a lot of problems in this world but a Muslim woman’s hair has taken centre stage! If you go to Iran and do not cover your head, you get locked up. But if you go to France and you cover it you get locked up, you know! So I do not know what this obsession is with the hair of Muslim women that has churned up so much debate, so much anger amongst Muslims themselves; between Muslims and non-Muslims; and between Governments. I think if they put that same energy into something more creative, they probably would have got a more tolerant society.

This religious symbol has not only infringed the rights of Muslims. The Sikh community suffered too. Another example,

the case of the British Airways where a woman who was wearing a Cross was told to take it off! I have studied in a Catholic school and the Cross has never scared me! I do not think any religious symbol scares me. It gives me something, it never takes anything away from me and that is what Prof. Radhika (Coomaraswamy) has talked about; about respect for religions. While we do have respect for religions, that is the way we are brought up culturally, it does not mean that we have to recognize each part of that religion to be the gospel truth, though I am sure the Almighty did send it. I think that is a right I must have. People must also have the right not to have a religion. While South Asia has a pluralistic society it has denied people, those people who have no religion, the right to say 'I do not have a religion'. You will find hardly anybody who will be given that status. If you look at all the ID cards etc. they do not indicate which religion you are of, they do not say whether you do or do not have a religion, because that is also a choice that people can make.

Then there is the whole question of Registration. As Radhika said new religions have come up, we are not even looking at those new religions. There are many new religions in this world that are being practiced in Africa. They have even come up in European countries. How does the State register these religions? Is it the responsibility of the State to register religions or not? If it is, then do they define what a religion is and what is not a religion. This is a very central question which is being debated at the UN. What is religion and what is belief and what is the role of the State within it? Sometimes when the State's registration is possible, they also give you permission to set up your places of religious worship. If authorities do not like a particular religion they will say that zoning laws do not permit a church in that place.

Look at a country like Switzerland which is I would imagine democratic! But regarding Minarets, look at their referendum on

Minarets; it was quite disappointing. So it is not just South Asia that is putting its back towards values of secularism, I do not call it secularism, I call it ‘values of secularism’.

Something after September 11<sup>th</sup> has made the entire world turn its back on values of secularism which we need to bring back. Our societies are much more emotional and violent, therefore, we have had not only problems, there are theoretical problems also. We have had violence in the name of religion, not only in our societies. If you look, for example, at Nigeria, that is an interesting model because if you go to Nigeria, you look at one State where religious laws are applied and that State is really suffering economically. You go to the next State it is different and doing very well.

So, religious intolerance and religious extremism also impinge upon economic prosperity and we have to recognize that. The minute you bring in religious extremism and you tolerate religious extremism, it is followed by religious violence and religious violence is one of the factors that will stop not only tourism, on which many of our countries depend, but also will stop investment and trade. I refer to my own country as an example. My husband is a businessman. None of his buyers will come to Pakistan because the minute they come they will be hacked to death. So, business people have to go to Dubai to meet their customers. Or else they will be scared! What is going to happen in this country, there is so much violence, therefore, will we get our orders or not? So we have suffered; we have the most beautiful mountains in the world but we have seen tourism coming down.

Then there are other very sticky questions and here, I think Sri Lanka is at the centre of it, if it is the question of conversions. During my tenure as Special Rapporteur I suddenly discovered this; I must say I was ignorant earlier about the Christian community and the Muslim community. For Muslims and



Christians, proselytization is a duty, a religious duty; it is part of their religious duty. It is not so for other religions. So, there is a difference of outlook towards the question of proselytization. I saw that in post Tsunami time when I was here in Sri Lanka (in May 2005). There was a huge outcry that hundreds of Buddhists had got converted to Christianity. I was very keen to meet these hundreds of brave Buddhists who had actually converted from their religion. I am not a very religious person, but I do not want to convert from my religion and I think that my family will be very upset if I did. So I wanted to meet them and for days, I kept on asking for them. Only two persons turned up.

The accusation against one person who turned up was that he was converted because some Missionaries who had been here gave him two bicycles and that was inducement. I asked this man, “did you take the two bicycles?” and he said “yes.” I then said, “isn’t that an inducement to conversion?” He said that every religion has inducement. If you do right here, you will be rewarded in the hereafter. Isn’t that inducement? I thought, well, he had a point. Then he, on a more serious note said to me, “Look, it is my decision. When I came out of that place I thought I had lost everything and I prayed to God, please put my life in order. Then someone comes with the two bicycles. I thought then that there is some inspiration for me to do something.”

That is what Radhika calls spirituality, spirituality in its rural sense. I cannot fight with that man and say, “look, this is all superstition”, because he would then tell me, “if you say this is superstition, all our political leaders go by superstition!” Don’t you know of every political leader in South Asia who has their soothsayer who tells them when to contest elections; what date it should be; and whom should your son get married to; and, these are heavy days, stay inside and these are lovely days go outside and campaign. I mean these are spiritualities that political

leaders can enjoy, so why cannot the poor man make his decisions as he wants to.

On a more serious note, I refer to the Anti Conversion Law, the Bill that was in the Parliament and it worried me. Because in India, in the States where there are anti-conversion laws, if one does study it, and Rajeev do check me if I am wrong, there have been communal riots and communal violence. Where there are no anti-conversion laws, there have been less communal tensions and communal riots. I was able to convince your very nice Foreign Minister at that time to shelve this law. He later got assassinated and I thought that he was a wonderful man and I must pay tribute to him. This gives me an opportunity to do that. So rightly, if you remember, tensions had escalated with just the Bill in the Parliament. Once the Bill got shelved tensions did come down in Sri Lanka as well. Now anti-conversion law is not the answer. The answer is what has been said by my friends earlier, Radhika calls it Conflict Resolution, I call it confidence building measures among communities. Why do I call it confidence building measures? Because there are different styles of proselytization and I think that is where community leaders can sit down together. The government can play only a catalytic role in trying to provide them the space to sit down. If the government begins to legislate, it can be counter-productive.

I will come to my next point by warning that once a law is made in the name of religion it is very difficult to repeal it. The United Kingdom made a law on blasphemy. They never used it but once in a while somebody would use it and I think it was the Attorney General of Northern Ireland who was about to use it. It was only a few months ago that the law was amended and changed. Instead a law was made on *Incitement to Violence and Hatred* or *Hatred which led to Violence*. I think that is the law that we in South Asia should press for. Now, incitement by itself can be anything. Am I more sensitive about religion? You may be less sensitive about religion. I have seen that to joke about religion

has become very difficult now. Although as a child I always heard people joke about religion. After all, your faith is not so weak that if you joke about religion you will suddenly become a religious, “a-religious”. There is also a sense of insecurity about our own faith, that is why we cannot joke about the religion. After all, nobody is dearer to me than my own parents and my own children and we do joke about them, so why not the religion?

I really want to go down here saying that these laws are difficult to repeal. There is now an ongoing debate which is catching on more soberness at the UN level, where some of the countries wanted to introduce defamation of religion as a human rights instrument. If defamation of religion is a violation of human rights then all debate about religion will be asphyxiated, that means, a case is being built to justify laws on blasphemy in another form. In my country there is a law on blasphemy which makes death penalty mandatory. That was brought about despite the fact that the parliament had said it should be life or death. The court decided, no it should be death! It says if a person defames the name of the Holy Prophet directly or indirectly through innuendos of words that person can receive the death penalty. Now it is a very vague law and it has widely been misused. Everybody will admit that it has been misused, but the religious zealots say that upon pain of death will it be amended, changed or repealed. Even when the government had adopted the law and maintains that even if a false accusation is made the person involved could be punished, the zealots have said even that is not acceptable. In other words what they are saying is, we have been given a good handle to beat people with, why should it be taken back now? So, they continue to use it against people. Firstly, it was religious minorities but now as the pattern goes by we see that many Muslims are also accused. It also acts as a repression for scholarship, for poetry, for art, and it has become a fear for religious minorities to the extent that many of them tell

me that they stop their children from speaking to Muslim students and their class fellows for fear that they may unknowingly say something. It has become that oppressive for them. But there is no willingness to change the law because it is made in the name of divine sanction.

I do think that particularly for your country where I still find you can breathe; do not suffocate yourself with religious laws. To give you some suggestions: First of all, I would like to say that particularly politicians should not be apologists for religion. I mean, each one becomes more religious than the other. In our country anybody who is elevated as a judge, whether he has ever gone for Umra, Haj, or not; whether his father or grandfather has gone or not; he must go for Haj and come back. What I mean is, if you do not want to pray, you do not pray. It is between me and God whether I pray or do not pray. If it has to be done for public persona, the least that can be expected from the politicians is to be able to raise their voice and say that there is zero tolerance for violence in the name of religion. If we all say that, it will make a difference.

When religious minorities are being persecuted, politicians should say that there should be no persecution for minority religions and that they will stand by them, vote or no vote, and, I can assure the politicians that people will have the wisdom and they will still vote for those politicians. It is a myth that if politicians talk about religious minorities that the majority will stop voting for them, because, the ordinary majority person does not like oppression, does not like cruelty.

Coming from there, we have to also challenge many of the myths which are given to us in the name of religion. For example, all Women's Commissions' Reports, whether they are in India, or Pakistan or Indonesia justify polygamy, with the same reasoning that, "supposing my wife gets paralyzed, then I should be able to marry again!" So I spoke to one of the proponents of this and

asked, when young women come and ask me, why do we still have polygamy, should I tell them – “my dear, you may get paralyzed and then what will happen, so guess what!” These are the kind of myths that we face and these myths need to be broken.

