

Rehabilitating Secularism

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During the last three decades, secular states, virtually everywhere, have come under severe strain. It is hardly surprising, then, that political secularism, the doctrine that defends them, has also come under heavy criticism. Some scholars have concluded from this that the criticism is so profound and justified that it is time to abandon political secularism. In this chapter, I do not deny that the crisis of secularism is real, but I reject the conclusion that it should be rejected. There is a big gap between criticizing a practice or an idea and withdrawing support from it. I argue that the criticism of secularism looks indefeasible only because critics have focused on one or two doctrinal versions of Western secularism. I claim that it is time we shifted focus away from doctrines and toward the normative practices of a wide variety of states, including the best practices of non-Western states such as India.

Once we do this, we will begin to see secularism differently, as a critical perspective not against religion but against religious homogenization and institutionalized religious domination. This is why “really existing secularisms” are both more accommodating toward some aspects of religion *and* deeply critical of its other dimensions. Once these alternative conceptions implicit in the normative practices of states are dredged up, we might see that we still do not possess a reasonable, moral, and ethical alternative to secularism. Secularism remains our best bet to help us deal with ever-deepening religious diversity and the problems endemic to it. In short, I argue that we need to rehabilitate, not forsake, secularism.

I

The contemporary crisis of secularism started with the establishment of the first modern theocracy in Iran and spread to Egypt, Sudan, Algeria, Tunisia,

Ethiopia, Nigeria, Chad, Senegal, Turkey, Afghanistan, Pakistan, and Bangladesh.¹ Movements that challenged the seemingly undisputed reign of secular states were not restricted to Muslim societies. Singhalese Buddhist nationalism in Sri Lanka, Hindu nationalists in India, religious ultra-orthodoxy in Israel, and Sikh nationalists who demanded a separate state partly on the ground that Sikhism does not recognize the separation of religion and state all signaled a deep challenge to the secular character of states.²

Strong anti-Muslim and anti-Catholic movements of Protestants decrying secular states emerged in Kenya, Guatemala, and the Philippines. Religiously grounded political movements arose in Poland, and Protestant fundamentalism became a force in American politics. In western Europe too, where religion is largely a personal response to divinity still largely private, rather than an organized system of practices, the challenge to the secular character of states has come both from migrant workers of former colonies and from intensified globalization. This has thrown together a privatized Christianity with Islam, Sikhism, and pre-Christian, South Asian religions that do not draw a boundary between the private and the public in the same way. These strange bedfellows have created a deep religious diversity the like of which has never before been known in the West.³ As the public spaces of Western societies are claimed by these other religions, the weak but distinct public monopoly of single religions is beginning to be challenged by the very norms that govern these societies. This is evident in Germany and Britain but was most dramatically highlighted by the head-scarf issue in France.⁴ The suppressed religious past of these societies is now foregrounded, and the robust secular character of their states has begun to be questioned.

Only someone with blinkered vision would deny the crisis of secularism. Party idéologues, public intellectuals, and academics, both its supporters and its opponents, share the view that it is endangered. However, an ambiguity lying at the very heart of this claim has not altogether been dispelled: Is the crisis caused primarily by external factors, as when a good thing is undermined by forces always inimical to it, when it falls into incapable or wrong hands, when it is practiced badly? Or is it, rather, that the blemished practice is itself an effect of a deeper conceptual flaw, a bad case of a wrong-footed ideal? Our strategy for how to deal with this crisis will vary depending on how we assess the relative strengths of external and internal threats to secularism. The crisis may be severe but may not go very deep if the problem is one of, say, public translation. For example, Indian critics have frequently argued that secularism has long been confined to an English-speaking, metropolitan elite and has never been properly disseminated to the wider public.⁵ If this alone were the case, rehabilitating secularism would mean a reworking of public cultures without any change in the ideal itself. However, if the normative and conceptual structure of the doctrine is blemished, rehabilitation requires a substantial reworking of the ideal itself. I believe that secularism is internally threatened. I agree that the conceptual

structure of secularism is not properly worked out and that as it stands, its normative structure is inadequate. At the same time, the conviction that an ideal can be rehabilitated presupposes another belief that it is not irretrievably malfunctional. It follows that the rehabilitation of secularism means seeking an alternative conception of secularism rather than an alternative to secularism.

Identifying an alternative conception is not always easy. In order to do so, we need to keep in mind the distinction between (a) those practices of the state that embody norms governing their relationship with religion; (b) the articulation of these norms in representations and reflections found in laws enacted by legislatures, executive decisions, judicial pronouncements, and constitutional articles; and finally, (c) normative ideals governing the relationship between state and religion and expressed in doctrines, ideologies, and political theories.

I believe that the doctrinal, ideological, and theoretical formulations of Western secularism are by now highly restricted and inadequate. The rehabilitation of secularism is virtually impossible unless we reduce our reliance on these formulations. These doctrines and theories have become part of the problem, hurdles to properly examining the issues at stake. Wittgenstein's warning that the hold of a particular picture is so strong that it prevents, even occludes, awareness of other conceptions of reality is apt here. We are so seized by one or two conceptions that we simply cannot notice other conceptions that have been pushed into the background. Once we have shifted away from currently dominant models and focused on the normative practices of a broader range of Western states beyond the more familiar ones, indeed also on non-Western states, we shall see that better forms of secular states and much more defensible versions of secularisms are available. And although in some contexts, minimally decent religion-centered states may be adequate, by and large, they will not do, because they, too, are as much a part of the problem as are some secular states.

So we need to move away from these doctrinal formulations of political secularism and unearth different versions found in the best practices of many states and in their judicial pronouncements and constitutional articles. Another reason to go to these practices and reflections is that norms implicit in practices keep shifting, but these shifts are largely hidden from public view. When practices that do not match doctrinal formulations come to light, two options are available: first, to withdraw the practice because it falls short of the ideal; second, to withdraw the doctrinal ideal and to rearticulate the norms and build another conception of secularism. When it comes to the crunch, many Western states take the first easy option. They withdraw ethically sensitive, democratically negotiated arrangements and practices and take refuge in the entrenched ideals. This is frequently a retrogressive step. Focusing on normative practices and constitutional articles and refashioning secularism will help us displace a worn-out ideal and shift the norm, bringing it closer to how people wish to lead their lives, rather than how they should lead their lives in accordance with a more or less redundant ideal.

