Political Theory

Liberal Political Theory and the Cultural Migration of Ideas: The Case of Secularism in India

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Abstract

The principles of liberal political theory are often said to be "freestanding." Are they indeed sufficiently detached from the cultural setting where they emerged to be intelligible to people with other backgrounds? To answer this question, this essay examines the Indian secularism debate and develops a hypothesis on the process whereby liberal principles crystallized in the West and spread elsewhere. It argues that the secularization of western political thought has not produced independent rational principles, but transformed theological ideas into the "topoi" of a culture. Like all topoi, the principles of liberalism depend on other clusters of ideas present in western societies. When they migrate to new settings, the absence of these surrounding ideas presents fundamental obstacles to the interpretation and elaboration of liberal principles. The case of Indian secularism illustrates the cultural limitations of liberal political theory rather than showing its universal significance.

Keywords

liberalism, secularism, India, cultural diversity, secularization

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Advocates of political liberalism claim that its central principles are "freestanding." That is, liberal principles of justice do not depend on any comprehensive metaphysical doctrine and can therefore be endorsed by people from different religions and cultures.[1] This goes together with a historical account: until about the seventeenth century, western political thought was entangled with Christian theology, but then intellectuals realized that religious conflict was here to stay and that politics needed to be separated from religious concerns. Modern political philosophy came into being as a form of reasoning distinct and independent from political theology.[2] To address the problem of enduring disagreement about religion, classical liberalism advocated the individual's freedom to choose his convictions and plan his life. However, once liberals discovered that individual autonomy was also an object of reasonable disagreement, they concluded that the principles governing political life should stand independently from any controversial comprehensive doctrine.[3]

If liberal principles *ought to be* freestanding, we should be able to determine whether this *is* the case. This essay raises a simple question: Does liberal political theory remain intelligible to people with cultural backgrounds completely different than that of modern westerners? Are liberal principles sufficiently freestanding from the cultural and religious setting where they emerged to be accessible to reasonable individuals from cultures other than the modern West? Answering this question is important to political theorists. First, the claim that political liberalism can be endorsed by people from different cultures presupposes that its principles are intelligible to such people. When groups of citizens fail to make sense of liberal tenets of justice, we cannot expect them to join any reasonable agreement on such tenets. Second, liberal political theory has been exported to non-western societies to guide their political institutions and problem solving. There, the demand that liberal principles be freestanding has additional urgency. In case these principles require the support of western metaphysical conceptions, they will not function adequately in the absence of those conceptions. Third, contemporary western societies are becoming increasingly diverse and include citizens with different cultural experiences. This poses another challenge: if the intelligibility of liberalism depends on a particular cultural background, it cannot without difficulty continue to offer a basic political model for western democracies.

To answer our question, we should examine what happens when concepts from liberal political theory migrate to different cultural settings. This essay intends to do so by looking at the secularism debate in India. First, we reveal some problems in the thesis that the concept of secularism has changed in India because of the historical conditions under which it developed. To account for these problems, we have to re-examine the process through which liberal principles emerged in the West and then spread elsewhere. We present

a hypothesis on the dynamic of secularization that produced the principles of the liberal secular state. Next, we show its implications for the migration of ideas between different cultural settings. By distinguishing between certain properties of theories in the natural sciences and political theories, we specify the difficulties caused by the cultural migration of the latter. Finally, this generates the prediction that liberal political theory will face problems of intelligibility, when it moves to new cultural settings. To assess the value of our hypothesis, we then return to the issue of Indian secularism and to the landmark debates that occurred when the Constitution of India was drafted.