Secondly, I am just going by my points that people have argued whether it is politicians who should change or whether it is the public opinion that should change. This is a very good debate. I am now getting clearer that it has to be both. Top down and bottom up. Because, if it is bottom up then the politicians will listen. If you can bring ten thousand people on to the street the politician will notice. But if you have two hundred, though very eager sincere people, they are just going to make fun of you. If you can get twenty thousand people from the Madrassa’s who do not even know what they are going to do there, except have buns in the afternoon, the politicians will get very impressed. So I think it is both.

We have to build partnerships, I think work on this has started today, or since yesterday I would say, on an effort to build partnerships in South Asia. Religious intolerance is such a big disease that only a larger partnership can challenge it. We need much shriller voices to protect the rights of minorities, regardless of which part of South Asia they may belong to.

I also believe that the sermons that are given by religious leaders should be widely publicized. Our media picks up everything; they write about everything to the extent that this actor is looking at this woman, etc., but why can’t they write about the kind of sermons that are given in the churches, the temples and in the mosques? I happened to hear some of the media programmes and I was least impressed to say the least.

We need to sensitize our judiciary. There are some of the most conservative Judgments that have come out. I was reading your

paper. The Indian judiciary also has been quite conservative, leave alone ours. The bureaucracy and the police have to be trained on what is pluralism. Respect for pluralism policies has to be generated to end the “ghettoism”.

Finally, education is key and when I say education, I mean not just education, but education on pluralist values is key and that must be introduced in every school and in every college. I do not know if many of you know, but there is something called the Toledo principles that have been introduced by UNESCO which talk about pluralist education. I think some of those can be even improved, but they are good principles to be followed by countries that want to retain an education system that is progressive in my view; I will not even call it secular, but progressive.

Finally, to end my presentation, I would like to congratulate SAPRI for this Colloquium. I think it has been a wonderful start and I hope that we can sustain this and more and more partnerships can be built on this.

Thank you.

## Indian Secularism and its Challenges

Christophe Jaffrelot

Secularism is often defined in terms of its worldly aspect, in reference to its etymology: *saeculum* in Latin refers to those who live in the world, as opposed to those who pursue an otherworldly quest, thus giving rise to the distinction between secular and regular clergy.<sup>1</sup> But there are several other ways to construe the relationship between religion and politics in the world. Many scholars who have studied secularism in the West generally agree on three defining criteria: 1) a state claiming to adhere to these principles guarantees and protects the freedom of conscience, expression and worship of citizens who hold religious beliefs;<sup>2</sup> 2) religions and religious communities are all equal;<sup>3</sup> and 3) the state remains neutral in religious matters, which rules out the existence of a state religion or any official faith.

After India's independence in 1947, secularism became so well established there that the adjective "secular" was finally

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<sup>1</sup> TAYLOR, C., "Modes of Secularism," in R. BHARGAVA, ed., *Secularism and its Critics*, Delhi, Oxford University Press, 1998, p. 32.

<sup>2</sup> SANDEL, M., "Religious Liberty: Freedom of Choice or Freedom of Conscience," in M. SANDEL, ed., *Democracy's Discontent*, Cambridge, Mass., Harvard University Press, 1996, p. 2.

<sup>3</sup> GALANTER, M., "Secularism East and West," *Comparative Studies in Society and History*, 7 (2), 1965, pp. 133-159.

enshrined in the preamble to the Constitution in 1976. But it has developed its own vernacular.<sup>4</sup>

The Indianization of this “ism” coined by the West and transplanted via colonization first occurred by partially discarding the third pillar of the above definition: neutrality. The state does not acknowledge any official religion, but it does not refrain from regulating religious practices, whether it comes to banning animal sacrifice or having temples open to untouchables.<sup>5</sup> This transgression of the standard definition of secularism was of little consequence – even the West has considerable trouble complying with it<sup>6</sup> – as long as the other two criteria were observed to the letter, and in India’s own particular way. But this practice has gradually begun to suffer since the 1980s, leading to the now widespread idea that Indian secularism is in crisis.

### **A fine invention**

Freedom of conscience, speech and worship was written into the Constitution of 1950 through a number of articles having convergent effects. Article 15 forbids discrimination on religious grounds (among others); article 16 applies this rule to recruitment in the civil service; article 29 to admission to a public school or on receiving state aid and especially, article 25 states:

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<sup>4</sup> BHARGAVA, R., “La spécificité de la laïcité à l’indienne,” in *Critique internationale*, no. 35, April-June 2007, pp. 121-148.

<sup>5</sup> JAFFRELOT, C. & TARABOUT, G., “Les transformations de l’hindouisme,” in C. JAFFRELOT, ed., *L’Inde contemporaine de 1950 à nos jours*, Paris, Fayard, 2006, pp. 568-593.

<sup>6</sup> GALANTER, M., “Hinduism, Secularism and the Indian Judiciary,” *Philosophy East & West*, 21 (4), 1971, pp. 467-487.



“Subject to public order, morality and health [...] all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.”

In addition to these individual rights are collective rights that confirm the principle of equality mentioned in the above three-point definition of secularism: the Indian state not only recognizes no official religion, bans religious instruction from public schools and protects citizens from having to pay religious taxes, but it also gives each religion equal consideration. Articles 26 and 30 thus stipulate:

“Subject to public order, morality and health, every religion, religious denomination or any section thereof shall have the right: a) to establish and maintain institutions for religious and charitable purposes; b) to manage its own affairs in matters of religion;<sup>7</sup> c) to own and acquire movable and immovable property; d) to administer such property in accordance with law. All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.”

In awarding aid to educational institutions, the State must in no way discriminate against those administered by a religious or linguistic minority. It is worth noting that the importance given to collective rights by Indian secularism is one of its trademarks, as is its correlative respect for the role of religions in the public space.<sup>8</sup>

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<sup>7</sup> This paragraph should be understood in light of what has been said with regard to state intervention in religious affairs.

<sup>8</sup> Regarding this breach in liberal theory which was the crucible of the “secularist” doctrine, see the fine article by Partha Chatterjee in which he writes, “It seems to me that there is no viable way out of this problem (of adapting secularism to India) within the given contours of liberal democratic theory, which must define the relation between the relatively autonomous domains of state and civil society in terms of individual rights” (CHATTERJEE, P., “Secularism and Tolerance,” *Economic and Political Weekly*, 9 July 1994, 29(28), pp. 1768-1777.).

It may be objected that the Indian Union does not entirely respect the principle of equality given that article 30 does not pertain to religious communities but only to minorities. This substantial objection deserves to be qualified, however. The Benares Hindu University for instance was granted similar rights to the Aligarh Muslim University, particularly as regards the teaching of religion. On the other hand, the government was accused of partiality in the 1950s and 1960s when it reformed only Hindu personal law, recognizing sharia and the personal law of other minorities as sources of private law.

Aside from this violation of the principle of equality, which would prove to have serious consequences,<sup>9</sup> India fulfills the essential criteria of a secular polity, which Taylor outlines as follows: 1) all individuals must be free to exercise their religion; 2) there must be equality among all religions – whether majority or minority – in the public sphere<sup>10</sup> and 3) “all spiritual families must be heard.”<sup>11</sup>

This definition, which complements the previous one, is perfectly applicable to the Indian configuration, particularly because it entails an important conclusion: secularism does not imply the secularization of the society in which it occurs – all the less so as it is based on state recognition of religions. Whereas French *laïcité* involves a clear separation between public and religious

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<sup>9</sup> JAFFRELOT, C., “La dérive ethnique du nationalisme indien,” in J. RUPNIK, ed., *Le Déchirement des nations*, Paris, Le Seuil, 1995, pp. 213-238.

<sup>10</sup> This means that protection of minorities is not necessarily an infringement on the principle of secularism (CHANDOK, N., *Beyond Secularism. The Right of Religious Minorities*, New Delhi, Oxford University Press, 2002).

<sup>11</sup> Taylor, C., “The Meaning of Secularism,” *The Hedgehog Review*, 12 (3), 2010, p. 23.

spaces, Indian secularism, far from excluding religion from the public sphere, officially recognizes all faiths.<sup>12</sup> It is located at the crossroads of individual citizenship – freedom of conscience being recognized – and multicultural communitarianism generally associated with the Anglo-Saxons.

The main craftsman of Indian secularism, Jawaharlal Nehru, was the primary spokesman for this “ism” that is more complex than it may at first appear. He for instance wrote in 1961:

“We talk about a secular state in India. It is perhaps not very easy even to find a good word in Hindi for "secular". Some people think it means something opposed to religion. That obviously is not correct. What it means is that it is the state which honours all faiths equally and gives them equal opportunities.<sup>13</sup>”

Sarvepalli Radhakrishnan, president of India when Nehru was prime minister, expressed Nehru’s vision in these eloquent terms:

“When India is said to be a secular state, it does not mean that we as a people reject the reality of an unseen spirit or the relevance of religions to life or that we exalt irreligion. It does not mean that secularism itself becomes a positive religion or that the state assumes divine prerogatives. Though faith in the supreme spirit is the basic principle of the Indian tradition, our state will not identify itself with or be controlled by any particular religion.”<sup>14</sup>

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<sup>12</sup> Regarding the differences that can be observed between the Western and South Asian (especially Indian) versions of secularism, see Sunil Khilnani, “Secularism: Western and Indian,” in K. ALMQVIST, ed., *The Secular State and Islam in Europe*, Stockholm, Axel & Margaret Axson Johnson Foundation, 2007 pp. 41-60.