II

Two assumptions must be made explicit before I proceed, one factual, the other normative. The factual component is that most societies today are characterized by religious diversity. The pressing question before us, then, is how we deal with this diversity and the problems that accompany it. The normative component involves a commitment to the view that the question of whether we should retain or abandon a commitment to a secular state—whether we should jettison or try to rehabilitate secularism—cannot be properly answered unless we raise it within a comparativist value-based framework.

What do I mean by religious diversity? To begin with it, I mean diversity *of* religion. Diversity of religion exists in a society when it has a populace professing faith in, say, Christian, Jewish, or Islamic ideals. A society has deep diversity of religion when its people adhere to faiths with very diverse ethoses, origins, and civilizational backgrounds. This happens, for example, when a society has Hindus and Muslims or Hindus and Jews or Buddhists and Muslims and so on. The second kind of diversity is *within* religion. This diversity may be of two kinds. The first might be called horizontal diversity, which exists when a religion is internally differentiated. For example, Christianity has different confessions, denominations, and sects. Muslims are divided into Shi'a, Sunni, Ismaili, Ahmedis, and so on. Likewise, Hindus could be seen to be differentiated into Vaishnavite and Shaivite and so on. Religions are characterized, however, by another kind of diversity, which may be called vertical diversity. Here, people of the same religion may engage in diverse practices that are hierarchically arranged. A religion might mandate that only some may engage in certain kind of practices and others are excluded from them. For example, caste-ridden Hinduism makes a distinction between pure and impure practices. Practices performed by certain castes are pure, and members of other castes are excluded from them. For instance, women or *dalits* may not be allowed entry into the inner sanctum of temples and in many cases even into the precincts of an upper-caste temple. This example already brings home a point that I ought to have made at the very outset of this discussion. Every form of diversity, including religious diversity, is enmeshed in power relations. If so, endemic to every religiously diverse society is an illegitimate use of power whereby the basic interests of one group are threatened by the actions of another. It further follows that inherent in religiously diverse societies is the possibility of both interreligious and intrareligious domination—a broad term that encompasses discrimination, marginalization, oppression, exclusions, and the reproduction of hierarchy.⁶ (Two other forms of domination are also possible: the domination by the religious of the nonreligious and the domination of the religious by the nonreligious.)

My second point about answering this question within a comparative framework is grounded in the following conviction. All good ethical reasoning must

be contextual and comparative. It must ask not just the question of whether our constitutions should be committed to secular states but, rather, the question of whether, given the context of different forms of religion-related dominations and given the existence of alternatives X, Y, and Z, our constitutions should be committed to secular states. More specifically, we should ask whether, given the existence of religion-related domination and given that the feasible alternatives to secular states are different kinds of religion-centered states, we should be committed to secular states. We should also ask what ethical or moral gains would ensue if we were to transit from religion-centered states to secular states and vice versa. Another way of asking the same question might be: given our commitment to counter the four types of religion-related dominations mentioned above, which of the several kinds of states, religion-centered or secular, will minimize one, some, or all of them? A positive answer in favor of some secular states considerably enhances the prospect of the rehabilitation of secularism.

III

I have spoken above of secular and religion-centered *states*. The use of the plural needs to be stressed, because the internal distinction *within* secular and religion-centered states is as important as the distinction *between* secular and religion-centered states. These two sets of distinctions are important because they help to show (a) why most religious-centered states are likely to encourage religious homogenization and therefore unlikely to reduce forms of domination mentioned above, (b) why, in order to serve the same purposes, some secular states may be even worse than some religion-centered states, and (c) why some forms of secular states may be best equipped to reduce forms of domination and deal sensibly with religious diversity.

RELIGION-CENTERED STATES

What are religion-centered states and secular states? To understand these distinctions, allow me to introduce another set of distinctions. States may be strongly connected to religion or disconnected from it. Such connection or disconnection may exist at three distinct levels: at the level of ends, at the level of institutions and personnel, and at the level of public policy and, even more relevantly, law. With the aid of these conceptual tools, let me first specify what I mean by religion-centered states. Such states are of at least two kinds. The first, theocracy, is connected to religion at all three levels. Here, a priestly class directly rules in accordance with what it believes are divine laws. Thus, there is no distinction between priestly and political orders (strong connection at the level of institutions and personnel). The principal values of religion *are* also the

values of the political order (strong connection at the level of ends). Religious precepts themselves have a status of laws. The Islamic republic of Iran as Khomeini aspired to run it is an obvious example.

A theocratic state must be distinguished from a state that establishes religion. Here, religion is granted official, legal recognition by the state, and while both benefit from a formal alliance with each other, the sacerdotal order does not govern a state where religion is established. Because they do not identify or unify church and state but install only an alliance between them, states with an established church are in some ways disconnected from it. In these political orders, there is a sufficient degree of institutional differentiation between the two social entities. Distinct functions are performed in each by different personnel. Yet there is a more significant sense in which the state and the church are connected to each other: they share a common end largely defined by religion. By virtue of a more primary connection of ends, the two benefit from a special relationship with each other. There is, finally, another level of connection between church and state at the level of policy and law. Such policies and laws flow from and are justified in terms of the union or alliance that exists between the state and the church. The institutional *disconnection* of church and state—at the level of roles, functions, and powers—goes hand-in-hand with the first-level and third-level *connection* of ends and policies. It is the second-order disconnection of church and state that differentiates a state with established church/religion from a theocracy.

SECULAR STATES

Secular states are different from both of these religion-centered states. To understand this difference at a more abstract and general level, let me lean once again on the distinction made above and distinguish three orders of disconnection to correspond with the already-identified three orders of connection. A state may be disconnected from religion first at the level of ends, second at the level of institutions, and third at the level of law and public policy. A secular state is both nontheocratic and against the establishment of religions. It establishes neither one religion nor many. The second-order disconnection, church-state separation, demarcates it from a theocracy. The first-order disconnection from religion distinguishes secular states from both theocracies and states with established religion. A secular state has its own secular ends.

