Should the state leave religion alone?

There is no simple yes or no answer to this question. Much depends on what we mean by the term religion.

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The Sabarimala judgment and its aftermath have brought the issue of state intervention in religion back to the table: should governments leave religion alone, instead of interfering in it? Much depends on what one means by religion.

In one sense, religion refers to that aspect of human life where we relate to the transcendent, through personal belief or collective practice. This transcendent entity can be seen either as existing within human persons or outside them, in the highest possible realm. Religion then largely consists of spiritual exercises by which one digs deeper or goes higher. A mind-boggling variety of exercises exist — from those headed by a church, to institutionalised faith communities, to practices of domination within it. It should also inhibit any attempt on its part to dominate members of other religious communities.

Intervening in organised religion

However, it is commonplace that as faith communities become large, they feel the need to be rule-bound; in order to become stable and self-sustaining, they institutionalise themselves. But institutionalisation often involves the introduction of hierarchical relations of power and status. Some people in this relation have more power and status, that is, more resources. They systematise beliefs surrounding spiritual exercises into explicit doctrines. They insist on doctrinal purity and lay down strict but spurious rules that split followers from non-believers, insiders from outsiders. Concepts of heresy and infidelity are generated and a whole society is manufactured gated communities with roles and relations for the ‘deviants’ and thereby manufacture communities.

Without clear boundaries the term religion is a complex and morally ambivalent phenomenon. It is because religion is a complex and morally ambivalent phenomenon that there cannot be a single, emphatic yes or no answer to the question raised above. In my own work over decades, I have consistently maintained that there is a strict separation between state and religion, which is how secularism is conceived as a political or legal decision on whether or not to intervene in religion. On the one hand, a principled distance variety of secularism is the unique ethical stance of the Indian Constitution, a gift from India to the rest of the world.

Keeping a principled distance

It is because religion is a complex and morally ambivalent phenomenon that there cannot be a single, emphatic yes or no answer to the question raised above. But equally, a just, egalitarian, and freedom-sensitive state cannot abandon its obligation to remove such profoundly oppressive practices from its society. This is why laws that prohibit triple talaq or lift religious restrictions on women to enter temples such as Sabarimala must be enacted. Customs that demean or humiliate women must go.

I have consistently argued that this is precisely how secularism is conceived in India: not as a political perspective that permits authoritarian control of religion by the state; nor one that encourages a libertarian hands-off approach towards it; but as one that promotes a nuanced and flexible policy of value-sensitive political or legal decision on whether or not to intervene in religion. This principled distance variety of secularism is the unique ethical stance of the Indian Constitution, a gift from India to the rest of the world.