<sup>13</sup> GOPAL, S., ed. (1980), *Jawaharlal Nehru: An Anthology*, New Delhi, Oxford University Press, p. 330.

<sup>14</sup> Cited in TAMBIAH, S.J., “The Crisis of Secularism in India,” in R. Bhargava, ed., *Secularism and its Critics*, Delhi, OUP, 1998, pp. 422-23.

The specificity of Indian secularism transpires clearly in these quoted passages. Far from being a-, ir-, or even antireligious, this principle is on the contrary perfectly compatible with society's lack of secularization; Indian society can virtually be said to have need of it, its primary purpose being to enable several religions to live together with respect for diversity. Rajeev Bhargava, who believes that "secularism is compatible with the view that the complete secularization of society is neither possible nor desirable,"<sup>15</sup> offers a definition of Indian secularism that is nourished by Nehru's practice in the 1950s and 1960s:

"a) secularism is fully compatible with, indeed even dictates, a defence of differentiated citizenship and the rights of religious groups, and; b) the secularity of the state does not necessitate strict intervention, non-interference or equidistance but rather any or all of these, as the case may be."<sup>16</sup>

These principles explain certain features of Indian secularism, which might otherwise seem anomalous. Recognizing the importance of the religious phenomenon in the public space, the state intervenes successively, and even simultaneously, in favor of religious communities. It thus recognizes sharia and other personal laws as sources of law (whereas the Hindu equivalent was reformed), and the Indian government subsidizes pilgrimages. Since 1993, Indian citizens' pilgrimage to Mecca has been partly state-funded. Every year, the Haj Committee – which mainly comes under the Ministry of Foreign Affairs – decides on the number of pilgrims it will subsidize (125,000 in

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<sup>15</sup> BHARGAVA, R., "Giving secularism its due," *Economic and Political Weekly*, 9 July 1994, pp. 1774-1791.

<sup>16</sup> BHARGAVA, R. (1998), "What is secularism for?," in R. Bhargava (ed.), *Secularism and its Critics*, Delhi, Oxford University Press, p. 520.

2011).<sup>17</sup> In 2009 (the last year for which figures are available), the state provided approximately seven billion rupees to pilgrims according to an answer from ministers in charge of the issue to Hindu nationalist representatives who had put the question to them.<sup>18</sup> Hindu nationalists in fact had criticized this practice which they believed contravened Indian secularism. They brought the matter before the courts, but the Supreme Court upheld it in 2008, arguing that the state subsidized other pilgrimages,<sup>19</sup> including for Sikhs (to Pakistan) and Hindus (especially the one to Amarnath Cave in Jammu and Kashmir). The state also subsidizes major religious celebrations such as the Hindu Kumbha Mela. The one in 2001 in Allahabad cost 1.2 billion rupees.<sup>20</sup>

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<sup>17</sup> “Cabinet nod for Haj subsidy for 1.25 lakh pilgrims,” 8 October 2011 ([http://articles.timesofindia.indiatimes.com/2011-10-08/india/30257502\\_1\\_number-of-haj-pilgrims-haj-subsidy-haj-committee](http://articles.timesofindia.indiatimes.com/2011-10-08/india/30257502_1_number-of-haj-pilgrims-haj-subsidy-haj-committee)). In practice, only 105,000 Indian Muslims benefited from this aid according to an answer given by the Indian government during the question session of the lower house of parliament, the Lok Sabha (<http://www.mea.gov.in/mystart.php?id=500418093>)

<sup>18</sup> “A pilgrim spends Rs 16,000 while govt spends Rs 73,000 for his Haj” (<http://deshgujarat.com/2011/10/24/you-spend-rs-16000-while-govt-spends-rs-73000-for-your-haj/>)

<sup>19</sup> “Supreme Court clears Haj subsidy for this year”, *The Hindu*, 22 January 2008, accessed 26 June 2009. <http://www.hindu.com/thehindu/thscrip/print.pl?file=2008012259951300.htm&date=2008/01/22/&prd=th&>. Nevertheless, in 2010, the Minister of Minorities deemed – like other Muslims – that subsidizing the Haj contravened the principles of Islam and announced the phasing out of this financial aid by 2017 (Amitav Rajan, “Haj subsidy cuts start soon,” *The Indian Express*, 13 October 2010 (<http://www.indianexpress.com/news/haj-subsidy-cuts-start-soon/696844/>))

<sup>20</sup> 12,000 faucets had to be installed to supply 50 million liters of drinking water to the pilgrims, 450 km of electric lines were laid and 15,000 streetlights were installed to light an enormous camp, 70,000

Indian secularism thus allows – even implies – the presence of religions in the public sphere where the state treats them equally without committing itself to any form of equidistance, freedom of conscience, expression and worship being individual as much as collective rights, as evident in the state recognition of denominational schools. This is probably, at least in theory, the cleverest acclimation of an “ism” developed in the West that nevertheless has a number of affinities with the local situation.

### **A multiseccular legacy?**

This configuration, which some who remain trapped in the European model may find baroque, is the product of a long history. Its immediate antecedent can be found in the words and deeds of Gandhi. The Mahatma – who can certainly be held responsible for the overabundant introduction of Hindu symbols in the political register<sup>21</sup> – advocated the recognition of religious communities in the public space and their cohabitation as early as 1919 during the Movement for the Caliphate in which he joined forces with Muslim leaders.<sup>22</sup> Subsequently, he continually made

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toilets were installed and 7,100 employees hired to maintain them, funding was required for 11 post offices, 3,000 telephone lines and 4,000 buses and trains. In preparation for a similar event in 2013, the government of Uttar Pradesh has already budgeted 2.66 billion rupees to ensure the pilgrims’ security using helicopters, metal detectors, and 30,000 additional police officers. (“Salman Rushdie and India’s new theocracy,” *The Hindu*, 21 January 2012).

<sup>21</sup> Gandhi’s use of Hindu symbols (starting with the way he portrayed the ascetic in politics and his emphatic references to the Gita) helped to alienate members of certain minorities, including Muslims won over to the cause of Pakistan.

<sup>22</sup> Minault, G., *The Khilafat Movement: Religious Symbolism and Political Mobilization in India*, New York, Columbia University Press, 1982.

the Congress Party into a “parliament” in which all denominations were represented.<sup>23</sup> Starting with his very first (and only!) book published in 1909, *Hind Swaraj*, he promoted a conception of the Indian nation that ruled out identifying the nation with any religion:

“If the Hindus believe that India should be peopled only by Hindu, then they are living in dreamland. The Hindus, the Mahomedans, the Parsis and the Christians who have made India their country are fellow countrymen, and they will have to live in unity, if only for their own interest. In no part of the world are one nationality and one religion synonymous terms; nor has it ever been so in India.”<sup>24</sup>

Beyond Mahatma Gandhi’s contribution, going further back in time, state policy in India clearly tended to avoid taking on a theocratic form. The British not only to a large extent refrained from interfering in the religious practices of the inhabitants of the Raj, but also institutionalized the diversity of the personal laws of all the religious communities<sup>25</sup> and when some of these were reformed, it was at the behest of leaders of the communities themselves.<sup>26</sup> The British Empire thus laid the foundations for religious multiculturalism, which in turn laid the groundwork for Indian secularism.

Its most direct predecessor, the Mughal Empire (16th-18th century), if not under Aurangzeb’s rule, then at least under

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<sup>23</sup> Jaffrelot, C., *La Démocratie en Inde. Religion, caste et politique*, Paris, Fayard, 1998.

<sup>24</sup> Gandhi, M.K., *Indian Home Rule*, Madras, Ganesh and co., 1922.

<sup>25</sup> Smith, D.E., *India as a Secular State*, Princeton, PUP, 1963, pp. 66-72.

<sup>26</sup> This was the case of the Hindu Code Bill which has roots in colonial history (Cf. Som, R., “Jawaharlal Nehru and the Hindu Code Bill: a Victory of Symbol Over Substance,” in *Modern Asian Studies*, 28 (1), 1994, pp. 165-194.

Akbar's and most of the other Grand Mughals and even the kings of the Sultanate of Delhi (13th-17th century), practiced religious tolerance. To say they were "secularists" would be an anachronism, as they had imperative religious duties to fulfill – Islamic piety for instance required them to build monumental mosques –, but only the most zealous of them tackled places of worship of other religions which in general were respected in the public sphere. Islam moreover only held a small place in the state apparatus, in which several communities other than the Muslims participated.

These comments also pertain to the reign of Ashoka. While he worked for the glory of Buddhism with the fervor of a new convert, this emperor also advocated the coexistence of religions and their mutual respect. This ancient heritage moreover gave credence to the idea of elective affinities between Indian civilization and the (Western) idea of secularism.<sup>27</sup>

The Weberian notion of elective affinities should not, however, lead to a culturalist reasoning. This is one of the weaknesses of D.E. Smith's otherwise pioneer attempt at interpreting Indian secularism.<sup>28</sup> Smith explains that Hinduism fosters secularism because it is "extremely tolerant," virtually lacking "any ecclesiastic organization" and dissociates temporal and spiritual power by virtue of the division of tasks by the caste system, which moreover is according to Smith the only real damper on secularism due to its strict orthopraxy.<sup>29</sup>

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<sup>27</sup> Thapar, R., "Is Secularism Alien to Indian Civilization?" in T.N. Srinivasan, ed., *The Future of Secularism*, New Delhi, OUP, 2007, pp. 83-108.