AMORAL SECULAR STATES

Secular ends are at the very least of two kinds. The first kind might be called amoral. Amoral secular states are so called because their entire purpose is to maximize power, wealth, or both. They may have moral pretensions but really no commitment to values such as peace, liberty, or equality. Usually, they are

imperial and autocratic. A good example of such a predominantly secular state, despite the not-infrequent allegation of its biased, Christian character, is the British colonial state in India, which, motivated almost exclusively by power, wealth, and social order, had a policy of tolerance and neutrality toward different religious communities. This is not surprising, given that empires are interested in the labor or tribute of their subjects, not in their religion. Such self-aggrandizing, amoral states may or may not disconnect with religion at the third level, the level of law and policy. They may have a hands-off approach to all religions, purely for instrumental reasons. However, if it serves their instrumental purpose, they may also connect with religion.

VALUE-BASED SECULAR STATES AND MAINSTREAM, DOCTRINAL SECULARISMS

Distinct from amoral states are value-based secular states. These values include peace, toleration, religious liberty (including the freedom to criticize and revise dominant interpretations of one's own religion and at the very extreme to reject the religion into which one is born), and equality of citizenship in both its passive dimension (the right to receive benefits such as physical security and a minimum of material well-being regardless of one's religion) and its active dimension (the right to vote, to stand for public office, and to participate in public deliberation about matters of common concern).⁷

These value-based secular states differ from one another in their respective understandings of the relationship with religion at the third level. Some are committed to disconnection, by which they mean *mutual exclusion* of religion and state. Such states maintain a policy of strict or absolute separation. Here, religion is excluded from the affairs of the state, but the state, too, is excluded from the affairs of the religion. The state has neither a positive relationship with religion—for example, there is no policy of granting aid to religious institutions—nor a negative relationship with it. It is not within the scope of state activity to interfere in religious matters, even when the values professed by the state are violated. This noninterference is justified on the ground that religion is a private matter, and if something is amiss within the private domain, it can be mended only by those who have a right to do so within that sphere. This, according to proponents of this view, is what religious freedom means. Mutual exclusion is justified on grounds of negative liberty and is identical with the privatization of religion. Others reject complete disconnection and adopt instead a policy of *one-sided exclusion* of religion from state. Such states exclude religions in order to control or regulate them and sometimes even to destroy them. This control may be exercised by hindering religions or sometimes even by helping them, but the motive in both cases is to control them, largely because of the belief that religion is false consciousness or obscurantist or superstition or because they see religion as intrinsically oppressive and hierarchical. Thus,

intervention in religion may be justified also on grounds of freedom and equality. Such secular states are decidedly antireligious. Finally, there are still other states that reject both one-sided exclusion and mutual exclusion and follow a policy of *principled distance*, a sophisticated relation with religion in which the state may connect or disconnect with religion depending entirely on whether the values to which it is committed are promoted or undermined by one or the other way of relating to religion.

There are at least three types of secular states and several versions of secularism. The first type includes amoral secular states, which are likely to fare poorly on an index of freedom and inequality. The second type includes states that have strongly perfectionist ends, a single, robust conception of the good life, which translates into deep skepticism about the truth claims and value of religions, about their public role, and about their capacity ever to prevent forms of oppression and domination. This is true in different degrees of some of the formerly Communist states, of the Republican conception that pervaded the public life in France, and of strongly perfectionist liberal conceptions that invoke rational autonomy to rebuke religions. These antireligious secular states have a poor record in promoting or even protecting religious freedom. Indeed, states that fail to protect religious freedom usually trample on other freedoms, too. Over time, they also develop a hierarchy between the secular and the religious and might perpetuate the domination by the nonreligious of the religious. Thus, such states are also likely to fare badly on the index of freedom and equality, because in order to promote more rigorous conceptions of positive freedoms and substantive equalities, they may cross minimal thresholds of morality and decency. If they are insensitive to interreligious inequalities because their brand of secularism blinds them to the religious content of their culture, they may even unwittingly perpetuate interreligious domination.

That leaves us with only one other type of secular state, one that erects a wall of separation between itself and religion to protect freedom and equality. Such a state is likely to fare well on an index of minimal conceptions of negative liberty and procedural equality. But such a conception has no room for positive freedom. It cannot get the state to act in ways that might facilitate freedom and equality. For it, any intervention is tantamount to control. The only way to respect religion is to leave it alone. Moreover, it might be indifferent to the lack of freedom and equality within religions. It is even more indifferent to inequalities between religions, between majority and minority religions. Deep down, it allows, sometimes in unnoticed and very subtle ways, both intra- and interreligious dominations.

Our public and political culture is dominated by these forms of secular states and these antireligious, republican, or libertarian conceptions, doctrines, and theories of secularism. Each of these conceptions disseminates images and representations either of the sidelining of religion altogether or of indifference to, if not exactly encouragement of, subtle forms of interreligious domination.

Add to this the widespread feeling among ordinary citizens everywhere—people who also happen to be engaged in everyday forms of religiosity—that secular states that run in accordance with these doctrinal secularisms are also amoral, if not inside their own countries, then at least with respect to the world outside. This makes the crisis of secularism even more severe.

All of this has not gone unnoticed in academic literature. Several critics have noted the problems of secularism (although they frequently fail to see, in fact, that they focus only on doctrinal and ideological formulations of secularism). First, secularism takes separation to mean exclusion of all religions on a non-preferential basis. It wishes by fiat to eliminate religion from public life and from politics more generally. For example, liberal secularism enjoins the citizen to support only those coercive laws for which there is public justification. Why? Because if others are expected to follow a law in terms that they do not understand and for reasons or justifications that they cannot endorse, then the principle of equal respect is violated.⁸ If other reasonable and conscientious citizens have good reason to reject a particular rationale in support of a coercive law, then this rationale does not count as public justification. Because a religious rationale is a paradigmatic case of a reason that other citizens have good reasons to reject, it does not count as public justification, and because it does not count as public justification, a law grounded solely on a religious rationale must never be enacted. In short, purely religious convictions or commitments have no role to play in democratic and pluralist polities. This requirement that religious reasons be excluded from liberal democratic politics is offensive to religious persons who, like others, wish to support their favored political commitments on the basis of their conscience.⁹ If people believe that their politics must be consistent with their morality and, since morality is derived from religion, with their religious connections, then why should they be discouraged or stigmatized for doing so? Besides, it is a mistake to assume that only religious people bring passion and sectarianism into politics or, as Richard Rorty believes, that only religion is a conversation stopper.¹⁰ By asking a religious person to exercise restraint and exclude religious reasons in his or her justification for a coercive law, liberal secularism forces that person to act against his or her conscience, and in doing so, it fails not only to respect the moral agency of that person but also violates its own principle of equal respect. Indeed, the demand that restraint be exercised is counterproductive, because exclusion from the larger public sphere forces the religious to form their own narrow public where resentment and prejudice will flourish.¹¹ This would lead not only to the freezing of identities but also to the building of unbreachable walls between religious and nonreligious citizens. Therefore, “engagement with religious people is typically better than shunning them.”¹²