<sup>28</sup> See also the first chapter of his book: "The Political Implications of Asian Religions," in SMITH, D.E., ed., *South Asian Politics and Religion*, Princeton, PUP, 1966.

<sup>29</sup> SMITH, D.E., *India as a Secular State*, Princeton, PUP, 1963.



Yet, the Hindu nationalists were the first to dispute Indian secularism, to such a point that Nehru viewed them as his main enemies.<sup>30</sup> For the members of the Hindu Mahasabha (the Great Hindu Assembly) and the Rashtriya Swayamsevak Sangh (RSS – National Volunteer Association), the Muslims and the Christians, if they wanted to remain in India, had to confine their faith to the private sphere.<sup>31</sup> Under the thrust of this political force that finally came to power in 1998, freedom of conscience, expression and worship, as well as equality among religions, were gradually defeated, *de facto*, if not *de jure*. None of the clauses of the constitution that supported the secularist nature of the regime has been challenged, but the state has increasingly been identified with the majority community and rising discrimination toward minorities.

### **The demolition of Indian secularism – a legal perspective**

This evolution can be surmised from a number of indicators, such as the increasing difficulty Muslims encounter on the job and housing markets, as well as the violence they are subjected to by police forces that are often biased toward the majority community.<sup>32</sup> I will focus here on court decisions that have been handed down over the past fifteen years or so and which constitute a major factor of what today is called the “crisis of Indian secularism.”<sup>33</sup>

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<sup>30</sup> J. Nehru, *Letters to Chief Ministers 1947-1964, vol. 1*, (G. Parthasarathi ed.), Delhi, Oxford University Press, p. 33-34 and p. 56-57.

<sup>31</sup> JAFFRELOT, C., *Les Nationalistes hindous*, Paris, Presses la FNSP, 1993.

<sup>32</sup> *What It Means To Be a Muslim in India Today*, New Delhi, Anhad, 2011.

<sup>33</sup> T.N. Madan also uses this phrase/expression\* in a different perspective. See T.N. Madan, “The Crisis of Indian Secularism,” chapter 8 of T.N. Madan, *Modern Myths, Locked Minds. Secularism*

The Supreme Court judgment regarding the religious connotations of certain election speeches in the 1990s revealed a reorientation that some partisans of Nehru's brand of secularism labeled a dangerous drift. Section 123 of the *Representation of the People Act* of 1951 forbids politicians from campaigning on religious themes, and in the past the courts have penalized those who departed from this rule. In their rallies or in campaign manifestos, three Hindu nationalist candidates, including the chief minister of the Maharashtra government, Manohar Joshi, a leader of Shiv Sena (an extremist Hindu nationalist party), went so far as to pose as champion of the Ayodhya movement (see infra.) or state that if their party won the elections, "the first Hindu state [would] be established in Maharashtra." Opponents took the matter to the High Court of Maharashtra, which invalidated their election. But in appeal, the Supreme Court cleared them on 11 December 1995, sufficing to say: "In our opinion, a mere statement that the first Hindu State will be established in Maharashtra is by itself not an appeal for votes on the ground of religion, but the expression at best of such a hope."<sup>34</sup> Beyond that, the Chief Justice in his opinion established an equation between Hinduism and Hindutva (Hindu nationalist ideology) and stated that they merely described the typical Indian "way of life":

"[...] the words "Hinduism" or "Hindutva" are not necessarily to be understood and construed narrowly, confined only to the strict Hindu religious practices unrelated to the culture and ethos of the People of India depicting the way of life of the Indian people.. Unless the context of a speech indicates a contrary meaning or use, in the abstract, these terms are indicative more of a way of life of the Indian people and are

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*and Fundamentalism in India*, Delhi, OUP, 1998, pp. 233-265. (Nedham, A.D. & Rajan, R.S. (eds), *The Crisis of Secularism in India*, New Delhi, Permanent Black, 2007)

<sup>34</sup> Crossman, B. & Kapur, R., *Secularism's Last Sigh? Hindutva and the (Mis)Rule of Law*, New Delhi, OUP, 1999.

not confined merely to describe persons practicing the Hindu religion as a faith.”<sup>35</sup>.

This approach runs counter to Indian secularism in two respects.<sup>36</sup> First, the parallel established by the Supreme Court between “Hinduism” and “Hindutva” amounts to expunging the strong ideological connotations of the second term, a word introduced into India’s political vocabulary by V. D. Savarkar, the father of Hindu nationalism, in 1923 to distinguish his ethno-religious, exclusive and sectarian version of nationalism from Gandhi’s. Second, making Hinduism (and all the more Hindutva) out to be the Indian way of life means that none of the minorities can claim a status similar to that of the majority. In fact, the Court in this case endorsed a definition of nationality and citizenship that the Hindu nationalists had been championing for decades.

The evolution in the jurisprudence of Indian courts in fact indicates an alteration of their conception of Indian identity.

The Ayodhya affair illustrates this trend better than any other. After the 1992 demolition of Babri Masjid, a 16th-century mosque located in Ayodhya on a site claimed by the Hindu nationalists as the birthplace of the god Ram (Ramjanmabhoomi), it took the Commission of Inquiry in charge of assigning responsibility for the event 17 years to hand in its report. It in fact was not submitted to parliament until November 2009, only after it had been leaked to the press. The document, drafted by a sole member of the Commission, Justice Liberhan, a

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<sup>35</sup> Cited in Sen, R., *Articles of Faith: Religion, Secularism and the Indian Supreme Court*, New Delhi, OUP, 2010.

<sup>36</sup> See V. M. Tarkunde’s excellent analysis, “Supreme Court judgment: a blow to secular democracy,” *PUCL Bulletin*, February 1996 (<http://www.pucl.org/from-archives/Religion-communalism/sc-judgement.htm>)

former Supreme Court justice, held the leaders of the Hindu nationalist movement responsible for the act in no uncertain terms.<sup>37</sup> To date, however, no trial has been scheduled on the judiciary agenda.

But at the same time, the courts examined complaints from Muslims and Hindus who laid claim to the site on which the Hindus had built a small temple amid the ruins to house statues of Ram and his wife Sita just after having demolished the mosque. The Allahabad High Court had handed down a highly controversial judgment in 2010. The three justices in charge of the case were divided. One of them referred to Hindu mythology to recommend that the site be handed over entirely to the majority community. The other two judges, a Hindu and a Muslim, wrote a majority opinion based on the principle that the mosque had been built on Ram's (Ramjanmabhoomi). However, no archeological evidence has ever been submitted to substantiate this claim and for good reason: it is a belief founded on mythological tales.

The court in Allahabad thus went against established Supreme Court jurisprudence. In December 1992, Narasimha Rao's government had petitioned the Supreme Court to know "if a Hindu temple or any other religious structure existed prior to the construction of the Ramjanmabhoomi-Babri Masjid, including the premises of the inner and outer courtyards of the structure." After pondering the issue for two years, the Court finally replied that the question was "superfluous and pointless." The judges thus finally admitted they were not equipped to decide on matters of belief. Sixteen years later, however, lower-ranking judges felt that they were in a position to settle the issue. This prompted a

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<sup>37</sup> *Report of the Liberhan Ayodhya Commission of Inquiry*, <http://docs.indiatimes.com/liberhan/liberhan.pdf>.

remark from the great Indian lawyer Rajeev Dhawan, to congratulate them for their “theological” expertise.

The two Allahabad justices deduced from these premises not that it was appropriate to rebuild the demolished mosque as many Muslim organizations were asking, but to grant the Hindu contesting parties the portion of the land that was found under the central dome of the mosque – an area that they held to be the holiest of holy places of the temple once built, according to them, on the Ramjanmabhoomi. Furthermore, the magistrates only awarded the Muslims one-third of the land, not enough on which to rebuild a mosque, and awarded the other two-thirds to the two Hindu parties, the Nirmohi Akhara and the Vishva Hindu Parishad respectively.<sup>38</sup>

All three litigants appealed the verdict before the Supreme Court which in May 2011 deemed the verdict handed down by the Uttar Pradesh regional court “strange,” simply in virtue of the fact that it recommended a course of action that none of the parties had asked for: partition of the land.<sup>39</sup> The Court was careful not to opine as to the existence of a temple preexisting the mosque or the notion of Ramjanmabhomi. But the fact that the Allahabad court used it as a basis for its verdict reflects a change in mindset in legal circles.

This evolution is also evident in comments made by observers who had previously demonstrated greater neutrality. Pratap Mehta thus welcomed the fact that the Muslim magistrate seemed to “recognise the existence of temple ruins at the

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<sup>38</sup> Menon, Nivedita, “The Second Demolition” at <http://kafila.org/2010/10/02/the-second-demolition-ayodhya-judgment-september-30-2010> and “The Ayodhya Judgment: What Next?” in *Economic & Political Weekly*, 30 July 2011, p. 81-89.

<sup>39</sup> J. Venkatesan, “Supreme Court stays Allahabad High Court verdict on Ayodhya,” *The Hindu*, 9 May 2011.

location” whereas the most scholarly archeologists questioned it. Even worse, Mehta was delighted that the justices had finally admitted that “facts about the faith [were] relevant to this dispute”:<sup>40</sup> While this remark was entirely in line with the spirit of Indian secularism, what was less so was the fact of taking the religious convictions of the Hindus more into account than those of the Muslims for whom Mehta showed no consideration. Ashis Nandy invited the same criticism in an editorial in which he lambasted the “secular fanatics” who rejected the Allahabad judges’ verdict because according to him they could not accept the importance of religious sentiment in Indian society, whereas he himself made space for Hindu sentiments but said virtually nothing about those of the Muslims. He thus recommended building beside a mosque a Hindu temple of reasonable size – without saying any more about the mosque to be rebuilt on the ruins of the 16th century monument demolished on a Sunday, 6 December 1992.<sup>41</sup>

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<sup>40</sup> Pratap Mehta, “The leap and the faith,” *The Indian Express*, 1 October 2010.

<sup>41</sup> “I am still hoping that there will be a temple and a mosque side-by-side at Ayodhya. If that is not possible, let us have a sacred grove there. We do not have to obey Uma Bharti and turn Ayodhya into a Vatican. That will be cheap mimicry. The temple need not be grand either; it has to be sacred and inspire reverence. A bhavya temple has nothing to do with size. Nirmohi Akhada, too, has said that it will be satisfied with a modest temple. Well, it does not have to be modest either; it can be exquisite. The Akshardham temple in Delhi is grand, but it is characterless and tasteless and caters mainly to tourists from the urban middle class. Indeed, one sometimes suspects that it is meant primarily for the non-resident Indians and resident non-Indians. On the other hand, the temple at Sabarimala is small but exudes sacredness. Its pilgrims are moved rather than awed by it. Given the killings, the vandalism and the petty politics that have gone into its actualisation, any new temple will need a touch of sacredness more than a surfeit of grandeur.” A. Nandy, “The judges have been injudicious enough to create a space for compassion and humane sentiments” (*Tehelka*, 7 (44),

While the Allahabad court justices showed community bias, those of the Supreme Court restored the balance in the Ayodhya affair and overturned the Allahabad High Court verdict. The same cannot be said of the judgment concerning Dara Singh. This man, a member of the Bajrang Dal, a Hindu nationalist paramilitary group, first came to public attention in Orissa by carrying out hardline offensives in favor of sacred cows and against Christian conversions. In 1998, he had intercepted a cattle truck taking cows to the slaughterhouse and beat the driver's assistant – a Muslim – to death. The following year, accompanied by a gang, he murdered a Catholic priest in September 1999 and tortured and then killed a Muslim merchant in November. In January of the same year, he had set fire to the vehicle of a missionary, Graham Staines, burning him alive with two of his children. After a manhunt that lasted several years, the police arrested him and in 2003 the local courts sentenced him to life in prison for the first two crimes and to capital punishment for the third. He filed an appeal with the High Court of Orissa which in May 2005 commuted the death sentence to life imprisonment on the grounds that there was no proof of Dara Singh's direct involvement. The other side filed an appeal with the Supreme Court, whose verdict warrants a detailed analysis.

The Court upheld the decision of the Orissa High Court by virtue not only of the lack of strong evidence and the fact that the death sentence should be resorted to only in “the rarest of rare cases” (sic), but also on the basis of a surprising interpretation of Indian secularism:

“though Graham Staines and his two minor sons were burnt to death while they were sleeping inside a station wagon at Manoharpur, the

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6 Nov. 2010,  
[http://www.tehelka.com/story\\_main47.asp?filename=Op061110The\\_judges.asp](http://www.tehelka.com/story_main47.asp?filename=Op061110The_judges.asp))

intention was to teach a lesson to Graham Staines about his religious activities, namely, converting poor tribals to Christianity. Our concept of secularism is that the State will have no religion. The State shall treat all religions and religious groups equally and with equal respect without in any manner interfering with their individual right of religion, faith and worship. (...) It is undisputed that there is no justification for interfering in someone's belief by way of 'use of force', provocation, conversion, incitement or upon a flawed premise that one religion is better than the other."<sup>42</sup>

This judgment sparked strong reactions among minorities and organizations defending secularism because it challenged the legality of conversion to another religion – even legitimized the murder of missionaries such as Staines. In reaction – a unique occurrence in the annals of Indian law –, the disputed sentences were deleted from the judgment retroactively.<sup>43</sup> That move did nothing to alter the impression given by the judges that the Supreme Court was quicker to defend the Hindu majority than minorities, as prohibiting religious conversions has long been part of the Hindu nationalist agenda.<sup>44</sup>

### **The undercurrents of an erosion**

While there is widespread agreement today that Indian secularism is in crisis, attempts to explain it have given rise to a

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<sup>42</sup> <http://judis.nic.in/supremecourt/chejudis.asp>, Rabindra Kr. Pal @ Dara Singh vs. Republic of India, 21 January 2011

<sup>43</sup> Dibyasundar, "Unique threat to secularism and freedom of speech in India," 20 February 2011, <http://thenewdimension.wordpress.com/tag/dara-singh/>

<sup>44</sup> C. Jaffrelot, "L'affiliation religieuse comme fait politique en Inde: la (re)conversion à l'hindouisme des aborigènes chrétiens," *Socio-anthropologie*, no. 25/26, 2009/2010, pp. 19-40. Regarding the Dara Singh case, see the very insightful critique of the Commission of Inquiry, M.P. Raju (ed.), *Wadhwa Commission Report. A Critique*, Delhi, Media House, 1999.



wide variety of interpretations. The cultural (even culturist) analysis that was mentioned earlier, when discussing the birth of secularism, has also been brought into play, to account for its decline. T.N. Madan has thus advanced that if Indian secularism was on the way out, it is because it is no longer in tune with the dominant culture in the country.<sup>45</sup> Presenting Indian secularism as the “dream of a [Westernized] minority which wants to shape the majority in its image,” he considers that the graft could not take in a civilization in which the religious domain encompasses the political: “the discrete realms of interest and power (*artha*) are opposed to and yet encompassed by *dharma*.”<sup>46</sup> This cultural explanation elicits a major reservation: if traditional Hindu culture is behind the crisis of Indian secularism, then why did it not appear to the eyes of the author and most other observers until the 1980s?

I prefer to follow another lead that will take us back to the initial discussion regarding relations between secularism and secularization: the erosion of secularism in India can first be explained by the action of Hindu nationalist political entrepreneurs whose aim it is to turn the majority community into a vote bank. They have been working toward this explicitly

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<sup>45</sup> I will dispense with the false debate that Madan seeks to kindle when he claims that Indian secularism went astray when it attempted to “privatize” religion, because this has never actually been the case.

<sup>46</sup> Madan, T.N., “Secularism in Its Place,” *The Journal of Asian Studies*, 46 (4), 1987, pp. 747-759. T.N. Madan develops this same idea in the post-scriptum appended to his original article upon its republication: “Bien que j’utilise le langage auquel Louis Dumont nous a habitué, l’idée d’englobement elle-même découle du concept clé de purushartha, c’est-à-dire des trois objectifs de l’effort humain (*dharma*, *artha*, *kama*) tels qu’ils sont présentés, par exemple, dans l’Arthashastra ou la Manusmriti” (T.N. Madan, “Secularism in Its Place,” in R. Bhargava 1998, p. 319).

at least since 1979, the year in which the head of the RSS, Balasaheb Deoras, stated:

“Politicians think only of the next election and personal gains for themselves. Hindus must now awaken themselves to such an extent that even from the elections point of view the politicians will have to respect the Hindu sentiments and change their policies accordingly. [...] Once Hindus get united, the government would start caring for them also.”<sup>47</sup>

The launching of the Ayodhya movement should be understood in light of this speech. It was a strategy arising from what Sudipta Kaviraj calls “Hindu majoritarianism”<sup>48</sup> a phenomenon in flagrant contradiction with secularism, given that it is based on the promotion of a dominant group at the expense of minorities and religious freedom. This process paradoxically is indissociable from the regime’s democratic nature. Shiv Visvanathan writes in this regard, on a rather provocative but appropriate note, “Electoral majorities get tired of the persistence of minorities. In fact, when minorities thrive, majorities often feel paranoid.”<sup>49</sup>

If such remarks may seem cynical, they have been corroborated by a number of Indian statistics. In this country, communal riots, which claim their first victims among minorities, often precede electoral consultations, the Hindu nationalist forces seeking to gain an edge from an electorate suddenly more polarized by

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<sup>47</sup> *Hindu Vishva*, special issue, March-April 1979, on the Second World Hindu Congress, p. 13.

<sup>48</sup> S. Kaviraj, “Démocratie et développement en Inde” in Jean-François Bayart (ed.), *La greffe de l’État. Les trajectoires du politique*. 2, Paris, Karthala, 1996, p. 147-189.

<sup>49</sup> Visvanathan, S., “The Unmaking of an Investigation,” *Seminar*, 605, January 2010, p. 107.

the violence.<sup>50</sup> When elections take place after a wave of rioting, the map of Bharatiya Janata Party victories generally coincides with the geography of Hindu/Muslim riots.

### **What “desecularization”?**

In seeking to understand what has sometimes been called the “religious revival” of the 1990s, many sociologists have put forward an interpretation in terms of “deprivatization” of religion<sup>51</sup> or “desecularization.”<sup>52</sup> This last term – used by an author who had predicted the end of religion only shortly before – is most unfortunate, as it suggests a perfectly impossible return to the past: the “reenchantment” of the world according to pre-Enlightenment categories is plainly out of reach and, most of all, it is not the aim of the political entrepreneurs responsible for the crisis of secularism.