Second, this secularism does not understand the believer’s life as it is lived from the inside. It misses out on perhaps the most significant feature of most religions: that they encourage their members to choose to live a disciplined,

restricted, rule-bound, and desire-abnegating life. A religious life is not just a life of personal and whimsical attachment to a personal God but one in which one submits to his commands and lives obediently by them. This may be a nightmare for a standard liberal but gets the constitutive features of most religions rather better than liberal secularism does.

Third, by interpreting separation as exclusion, it betrays its own sectarianism; it can live comfortably with liberal, Protestantized, individualized, and privatized religions but has no resources to cope with religions that mandate greater public or political presence or have a strong communal orientation. This group-insensitivity of secularism makes it virtually impossible for it to accommodate community-specific rights and therefore to protect the rights of religious minorities. In short, while this secularism copes with interreligious domination, it does not possess resources to deal with interreligious domination.

Fourth, Western secularism is a product of Protestant ethic and is shaped by it. Therefore, its universal pretensions are perhaps its greatest drawback. Moreover, it presupposes a Christian civilization that is easily forgotten because, over time, it has silently slid into the background. Christianity allows this self-limitation, and much of the world innocently mistakes this rather cunning self-denial for its disappearance.¹³ But if this is so, this “inherently dogmatic” secularism cannot coexist innocently with other religions.¹⁴ Given the enormous power of the state, it must try to shape and transform them—a clear instance of illegitimate influence, if not outright violence. Thus, with all of its claims of leaving religions alone, of granting religions liberty, this secularism is hostile to nonliberal, non-Protestant believers.¹⁵ Overall, it would not be wrong to say, then, that this secularism forces upon us a choice between active hostility and benign indifference.

Fifth, liberal secularism relies excessively on a rationalist conception of reason that imposes unfair limits on the manner in which issues are to be brought into the public domain. Some issues are constitutively emotive; others become emotive because they are articulated by people who are not always trained to be rational in the way liberals mandate.¹⁶ In short, the model of moral reasoning typical of secularism is context-insensitive, theoreticist, absolutist (noncomparative), enjoining us to think in terms of this or that, and too heavily reliant on monolithic ideas or values considered to be true or superior or wholly nonnegotiable.

These are powerful critiques, and I agree with some of them. But I also have serious disagreement with the conclusion that they rebut political secularism altogether. I agree that in our imagination of social and public life, greater space must be given to nonliberal religions; such ways of life have moral integrity that liberal secularism frequently fails to realize. Yet in our effort to accommodate such religions, we cannot ignore that these very religions also continue to be a source of severe oppression and exclusion. States that align with religions

frequently condone these morally objectionable practices. In Pakistan, the religiously sanctioned law of evidence, Qanoon-e-Shahadat, holds on par the evidence of two women or two non-Muslims with that of a single male Muslim, thereby establishing the intrinsic superiority of Muslim men over women and minorities and contravening the fundamental principle of equality.¹⁷ In Hinduism, religiously sanctioned customs related to purity and pollution continue to exclude women from the affairs of their own religion and perpetuate an institutionalized system of subordination of women.

Indeed, if we contrast these secular states with religion-centered states, and provided that we have a sustained commitment to the reduction of religion-related domination, we might rediscover our faith, if not exactly in existing secular states, at least in the prospect of rehabilitating secularism. Even a cursory evaluation of these states shows that they are all deeply troublesome. Take the first historical instances of states that established a single church—the unreformed established Protestant churches of England, Scotland, and Germany and the Catholic churches in Italy and Spain—in which the state recognized a particular version of the religion enunciated by that church as the official religion, compelled individuals to congregate for only one church, punished them for failing to profess a particular set of religious beliefs, levied taxes in support of one particular church, paid the salaries of its clergy, and made instruction of the favored interpretation of the religion mandatory in educational institutions or in the media.¹⁸ In such cases, there was inequality not only among religions (Christians and Jews) but also among the churches of the same religion, and while members of the established church may have enjoyed a modicum of religious liberty, those belonging to other churches or religions did not enjoy any or the same degree of liberty.¹⁹ States with substantive establishments have not changed color with time. Wherever one religion is not only formally but substantively established, the persecution of minorities and internal dissenters continues today.²⁰ One has to cite only the example of Saudi Arabia to prove this point.²¹ In many states, political exclusion is built into the basic law of the land. By making adherence to a particular religion mandatory for anyone aspiring to the highest offices in the country, religion-centered constitutions ensure the exclusion of religious minorities from high political office. Pakistan is a good example.²² What of states with multiple establishments of churches? Historically, New York or Massachusetts in the middle of the seventeenth century officially respected more than one denomination.²³ These states levied a religious tax on everyone and yet gave individuals the choice to remit the tax money to their preferred church. They financially aided schools run by religious institutions but on a nondiscriminatory basis. They may have punished people for disavowing or disrespecting the established religion but did not compel them to profess the beliefs of a particular denomination.

States with substantive establishment of multiple churches or religions are better in some ways than states with singular establishment. For example, such

states are likely to be relatively peaceful. Members of different denominations are likely to tolerate one another. There may be general equality among all members of a religion (although, historically, this has not always been the case, women and blacks have been the usual victims in the United States). The state grants each denomination considerable autonomy in its own affairs. But states with establishment of multiple churches have their limitations. For a start, they may continue to persecute members of other religions and atheists. Second, they are indifferent to the liberty of individuals within each denomination or religious group. They do little to foster a more general climate of toleration that prevents the persecution of dissenters. Closed and oppressive communities can thrive in such contexts. Third, they may not have legal provisions that allow an individual to exit from his or her religious community and embrace another religion or to remain unattached to any religion whatsoever. Fourth, such states give recognition to particular religious identities but fail to recognize what may be called nonparticularized identities, those that simultaneously refer to several particular identities or transcend all of them. Fifth, such states are unconcerned with the *nonreligious* liberties of individuals or groups. Finally, such states are entirely indifferent to citizenship rights.