These men belong to a particular category of individuals whose nature Ashis Nandy has helped to grasp in a comparative manner. Nandy distinguishes politicians who are not religious either in the private or the public sphere (such as Nehru), those who are in both worlds, like Gandhi, those who are religious in their private lives but not in public, such as Indira Gandhi and lastly, those who appear religious in the public sphere but are not in the private sphere, such as V.D. Savarkar, father of Hindu nationalism, and Jinnah, two men who were if not agnostics were

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<sup>50</sup> Wilkinson, S., “Froids calculs et foules déchaînées: les émeutes intercommunautaires en Inde,” *Critique internationale*, 6/2000, pp. 125-142.

<sup>51</sup> Casanova, J., *Public Religions in the Modern World*, Chicago, The University Press of Chicago, 1994, p. 211.

<sup>52</sup> Berger, P., “The Desecularization of the World: a Global Overview,” in Peter Berger (ed.), *The Desecularization of the World: Resurgent Religion and World Politics*, Wm. B. Eerdmans Publishing Company, 1999.

at least non-practicing.<sup>53</sup> They are truly the ones who sabotage secularism. They do not wish to revert to the religion of yore: they seek to destroy it to replace religious identity with an ethno-religious identity. They find religious identities too diverse, too much an embodiment of subgroups, regions or denominations that form too vibrant a mosaic for their taste, especially when such currents are rivals or syncretistic. To them, religion should serve to unite their group and thus ensure its predominance, especially when they are a majority:

“The goal of those holding such an instrumental view of religion has always been to homogenize their co-believers into proper political formations and, for that reason, to eliminate those parts of religion which smack of folkways and which threaten to legitimize diversities, inter-faith dialogue and theological polycentrism.”<sup>54</sup>

For Nandy, these men are ideologues, not religious figures, which gives rise to the distinction he suggests between “religion-as-faith” and “religion-as-ideology.” In the case of India, the main threat to secularism comes from Hindu nationalism which, far from honoring the character of “its” religion, a model for diversity, strives to mask its multiple meanings to promote secular identity criteria that heretofore were not the most important – or at least not exclusive – such as ethnic origin (Aryan), language (Sanskrit and its most direct derivative, Hindi) and the holy land (between the arc of the Himalayas and the ocean). Rather than a “desecularization,” it is actually a secularization that has taken the form of ideologization and

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<sup>53</sup> Nandy, A., “The Politics of Secularism and the Recovery of Religious Tolerance,” in V. Das, ed., *Mirrors of Violence: Communities, Riots and Survivors in South Asia*, New Delhi, OUP, 1990, pp. 76-77.

<sup>54</sup> *Ibidem*, p. 77.

politicization that the Hindu nationalists are pursuing, a process that Olivier Roy also sees at work in Islamist circles:

“Islamism is actually an agent in the secularization of Muslim societies because it brings the religious space into the political arena: although it claims to do so to the benefit of the former, its refusal to take the true functioning of politics and society into consideration causes it instead to follow the unwritten rules of the traditional exercise of power and social segmentation. The autonomous functioning of the political and social arenas wins out, but only after the religious sphere has been emptied of its value as a place of transcendence, refuge, and protest, since it is now identified with the new power.”<sup>55</sup>

As it happens, Nandy – who sees “nothing fundamentally Islamic about the fundamentalist Muslims”<sup>56</sup> – considers that modernity has been detrimental to the peaceful coexistence of religious communities in India. In India there has been a noticeable delinking between “secularization” and “secularism” as categories, secularization doing more damage to secularism as a mode of communal cohabitation than the opposite, a process that the plight of minorities confirms.

This evolution could lead India down the path of what some political analysts have called ethnic democracy, taking Israel as an example.<sup>57</sup> In such a political system, basic citizenship rights are open to all and elections take place by universal suffrage at

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<sup>55</sup> Roy, O., *The Failure of Political Islam*, trans. Carol Volk, Cambridge, Harvard University Press, 1996, p. 199.

<sup>56</sup> Nandy continues, “...who have to constantly try “to disenfranchise the ordinary Muslims as peripheral and delegitimize the religious practices of the huge majority of Muslims the world over as un-Islamic” (A. Nandy, *op.cit.*, p. 336).

<sup>57</sup> The notion of “ethnic democracy” was introduced by Sammy Smootha in a book published in 1989, of which an updated summary can be found in Smootha (1997).

regular intervals in which parties that represent different ideologies, interests and identities compete. But the majority group enjoys a privileged status. The place reserved for minorities naturally serves as a key indicator as to whether or not a multicultural democracy such as India is changing into an ethnic democracy.

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### **Bibliography**

- BERGER, P. (1973), *The Social Reality of Religion*, London, Allen Lane.
- BERGER, P. (1999), "The Desecularization of the World: a Global Overview," in Peter Berger (ed.), *The Desecularization of the World: Resurgent Religion and World Politics*, Wm. B. Eerdmans Publishing Company.
- BHARGAVA, R. (1994), "Giving secularism its due," *Economic and Political Weekly*, 9 July, pp. 1774-1791.
- BHARGAVA, R. (1998), *Secularism and its Critics*, Delhi, Oxford University Press.
- BHARGAVA, R. (1998), "What is secularism for?," in R. Bhargava (ed.), *Secularism and its Critics*, Delhi, Oxford University Press, p. 486-542.
- BHARGAVA, R. (2007), "La spécificité de la laïcité à l'indienne," in *Critique internationale*, n° 35, April-juin 2007, pp. 121-148.
- CASANOVA, J. (1994), *Public Religions in the Modern World*, Chicago, The University Press of Chicago.
- CHANDOKE, N. (2002), *Beyond Secularism. The Right of Religious Minorities*, New Delhi, Oxford University Press (OUP hereafter).
- CHATTERJEE, P. (1986), *Nationalist Thought and the Colonial World: A Derivative Discourse?* Delhi, OUP.
- CHATTERJEE, P. (1994), "Secularism and Tolerance," *Economic and Political Weekly*, 9 July, 29(28), pp. 1768-1777.
- CROSSMAN, B. & KAPUR, R. (1999), *Secularism's Last Sigh? Hindutva and the (Mis)Rule of Law*, New Delhi, OUP.
- DINGWANEY, A.N. & SUNDER, R.R. (eds) (2007), *The Crisis of Secularism in India*, Duke, Duke University Press.

- GABORIEAU, M. (1996), "Les musulmans de l'Inde: une minorité de 100 millions d'âmes," in C. JAFFRELOT, ed., *L'Inde contemporaine de 1950 à nos jours*, Paris, Fayard.
- GALANTER, M. (1965), "Secularism East and West," *Comparative Studies in Society and History*, 7 (2), pp. 133-159.
- GALANTER, M. (1971), "Hinduism, Secularism and the Indian Judiciary," *Philosophy East & West*, 21 (4), pp. 467-487.
- GANDHI, M.K. (1922), *Indian Home Rule*, Madras, Ganesh and co.
- GOPAL, S., ed. (1980), *Jawaharlal Nehru: An Anthology*, New Delhi, OUP.
- IQTIDAR, H. (2011), *Secularizing Islamists' Jama'at-e-Islami and Jama'at-ud-Da'wa in Urban Pakistan*, Chicago, The Chicago University Press.
- IQTIDAR, H. & GILMARTIN, D. (eds) (2011), "Secularism and the State in Pakistan," *Modern Asian Studies*, 45 (3).
- JAFFRELOT, C. (1996), *The Hindu Nationalist Movement and Indian Politics, 1925 to the 1990s*, New York/Columbia University Press; London/Hurst; New Delhi/Penguin India.
- JALAL, A. (1998), "Exploding Communalism: The Politics of Muslim Identity in South Asia," in S. BOSE & A. JALAL (eds), *Nationalism, Democracy and Development: State and Politics in India*, Delhi, OUP.
- KAVIRAJ, S. (1997), "Introduction," in S. KAVIRAJ, ed., *Politics in India*, New Delhi, OUP, pp. 1-36.
- KHILNANI, S. (2007), "Secularism: Western and Indian," in K. ALMQVIST, ed., *The Secular State and Islam in Europe*, Stockholm, Axel & Margaret Axson Johnson Foundation, pp. 41-60.
- MADAN, T.N. (1987), "Secularism in its Place," *The Journal of Asian Studies*, 46 (4), pp. 747-759.
- MADAN, T.N. (1998), "Secularism in its Place," in R. BHARGAVA, ed., *Secularism and its Critics*, New Delhi, OUP, pp. 297-320.
- MANCHANDA, R., ed. (2010), *States in Conflict with their Minorities*, Delhi, Sage, 2010.
- MINAULT, G. (1982), *The Khilafat Movement: Religious Symbolism and Political Mobilization in India*, New York, Columbia University Press.
- NANDY, A., (1990), "The Politics of Secularism and the Recovery of Religious Tolerance," in V. DAS, ed., *Mirrors of Violence:*