What lessons are to be learned from this discussion of secular and religion-centered states? What does all of this show? It demonstrates three things. First, we must be sensitive simultaneously to the moral integrity of liberal and non-liberal religious ways of living, as well as to religion-based oppression and exclusions. Second, states that are strongly aligned to religions may be sensitive to the moral integrity of nonliberal religions but not always to their oppressions. Third, a policy of noninterference (mutual exclusion) typical of liberal secularism is self-defeating. In short, a conception of secularism needs to be worked out that goes beyond liberal, libertarian, and republican theories and does justice to both of the dimensions referred to above. Moreover, we need to combat the doctrinal and theoretical version of secularism that appears aggressive, aims to install a fully secularized state, one that strictly separates itself from completely privatized religions, or has a project of taking away from religion any role in public life. The proper way to fight this is not to indulge in purely negative critiques but to offer constructive alternatives. In this context, a general failure to explore alternative versions of secularism that are able effectively to meet the challenge of some of these critiques and imaginatively open up new possibilities of expanding our horizons is deeply disappointing. But do such versions exist? I think that such a version that is not parochial, neither wholly Christian nor Western, does exist. This model meets the secularist objection to nonsecular states and the religious objection to some forms of secular states. Where do we look in order to identify this model? I believe that we have to go to the practices and less doctrinal statements—the normative practices of the French, British, even American states. Just one example is the public funding of faith-based schools. Officially, American secularism does not sanction

public financing of religion. Yet public funding of religion exists, albeit without proper assessment of the dilemmas of recognition and cooperation. Likewise, in practice, the French state not only directly and indirectly funds Roman Catholic schools but also tries to accommodate even Muslim minorities.²⁴

However, to illustrate my point, I shall go to the Indian example, because it is what I know best. When we examine its best practices and constitutional articles, we can identify seven features of Indian secularism that clearly mark it out from other variants. First is its multivalue character. Indian secularism more explicitly registers its ties with values forgotten by Western conceptions—for example, peace among communities—and interprets liberty and equality both individualistically and nonindividualistically. It has a place not only for the rights 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 religious traditions. Second, because it was born in a deeply multireligious society, it is concerned as much with interreligious domination as with intrareligious domination. Thus, it recognizes community-specific sociocultural rights. Although community-specific political rights (special representation rights for religious minorities such as Muslims) were withheld in India for contextual reasons, the conceptual space for them is present within the model. Third, it is committed to the idea of principled distance, poles apart from one-sided exclusion, mutual exclusion, and strict neutrality or equidistance.

In addition to these features, there are others that further distinguish Indian secularism from the mainstream conception. Fourth, it admits a distinction between depublicization and depoliticization, as well as between different kinds of depoliticization. Because it is not hostile to the public presence of religion, it does not aim to depublicize it. It accepts the importance of one form of depoliticization of religion, namely, the first- and second-level disconnection of state from religion, but the third-level depoliticization of religion is permitted purely on contextual grounds. Fifth, it is marked by a unique combination of active hostility to some aspects of religion (a ban on unsociability and a commitment to make religiously grounded personal laws more gender-just) with active respect for its other dimensions (religious groups are officially recognized, state aid is available nonpreferentially to educational institutions run by religious communities, and there is no blanket exclusion of religion as mandated by Western liberalism). This is a direct consequence of its commitment to multiple values and principled distance. The Indian model accepts the view that critique is consistent with respect, that one does have to choose between hostility and respectful indifference. In this sense, it inherits the tradition of the great Indian religious reformers who tried to change their religions precisely because it meant so much to them. Sixth, it is committed to a different model of moral reasoning that is highly contextual and opens up the possibility of different societies working out their own secularisms. In short, it opens out the

possibility of multiple secularisms. Seventh, it breaks out of the rigid interpretative grid that divides our social world into the Western modern and the traditional, indigenous non-Western. Indian secularism is modern but departs significantly from mainstream conceptions of Western secularism.

PRINCIPLED DISTANCE

Let me further elucidate two of these features: Indian secularism's contextual character and the idea of principled distance. As seen above, for mainstream Western secularism, separation means mutual exclusion. The idea of principled distance unpacks the metaphor of separation differently. It accepts a disconnection between state and religion at the level of ends and institutions but does not make a fetish of it at the third level of policy and law. (This distinguishes it from all other models of secularism, moral and amoral, that disconnect state and religion at this third level.) How else can it be in a society where religion frames some of its deepest interests? Recall that political secularism is an ethic whose concerns relating to religion are similar to theories that oppose unjust restrictions on freedom, morally indefensible inequalities, intercommunal domination, and exploitation. Yet a secularism based on principled distance is not committed to the mainstream Enlightenment idea of religion. It accepts that humans have an interest in relating to something beyond themselves, including God, and that this manifests itself as individual belief and feeling, as well as social practice in the public domain. It also accepts that religion is a cumulative tradition, as well as a source of people's identities.²⁵ But it insists that even if it turned out that God exists and that one religion is true and others are false, then this does not give the "true" doctrine or religion the right to force itself down the throats of others who do not believe it. Nor does it give a ground for discrimination in the equal distribution of liberties and other valuable resources.

Similarly, a secularism based on principled distance accepts that religion may not have special public significance antecedently written into and defining the very character of the state or the nation, but it does not follow from this that it has no public significance at all. Sometimes, in some versions of it, the wall-of-separation thesis assumes precisely that. As long as religion is publicly significant, a democratic state simply has to take it into account. Indeed, institutions of religion may influence individuals as long as they do so through the same process, by access to the same resources as anyone, and without undue advantage or unduly exploiting the fears and vulnerabilities that frequently accompany people in their experience of the religious.