- Communities, Riots and Survivors in South Asia*, New Delhi, OUP, pp. 69-93.
- NEDHAM, A. D. & RAJAN, R.S. (eds) (2007), *The Crisis of Secularism in India*, New Delhi, Permanent Black.
- NEHRU, J. (1985-1989), *Letters to Chief Ministers 1947-1964, vol. 1: 1947-1949*, G. Parthasarathi, ed., Delhi, OUP, pp. 33-34 et 56-57.
- PANDEY, G. (1990), *The Construction of Communalism in Colonial North India*, Delhi, OUP.
- RIAZ, A., ed. (2010), *Religion and Politics in South Asia*, London & New York, Routledge.
- ROY, O. (1992), *L'Échec de Islam politique*, Paris, Le Seuil.
- SAMAD, S. (2011), "Bangladesh likely to make U-turn from secularism to islamic hegemony," *Bangladesh Watchdog*, 31 May.
- SANDEL, M. (1996), "Religious Liberty: Freedom of Choice or Freedom of Conscience," in M. SANDEL, ed., *Democracy's Discontent*, Cambridge, Mass., Harvard University Press, pp. 55-90.
- SEN, A. (1993), "Threats to Indian Secularism," *The New York Review of Books*, 8 April, p. 30.
- SEN, R. (2010), *Articles of Faith: Religion, Secularism and the Indian Supreme Court*, New Delhi, OUP.
- SMITH, D.E. (1963), *India as a Secular State*, Princeton, PUP.
- SMITH, D.E., ed. (1966), *South Asian Politics and Religion*, Princeton, PUP.
- SMOOHA, S (1997), "Ethnic Democracy: Israel as an Archetype," *Israel Studies*, 2(2), pp. 198-241.
- SOM, R. (1994), "Jawaharlal Nehru and the Hindu Code Bill: a Victory of Symbol Over Substance," in *Modern Asian Studies*, 28 (1), pp. 165-194.
- TAYLOR, C. (1998), "Modes of Secularism," in R. BHARGAVA, ed., *Secularism and its Critics*, Delhi, Oxford University Press, pp. 31-53.
- TAYLOR, C. (2007), *A Secular Age*, Cambridge, Mass., The Belknap Press of Harvard University Press.
- TAYLOR, C. (2010), "The Meaning of Secularism," *The Hedgehog Review*, 12 (3), pp. 8-22.
- THAPAR, R. (2007), "Is Secularism Alien to Indian Civilization?," in T.N. SRINIVASAN, ed., *The Future of Secularism*, New Delhi, Oxford University Press, pp. 83-108.
- VAJPAYEE, A.B. (2007), "The Bane of Pseudo-secularism" and "Secularism, Indian Concept," in C. JAFFRELOT, ed., *Hindu*



*Nationalism: A Reader*, Princeton, N.J., Princeton University Press, pp. 315-317 and 318-341.

VISVANATHAN, S. (2010), "The Unmaking of an Investigation," *Seminar*, 605, January, pp. 107-117.

WEINER, M. (1997), "Minority Identities," in S. KAVIRAJ, ed., *Politics in India*, Delhi, OUP, pp. 241-254.

WILKINSON, S. (2000), "Froids calculs et foules déchaînées: les émeutes intercommunautaires en Inde," *Critique internationale*, 6, pp. 125-142.



## Concluding Remarks at the Colloquium

Clem McCartney

SAPRI has organized the Colloquium as part of its developing project on *Shared Societies and Religion and Tolerance* with the intention that this debate would kick off some of the discussion that needs to happen. Christophe Jaffrelot talked about some of the alternative discourses and this was a way of raising those discourses and getting them moving. Probably the kind of things we have been talking about are not unfamiliar to you. But it is airing them in a public way and engaging a range of people in the Sri Lankan society to think and discuss and explore these issues together, that is important.

SAPRI then wants to take this on not only at a national level but also at a district level and some of the panelists, Christophe for one talked about the need for local work and SAPRI wants some of these issues to be explored at a district level.

Radhika's (Coomarswamy) talk about the need for local work; Asma (Jahangir); Rajeev (Bhargava) want issues to be explored at a district level, not so much at a theoretical and a conceptual level like today but to look at the districts and the people who have to face the real issues and the way in which they can look at these issues.

It is very much an issue about naming things: What are we talking about? What is going on? We are helping people to name them and to realize them, to respond positively and appropriately to them. Once you name something, you can deal with it. While it remains a vague and amorphous idea, you cannot respond to it, you cannot change it, you cannot tackle it. I think this is what

SAPRI has in mind. It is a process and we all wish it well as we move forward in this programme.

Another hat that Madam Chandrika Kumaratunga wears is that she is a member of the Club de Madrid, which I am involved with. The Club de Madrid has a programme of which this topic is very dear to its heart. We call it the Shared Societies Project. How do we build society where everybody feels at home, where people feel they belong, be respected, fulfill themselves in their society? Not a society in which they are second class citizens, where they are tolerated, where they are accepted but not allowed to be themselves! If you keep quiet and if you keep your hands clean, you can be here but do not try to be yourself. If you be yourself you are interfering and you are causing problems. This is not a shared society!

I have got some material here, if anybody wants they can come and see me afterwards. They cover quite a few of the topics we have covered today. They are very interesting. There is one on the economics of shared societies. It makes the point that Asma made, that societies that are divided are not in fact successful economically -I think this is a fact. One can look at the damage that any society in South Asia can do to itself by ignoring and excluding the talents of many members of that society, not only religious minorities but also in terms of gender and in many other ways. So, if anybody wants to have a look at those, they can do that.

What I want to do at the end is to try to pick up some of the things that have been named. I do not intend to summarize; I intend to pick up some of points that struck me, and, some of the things that I thought needed to be mentioned but may not have been fully mentioned. I want to absolve myself by not giving a summary.

We have been talking about what is religion; what is a state; and what kind of a state do we want; what is the role of a state? I do

not think we can say what kind of religion we want. We can only say what kind of religion each individual wants. If we look at the state, do we want an active state and if it is a wrong kind of state then we do not want an active state.

If it is the right kind of state, one of the things we have been talking about is, that we want the state to uphold the rule of law. That raises the question, what is the rule of law in that particular state? We want the state and the judiciary to uphold the rule of law and we have to ask the question, whether it upholds the rule of law for some of its citizens and it does not for others. Whether it is biased and discriminatory in the way it upholds the rule of law. Then we want to have the state we want. If we want a pluralist state which allows for all the participants and all the people in the state to be treated equally, then we do not want a sectarian state, which is sectional.

In terms of religion, one of the things that struck me is what was said by Asma about a proselytizing religion as opposed to other religions that are not proselytizing. We do have to recognize that there are different kinds of religions. Not all the religions are the same. When we are dealing with religions we have to bear this in mind. We have to have this in mind when the people of one religion are talking to people of other religions. Do we say it is religion when we are talking about 'My Religion' but that other people's religions are different? We have to understand that there are different kinds of theological and doctrinal bases for religion. We forget that there is a social and political structure and those religions are very different. Proselytizing and non-proselytizing is just an aspect of that. Religions can be very hierarchical. Some religions have no hierarchy at all and they can be very different. Some believe very much in personal worship. You do it on your own, you discover on your own. You do not need to come together with other people in order to practice your religion. Other religions depend very much on

communal worship and group worship and that is perhaps quite a fundamental difference we are talking about.

Some religions have doctrinal certainty. They have a creed that you are expected to comply with while other religions emphasize the personal conscience and you can practice it in your own way. These differences really matter and we must try to understand why they matter. When we talk about dialogue between religions we have to understand that the other person's religion is socially and liturgically structured differently.

Radhika made the point that religion is part of pluralism. It is one element of identity that can be found in a plural society and I think that is very right. But, I think religion has particular aspects, some of which have been coming out here today. It came out particularly in the last contribution by Christophe. I think religion has a particularly powerful capacity to mobilize people. You can mobilize people around religion in such a way that you cannot mobilize people around aspects such as identity, race, etc. We have to understand how it works and we have to take that into account when we deal with people.

The word religion in the Western tradition originates from the Latin word 'I bind'. In the Western tradition it binds people together in a group and works to bind people together in a group. It structures itself in a way that keeps people together as a part of that group. I am interested to know in Sinhala, in Tamil, in Hindi what does the word "religion" mean. It may mean something very different. But in the Western tradition it is about being part of a group and about being connected to that group. The churches and the religious communities work to keep that group together. So, when you want to mobilize people for a political purpose, why don't you use the same techniques and same structures to create the political movement you want to create!

A religion depends on certain participation and I do not think we can generalize. There are hermits, there are the sadhus and there are various people who operate outside the ranges that I am just going to talk about.

By and large, most religions talk about practicing your religion; being active in your religion. You are rightly reinforced in your belief, by following the rituals and practices and beliefs of your religion. It has got pervasive structures and networks. They have a reference right across the country; right across the whole community; indeed across the globe. There is a sense in which you are part of a network and a structure. There is orthodoxy. There are particular systems of beliefs and rules you are supposed to comply with, that are set down for most religions. There are levels of orthodoxy that are set down in various ways for different religions. There is a question of the problem of compliance. Are we complying as an act of faith or are we complying because it is expected of us. There is peer pressure to comply with the orthodoxy. I often feel that this has relevance to orthodoxy and the women's issue as Asma said about Muslim women's hair. When a Muslim woman covers her head, it may well be because it is her belief that it is the right thing to do. But sometimes she covers her head because she is worried that she may be condemned for not covering her hair. When you say let the woman decide, does the woman have freedom to decide? This of course applies to many of the norms, customs and expectations of the religion. When we talk about the freedom to decide, we have to remember that the church, the religion, is setting down a certain standard which makes it difficult to exercise freedom, in the way the one might want to.

This brings in the question of judgments. I think it was Radhika who spoke about 'she-devils' or a she-devil, a heretic, an infidel, a traitor to your religion. There is a very strong moral expectation for someone to comply. When someone talks about political leaders hijacking religion, it is also about political

leaders being hijacked by religion. The idea that someone does not conform is to say that he does not have particular religious beliefs! I am sure that many political leaders do not have any religious belief!

In countries that have a strong religion it is expected that you comply. If I take the USA, it was unheard of for a Catholic to be President of the USA until J.F. Kennedy became President and that was seen as a big breakthrough. I still do not know whether there has been a 'nonbeliever' President of the USA. Not an announced one anyway! But I do not doubt that there were one or two Presidents of the USA who had a very limited belief system. But it is not acceptable. You will not get elected unless you express those beliefs. It is the judgmental aspect that makes it very difficult not to comply and not to conform.

We did not talk at all today about the whole sexual issue. We did talk about the gender issue but not about different sexuality. Religion has a very strong element of compliance in terms of sexuality. It is not perhaps so relevant here but it is not one that one might forget. It is something that has a transcendental element to it. It helps us to make sense of who we are. It is very fundamental. We have need for religion as Radhika said. There is something basic in us to have some kind of belief system, if the sense of our self is threatened, the need to connect to our religion becomes stronger. If our religion is threatened, then there is even a greater sense of a fundamentalist belief system that we can hold on to.

Religion is something we hopefully express because it satisfies the sense of ourselves. It can become a way of getting a kind of certainty when you do not have certainty. I sometimes wonder when I look at the kinds of problems there have been in Sri Lanka over the last few years, are they a post war phenomenon, something to do with the existential issue? Some things have changed and people have not found the best ways to adapt to that



change. They have adapted in terms of some kind of religious fundamentalism.

The other thing that struck me yesterday when we were talking, which has come out today is how insidious religion is! How insidious prejudice is! Not necessarily based on religion and other things like intolerance, stereotyping people and discriminating against people is a very insidious process. We talked about emancipating our political leaders and emancipating our judges. I am not excluding the Police. We absorb and take on prejudices and discriminatory qualities without thinking about it. Not many people acknowledge that they are prejudiced. We can say that someone else is prejudiced. I may not know it but someone else can say that I am prejudiced. I may resist and not want to believe it. Prejudice and discrimination are very insidious things that we cannot easily deal with. I want to challenge the issue of emancipating the Police and the politicians.

One of the things that struck me, when Asma talked about the “stop and search policy” in Britain, when they were exploring how a young black person was killed, there was very little response, unlike if it was a white person that was killed. The report that looked into it, looked into the canteen culture, about the way people in the canteen talked to each other and then went out into the community. It was a prejudicial culture which expressed itself in the community. When that happens in the Police it also happens among judges. Judges talk to each other, they absorb certain ideas and certain qualities and they go out and express them in the way they work. Prejudice is also contagious. Asma made that point. If there is prejudice in the community, it spreads among all the people who are part of that community. We do treat our own community different from another. If someone is injured who is of our community we are very strong in condemning it, we are very strong in taking action to punish the wrongdoer. But, if the other community is

damaged, we say, let us be tolerant, let us not make a fuss about it. We rationalize it away. How we treat the other community differently from the way we treat our own! We are very good at rationalizing away prejudice and discrimination. As Asma said we have to treat it in different ways and at different levels, top down and bottom up.

SAPRI wants to take this process forward by engaging with people and taking the issues to them; not to tell people what to do; but to help engage people. How to be aware of these issues? Madam Kumaratunga is the Co-Chair of the Shared Societies project at the Club of Madrid. We try to do things at a leadership level, how to name them and how to deal with them. We have got to create means in which people can participate, create means in which people can have dialogue, explore and learn from each other. We need to have people who can be empowered and speak for themselves. When they are discriminated against, they have mechanisms that can express that.

I think the one element that has been missing in that is existential uncertainty which leads to prejudice and discrimination. It is somehow an overwhelming problem in our society. It is not a problem of religion. Religion is an answer to that problem. If we deal with it in the wrong way, we get the wrong answer. In all the modern societies across the world there is this existential problem. Sometimes it is solved by adopting a fundamentalist religion. How do people get that sense of themselves and how do we help each other to get that sense of ourselves? These are issues about respect and issues about how people can play a full part in the society, and, that is what the Shared Societies Project and SAPRI are trying to do.

Thank You!

## PROFILES OF THE MODERATORS AND SPEAKERS OF THE COLLOQUIUM

### **Savitri Goonesekere**



Professor Savitri Goonesekere is Emeritus Professor of Law, University of Colombo, Sri Lanka. She was formerly Professor of Law and Vice Chancellor, University of Colombo, Sri Lanka and a member of the Expert Committee (Treaty body) monitoring the UN Convention on Elimination of All Forms of Discrimination against Women from 1999 to 2002. A member of several regional, national and International bodies on women's issues she has held fellowships in universities in the US and the UK. Professor Goonesekere has contributed to advocacy and law reform initiatives in Sri Lanka and has also acted as a consultant for several international agencies such as UNICEF, ILO, WHO and UNIFEM working on law and human rights projects particularly in the Asian region. She was also a Member of the Editorial Advisory Committee, UN Secretary General's Study on Violence Against Children (2005 to 2006) and Chairperson of the External Forum on Gender of the Asian Development Bank (2002). She was a member of the Board of Trustees United Nations Trust Fund for Victims of Torture (2005-2011). She has published widely on family law, women and children's rights, human rights, law and development issues. She was a winner of the Fukuoka Asian Culture International Award (Academic), 2008.

### **Deepika Udagama**



Dr. Deepika Udagama is currently Head of the Department of Law, University of Peradeniya. Having received her early legal education at the University of Colombo, she obtained both Masters and Doctoral Degrees in international human rights law at the University of California at Berkeley. Aside from teaching public law for many years at the University of Colombo, she has focused

a great degree of attention on human rights education in the country. She was the Founding Director of the Centre for the Study of Human Rights at the University of Colombo and has served as a member of the Human Rights Commission of Sri Lanka and also the Law Commission of Sri Lanka. She has served on UN expert bodies on human rights, most recently as a member, and then Chairperson, of the Board of Trustees of the UN Voluntary Fund for Technical Cooperation in the Field of Human Rights. Her work on the State-religion nexus in Sri Lanka was recently published as a chapter in *Comparative Constitutionalism in South Asia* edited by Khilnani, Raghavan and Thiruvengadam published in 2013 by Oxford University Press, India.

### **Rajeev Bhargava**



Professor Rajeev Bhargava did his BA(Honours) in Economics from the University of Delhi and M.Phil and D.Phil from Oxford University. He taught between 1979 and 2005 at the Jawaharlal Nehru University and University of Delhi. Currently, he is Senior Fellow and Director, Centre for the Study of Developing Societies, Delhi. Professor Bhargava has taught in many universities abroad and has been a visiting fellow at Harvard, Columbia, Belfast, Bristol and Jerusalem. He has also been a fellow at the Wissenschaftskolleg, Berlin and Institute of Human Sciences, Vienna. His publications include *Individualism in Social Science, Secularism and its Critics, What is Political Theory and Why do we need it? The Promise of India's secular democracy*. His contributions to political theory particularly in debates on Secularism, constitutionalism and reconciliation between communities are internationally recognized. He was a consultant to the UNDP report on cultural liberty and is on the advisory board of several national and international organizations.



**Radhika Coomaraswamy**

Professor Radhika Coomaraswamy was United Nations Under Secretary General and Special Representative of the Secretary General for Children and Armed Conflict 2006-2012. She was also the United Nations Special Rapporteur on Violence Against Women 1994-2003. In Sri Lanka she was a former Chairperson of the Sri Lankan Human Rights Commission 2003-2006 and a Director of the International Center for Ethnic Studies. She has written widely, books and articles on constitutional law, human rights, ethnic studies and women's rights. She is currently a Global Professor of Law at the New York University School of Law.

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Ms. Asma Jahangir was appointed UN Special Rapporteur on Freedom of Religion or Belief in July 2004. In this function she has submitted several reports to the UN Commission on Human Rights, to the UN General Assembly and to the UN Human Rights Council. Previously she had already served as UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions from 1998 to 2004. In her two mandates she has conducted a total of 20 country visits, most recently in March 2008 to India. Presently, she is also Commissioner of the International Commission of Jurists, Executive Member of the International Crisis Group and Chairperson of the Human Rights Commission of Pakistan. In her home country Pakistan she is Director of AGHS Legal Aid Cell, a NGO set up in 1980 to provide free legal aid to women. Over the years, the mandate of AGHS has expanded to respond to the needs of a growing civil society and the demands made by various groups for legal recourse. Ms. Jahangir represents clients in the High Court, Federal Shariat Court and the Supreme Court of Pakistan.

### **Christophe Jaffrelot**



Dr. Christophe Jaffrelot is Senior research fellow at CERI (Centre d'Etudes et de Recherches Internationales) at Sciences Po (Paris), and research director at the CNRS (Centre National de la Recherche Scientifique), Professor of Indian Politics and Sociology at the King's India Institute (London) and Global Scholar at Princeton University. Among his publications all originally by Hurst (London) and Columbia University Press in New York are *The Hindu nationalist movement and Indian politics, 1925 to 1990s*, New Delhi, Penguin, 1999, *India's Silent Revolution. The Rise of the Lower Castes in North India*, New Delhi, Permanent Black, 2003 and *Dr. Ambedkar and Untouchability. Analysing and Fighting Caste*, New Delhi, Permanent Black 2005. He has also co-edited with Laurent Gayer, *Muslims in Indian cities. Trajectories of marginalization*, New Delhi, Arper Collins, 2012.

### **Clem McCartney**



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and mediation. He worked in the Centre for the Study of Conflict in the University of Ulster, being responsible for connecting academic researchers to policy makers and practitioners and making research more relevant to decision makers. In 1992 he became an independent consultant on conflict and community issues and has a wide range of experience including Northern Ireland, South Asia, South-East Asia, and the Caucasus.







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