But what precisely is principled distance? The policy of principled distance entails a flexible approach to the question of inclusion or exclusion of religion and the engagement or disengagement of the state, which at the third level of law and policy depends on the context, nature, or current state of relevant

religions. This engagement must be governed by principles undergirding a secular state, that is, principles that flow from a commitment to the values mentioned above. This means that religion may intervene in the affairs of the state if such intervention promotes freedom, equality, or any other value integral to secularism. For example, citizens may support a coercive law of the state grounded purely in a religious rationale if this law is compatible with freedom or equality.²⁶ Equally, the state may engage with religion or disengage from it, engage positively or negatively, but it does so depending entirely on whether or not these values are promoted or undermined. A state that intervenes or refrains from interference on this basis keeps a principled distance from all religions. This is one constitutive idea of principled distance. This idea is different from strict neutrality, whereby the state may help or hinder all religions to an equal degree and in the same manner, and if it intervenes in one religion, it must also do so in others. Rather, it rests on a distinction between equal treatment and treating everyone as an equal.²⁷ The principle of equal treatment, in the relevant political sense, requires that the state treat all of its citizens equally in the relevant respect, for example, in the distribution of a resource of opportunity. On the other hand, the principle of treating people as equals entails that every person or group is treated with equal concern and respect. This second principle may sometimes require equal treatment, say, equal distribution of resources, but it may also occasionally dictate unequal treatment. Treating people or groups as equals is entirely consistent with differential treatment. This idea is the second ingredient in what I have called principled distance.

I said that principled distance allows for differential treatment. What kind of treatment do I have in mind? First, religious groups have sought exemptions from practices in which states intervene by promulgating a law to be applied neutrally to the rest of society. This demand for noninterference is made on the ground either that the law requires them to do things not permitted by their religion or that it prevents them from doing acts mandated by it. For example, Sikhs demand exemptions from mandatory helmet laws and from police dress codes to accommodate religiously required turbans. Muslim women and girls demand that the state not interfere in their religiously required *chador*. Jews and Muslims seek exemption from Sunday closing laws on the ground that this is not required by their religion. Principled distance allows, then, that a practice that is banned or regulated in one culture may be permitted in the minority culture because of the distinctive status and meaning that it has for its members. For the mainstream conception, this is a problem because of the simple, somewhat absolutist morality that gives 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 these groups are also able to secure what other groups are able to get routinely by virtue of their social

dominance in the political community. It may grant authority to religious officials to perform legally binding marriages or to have their own rules or methods of obtaining a divorce. Principled distance allows the possibility of such policies on the grounds that to hold people accountable to an unfair law is to treat them as unequals.

However, principled distance is not just a recipe for differential treatment in the form of special exemptions. It may even require state intervention in some religions more than in others, considering the historical and social conditions of all relevant religions. For the promotion of a particular value constitutive of secularism, some religion, relative to other religions, may require more interference from the state. For example, if the value to be advanced is social equality and requires in part undermining caste hierarchies, then the state must interfere in caste-ridden Hinduism more than, say, in Islam or Christianity. However, if a diversity-driven religious liberty is the value to be advanced by the state, then it may have to intervene in Christianity and Islam more than in Hinduism. If this is so, the state can neither strictly exclude considerations emanating from religion nor keep strict neutrality with respect to religion. It cannot antecedently decide that it will always refrain from interfering in religions or that it will interfere in each equally. Indeed, it may not relate to every religion in society in exactly the same way or intervene in each religion to the same degree or in the same manner. To want to do so would be plainly absurd. All it must ensure is that the relationship between the state and religions is guided by nonsectarian motives consistent with some values and principles.

How is principled distance different from the very productive idea introduced into the discourse by Alfred Stepan? For Stepan, both democratic institutions and religion must tolerate each other.²⁸ This means (a) that religious institutions should not have “constitutionally privileged prerogatives” that allow them authoritatively to mandate public policy to democratically elected governments and (b) that individuals and religious communities must have complete freedom to worship privately, to advance their values in civil society publicly, to sponsor organizations and movements in political society and even to form political parties, as long as the liberties of other citizens, democratic institutions, and the law are not violated. These two minimal freedoms, for Stepan, are compatible with a broad range of patterns of religion-state relations in political systems. Thus, democracy requires neither strict separation of religion and the state nor hostility toward religion. Clearly, we both agree that idealized versions of American or French conceptions of secularism are not required for democracy. We are committed to the same values and reject mutual exclusion and one-sided exclusion of religion from state. What, then, is the difference between us? First, the idea of principled distance is less friendly to any kind of establishment of religion in religiously diverse societies. For the principled-distance variety of secularism, even formal establishment of religion violates minimal notions of equality of citizenship. Second, the notion of twin

tolerations is far more ambiguous regarding whether or not the state may facilitate the exercise of religious freedom by communities, particularly minority communities. It also does not explicitly specify the conditions under which the state may intervene in religions to promote more substantive conceptions of equality, say, gender equality or intercaste equality within religion.

CONTEXTUAL SECULARISM

A context-sensitive secularism, based on the idea of principled distance, is what I call contextual secularism. Contextual secularism is contextual not only because it captures the idea that the precise form and content of secularism will vary from one to another context and from place to place but also because it embodies a certain model of contextual moral reasoning. It does because of its character as a multivalue doctrine. To accept that secularism is a multivalue doctrine is to acknowledge that its constitutive values do not always sit easily with one another. On the contrary, they are frequently in conflict. Some degree of internal discord and therefore a fair amount of instability are an integral part of contextual secularism. For this reason, it forever requires fresh interpretations, contextual judgments, and attempts at reconciliation and compromise. No general *a priori* rule of resolving these conflicts exists, no easy lexical order, no preexisting hierarchy among values or laws that enables us to decide that no matter what the context, a particular value must override everything else. Almost everything, then, is a matter of situational thinking and contextual reasoning. Whether one value overrides or is reconciled with another cannot be decided beforehand. Each time, the matter presents itself differently and will be differently resolved. If this is true, then the practice of secularism requires a different model of moral reasoning from the one that straitjackets our moral understanding in the form of well-delineated, explicitly stated rules.²⁹ This contextual secularism recognizes that the conflict between individual rights and group rights cannot always be adjudicated by a recourse to some general and abstract principle. Rather, these conflicts can only be settled case by case and may require a fine balancing of competing claims. The eventual outcome may not be wholly satisfactory to either but still be reasonably satisfactory to both. Multivalue doctrines such as secularism encourage accommodation—not giving up one value for the sake of another but, rather, their reconciliation and possible harmonization, to make each work without changing the basic content of apparently incompatible concepts and values.

This endeavor to make concepts, viewpoints, and values work simultaneously does not amount to a morally objectionable compromise. Rather, it captures a way of thinking characterized by the following dictum: “why look at things in terms of this or that, why not try to have both this and that”?³⁰ In this way of thinking, it is recognized that although we may currently be unable to secure the best of both values and therefore be forced to settle for a watered-down

version of each, we must continue to have an abiding commitment to search for a transcendence of this second-best condition.³¹ It is frequently argued against Indian secularism that it is contradictory because it tries to bring together individual and community rights and that articles in the Indian constitution that have a bearing on the secular nature of the Indian state are deeply conflictual and at best ambiguous.³² This is to misrecognize a virtue as a vice. In my view, this attempt to bring together seemingly incompatible values is a great strength of Indian secularism. Indian secularism is an ethically sensitive negotiated settlement between diverse groups and divergent values. When it is not treated as such, it turns either into a dead formula or a façade for political maneuvers.

IS SECULARISM A CHRISTIAN AND WESTERN DOCTRINE?

What, then, of the claim that secularism is a Christian, Western doctrine and therefore is unable to adapt itself easily to the cultural conditions of, say, India, infused as they are by religions that grew in the soil of the subcontinent. As the Indian example shows, this necessary link between secularism and Christianity is exaggerated, if not entirely mistaken. It is true that the institutional separation of church and state is an internal feature of Christianity and an integral part of Western secularisms. But as we have seen, this church-state disconnection is a necessary but not a sufficient condition for the development of secularism even in societies with church-based religions. It is clearly not a necessary condition for the development of all forms of secularisms. Moreover, as I have argued, the mutual exclusion of religion and the state is not the defining feature of secularism. The idea of separation can be interpreted differently. Nor are religious integrity, peace, and toleration (interpreted broadly to mean “live and let live”) uniquely Christian values. Most non-Christian civilizations have given significant space to each. Therefore, none of them is exclusively Christian. It follows that even though we find in Christian writings some of the clearest and most systematic articulation of this doctrine, even the Western conception of secularism is not exclusively Christian.

All right, one might say, secularism is not just a Christian doctrine, but is it not Western? The answer to this question is both yes and no. Up to a point, it is certainly a Western idea. More specifically, as a clearly articulated doctrine, it has distinct Western origins. Although elements that constitute secularism assume different cultural forms and are found in several civilizations, one cannot deny that the idea of the secular first achieved self-consciousness and was properly theorized in the West. One might then say that the early and middle history of secularism is almost entirely dominated by Western societies. However, the same cannot be said of its later history. Nationalism and democracy arrived in the West after the settlement of religious conflicts, in societies that had been made religiously homogeneous or had almost become so (with

the exception of the Jews, of course, who continued to face persistent persecution). The absence of deep religious diversity and conflict meant that issues of citizenship could be addressed almost entirely disregarding religious context; the important issue of community-specific rights to religious groups could be wholly ignored. This had a decisive bearing on the Western conception of secularism. However, for non-Western societies, such as India, the case is different. Both national and democratic agendas in countries such as India had to face issues raised by deep religious difference and diversity. In India, nationalism had to choose between the religious and the secular. Similarly, the distribution of active citizenship rights could not be conceived or accomplished by ignoring religion. It could be done either by actively disregarding religion (as in all political rights) or by developing a complex attitude toward it, as in the case of cultural rights, where it had to balance claims of individual autonomy with those of community obligations and claims of the necessity of keeping religion “private” with its inescapable, often valuable presence in the public. By doing so, Indian secularism never completely annulled particular religious identities.

In addressing these complex issues, the idea of political secularism was taken further than it had been evolved in the West. Mainstream theories or ideologies in modern, Western societies have taken little notice of these features. Hence, they are struggling to deal with the postcolonial religious diversity of their societies. The later history of secularism is more non-Western than Western.³³ In the past, I have suggested that to discover its own rich and complex structure, Western secularism can either look backward, to its own past, or else look sideways, at Indian secularism, which mirrors not only the past of secularism but, in a way, also its future. Doing so will certainly benefit the secularisms of many Western societies. For example, French secularism needs to look beyond its own conceptions of *läicité* in order to take into account its own multicultural and multireligious reality. It cannot continue to take refuge in claims of exceptionalism. A good, hard look at Indian secularism could also change the self-understanding of other Western secularisms, including a very individualist American liberal secularism. I would now add that these models can be altered and reinvigorated, at least partly, also by unearthing their own best contemporary practices. An articulation of these practices would show that these models are closer to the Indian variant and quite far removed from their theoretical and doctrinal self-understandings.

Let me sum up. How can secularism be rehabilitated? For a start, we should jettison seeing secularism as a mere strategy, even as an institutional strategy. Second, secularism should sever its ties with amoral secular states. This means coming to realize that, somewhat paradoxically, secularism is against some secular states. Third, the discussion of secular states must be done with a model of comparative moral and ethical reasoning. Fourth, we must rethink disconnection or separation and jettison the hold of two hitherto paradigmatic models of exclusion and talk instead in terms of principled distance. Fifth, the ends in

question should be a mixture of the moral and the ethical. Put differently, the focus should be on ending religion-related domination. Sixth, political secularism must be viewed as part of critical social secularism, indeed, as a self-critical social perspective that is against four types of domination: interreligious, intrareligious, domination of religious by secular, and domination of secular by religious. We need to conceive it anew as not against religion but against institutionalized religious domination. Finally, we need to give up the binary opposition between the secular and the religious. A new, refashioned conception of secularism must not see a necessary opposition between the secular and the religious. On the contrary, it must encourage a way of conceiving a world inhabited by both religious and nonreligious people but where the four religion-related dominations, particularly intra- and interreligious dominations, are minimized, if not altogether eliminated.

Notes

1. David Westerlund, *Questioning the Secular State* (London: Hurst, 1996). Gilles Kepel, *The Revenge of God: The Resurgence of Islam, Christianity, and Judaism in the Modern World* (University Park, Pa.: Penn State University Press, 1994). I. Ahmed, *The Concept of an Islamic State: An Analysis of the Ideological Controversy in Pakistan* (London: Frances Pinter, 1987). Amena Mohsin, “National Security and the Minorities: The Bangladesh Case,” in D. L. Sheth and Gurpreet Mahajan, eds., *Minority Identities and the Nation-State* (New Delhi: Oxford University Press, 1999).
2. Mark Juergensmeyer, *New Cold War? Religious Nationalism Confronts the Secular State* (Berkeley: University of California Press, 1994).
3. Bryan S. Turner, “Cosmopolitan Virtue: On Religion in a Global Age,” *European Journal of Social Theory* 4, no. 2 (2001): 134.
4. Jane Freedman, “Secularism as a Barrier to Integration? The French Dilemma,” *International Migration* 42, no. 3 (2004): 5–27.
5. Sudipta Kaviraj, “Religion, Politics and Modernity,” in U. Baxi and B. Parekh, eds., *Crisis and Change in Contemporary India*, (Delhi: Sage, 1995), 295–316.
6. Of course, what is dominant is hard to identify; a practice that is freedom-enabling may itself have another aspect to it that is the carrier of domination. The same practice may be both freedom- and domination-enhancing. Furthermore, what is freedom to one might be domination to other. In a controversial example, veiling is a marker of inequality, of sexist oppression, but it may also be a marker of individual identity and of protest against interreligious domination.
7. For a fuller discussion, see Rajeev Bhargava, “The Distinctiveness of Indian Secularism,” in T. N. Srinivasan, ed., *The Future of Secularism* (Oxford: Oxford University Press, 2007).
8. Robert Audi, “The Place of Religious Argument in a Free and Democratic Society,” *San Diego Law Review* 30 (Fall 1993): 701. Lawrence Solum, “Faith and Justice,” *DePaul Law Review* 39 (1990): 1095. Stephen Macedo, *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism* (Oxford: Clarendon, 1990), 249. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap, 1971), 337–338. Paul Weithman, *Religion*

and Contemporary Liberalism (Notre Dame, Ind.: University of Notre Dame Press, 1997), 6. Charles Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), 137.

9. Michael J. Sandel, "Freedom of Conscience or Freedom of Choice," in Terry Eastland, ed., *Religious Liberty in the Supreme Court* (Washington, D.C.: Ethics and Public Policy Center, 1993), 483–496.

10. Richard Rorty, "Religion as a Conversation Stopper," *Common Knowledge* 3, no. 1 (1994); 2. Christopher J. Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002), 77.

11. Jeff Spinner-Halev, *Surviving Diversity: Religion and Democratic Citizenship* (Baltimore, Md.: Johns Hopkins University Press, 2000), 150–156.

12. *Ibid.*, 155.

13. William E. Connolly, *Why I Am Not a Secularist* (Minneapolis: University of Minnesota Press, 1999), 24.

14. John Keane, "Secularism?" *Political Quarterly* 71, no. 1 (2000); 14. T. N. Madan, "Secularism in Its Place," in Rajeev Bhargava, ed., *Secularism and Its Critics* (New Delhi: Oxford University Press, 1998), 298.

15. Philip Hamburger, *Separation of Church and State* (Cambridge, Mass.: Harvard University Press, 2002), 193–251.

16. Connolly, *Why I Am Not a Secularist*, 27.

17. Perhaps the most outrageous instance of indirect internal exclusion is the Hudood ordinance, an antiwomen measure that punishes women who are unable to establish that they have been raped. Under the Hudood ordinance, rape convictions require four male witnesses. A failure to produce such witnesses results in the prosecution of the complainant, who is liable for punishment for fornication (*zina*). See Iftikhar H. Malik, *Religious Minorities in Pakistan* (London: Minority Rights Group International, 2002), 18.

18. Leonard W. Levy, *The Establishment Clause: Religion and the First Amendment* (Chapel Hill: University of North Carolina Press, 1994), 5.

19. One exception to this, however, was the Millet system of the Ottoman Empire, which had Islam as the established religion but in which three other religious communities—Greek Orthodox, Armenian Orthodox, and Jewish—were treated as equals and given a respectable degree of autonomy.

20. The distinction between formal and substantive establishment is important. In Saudi Arabia, Islam is both formally and substantively established. Britain has a formally established church (the Anglican Church). But apart from a few exceptions, only a secular state grants liberty and equality to all.

21. Malise Ruthven, *A Fury for God: The Islamist Attack on America* (London: Granta, 2002), 172–181.

22. Malik, *Religious Minorities*, 16.

23. Levy, *The Establishment Clause*, 12.

24. But such acts of accommodation coexist clumsily, sometimes with official denials in public.

25. Wilfred Cantwell Smith, *The Meaning and End of Religion* (Minneapolis, Minn.: First Fortress, 1991), 154–169.

26. Principled distance rejects the standard liberal idea that the principle of equal respect is best realized only when people come into the public domain by leaving their reli-

gious reasons behind. Principled distance does not discourage public justification. Indeed, it encourages people to pursue public justification. However, if the attempt at public justification fails, it enjoins religiously minded citizens to abandon restraint and support coercive laws that are consistent with freedom and equality based purely on religious reasons. See Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002).

27. Ronald Dworkin, “Liberalism,” in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge: Cambridge University Press, 1978), 125.

28. Alfred Stepan, *Arguing Comparative Politics* (Oxford: Oxford University Press, 2001), 213–253.

29. Charles Taylor, “Justice after Virtue,” in John Horton and Susan Mendus, eds., *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Cambridge: Polity, 1994), 16–43.

30. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (New Delhi: Oxford University Press, 1972), 318.

31. Such contextual reasoning was not atypical of the deliberations of the Constituent Assembly, in which great value was placed on arriving at decisions by consensus. Yet the procedure of majority vote was not given up altogether. On issues that everyone judged to be less significant, a majoritarian procedure was adopted.

32. Stanley J. Tambiah, “The Crisis of Secularism in India,” in Bhargava, ed., *Secularism and Its Critics*, 445–453.

33. And by implication, the history of secularism must include the history of other non-Western societies that have sought to install and maintain secular states.