Indian Secularism and Conceptual Change

In the last two decades, the Indian secularism debate has focused on diagnosing the crisis that secularism is undergoing because of the rise of Hindu nationalism.[4] Some participants conclude that causes internal to the secular state are to blame. First, even though the Indian state professes to be "secular," they suggest it has been neither impartial towards nor detached from religion. It has regularly intervened in the affairs of some religious communities while leaving others alone.[5] A second complaint is that the notion of "secularism" in India is obscure and that it means different things to different people.[6] Third, some argue that secularism was imposed on a deeply religious Indian population by alienated westernized elites. The idea of secularism may make sense against a Christian background, where the relation between "religious authorities" and "secular rulers" has long been a central concern, but it is an alien import in India and has failed to take root here. Finally, these authors argue that secularism's marginalization of religion in Indian society has led to a backlash and radicalization in the form of Hindu nationalism.[7]

In response, it is argued that these critics presuppose one normative or "transhistorical" model of secularism—an idealized version of the western separation of church and state. Instead, this response continues, secularism has "multiple meanings," and a specifically Indian form of secularism has come into being because of the historical conditions under which it emerged.[8] Secularism is a universal doctrine, Rajeev Bhargava asserts, since its basic constituents are constant, namely, "a separation of organized religion from organized political power inspired by a specific set of values." But these elements can be interpreted in several ways. Therefore, secularism has no fixed content, but "multiple interpretations which change over time."[9] Indian secularism is distinct from western secularism, for it was transformed in the process of responding to problems like caste discrimination and extreme religious diversity.[10]

There is truth to the claim that concepts in political theory change accordingly as they are used to conceptualize and solve new problems. James Farr

has described conceptual change as an "outcome of the process of political actors attempting to solve the problems they encounter as they try to understand and change the world around them." Concepts, he emphasizes, are "never held or used in isolation, but in constellations which make up entire schemes or belief systems." These larger schemes or theories are rational attempts to solve problems generated "in or between political beliefs, actions, and practices." Theories may undergo change in the attempt to solve particular problems, whenever theorists abandon certain concepts, conceive new ones, or modify the reference or criteria of application of some concepts. Such conceptual changes can be wholesale and happen all at once, but "generally they will proceed incrementally, slowly, even glacially, and always against a backdrop provided by those concepts which are not at that moment in the process of change."[11]

This clarifies some of the conditions under which concepts change. Since they are not held in isolation but as larger theoretical schemes, concepts can either change against the background of a stable theoretical framework or one such framework can be replaced by another. In the latter case, a new theory has to be formulated before the old one can be replaced. Like any theory, it cannot consist of a few isolated sentences but should present a systematic framework. In the former case, the framework will put certain limits on the kind of change concepts can undergo, since any theoretical scheme should possess minimal coherence to continue to make sense to us.

This point merits amplification in the context of political theory. Normative principles like religious freedom or state neutrality should be embedded in some minimally coherent framework. If they are not, isolated sentences such as "there ought to be religious freedom" can be interpreted in infinitely many ways. In the absence of interpretive limits, we can call on such principles to justify many conflicting policies. But one of the functions of liberal political theory is to put constraints on the policies legitimate within any liberal democracy. Consider the following analogy: in modern democracies, it is not as though any decision is legitimate *merely* because it is a majority decision; the constitutional and legal framework puts limits on the legitimacy of majority decisions.[12] Normative political theory plays a similar role. Principles of religious toleration and state neutrality put constraints on state policies towards religious communities: excesses—say, persecuting one religious community or extreme privileging of another—are restrained by such principles. To enable them to play this role, however, these principles cannot be interpreted as stand-alone sentences. We have to respect the interpretive limits laid down by some or another theory of the secular state.

Various theories of secularism are permitted and so is flexibility in interpreting these. Yet each interpretation has to abide by the interpretive limits of some background framework or model of the secular state. The reason becomes

clear when we consider the case of India. Here, the absence of interpretive limits has enabled Hindu nationalists to call on the principle of religious freedom to implement "anti-conversion" legislation that targets Christians and Muslims (illustratively called "Freedom of Religion Acts").[13] Similar circumstances would allow us to insist that "secularism" in Europe refers to a system where certain religious doctrines are imposed on all citizens, because this conceptual change helps solve the problem of, say, the integration of Muslim minorities. Not only would this conflict with other valid claims in liberal theories, it would also provide the tools to justify illiberal policies as instances of liberal secularism. This is perhaps the most important reason why political theories need to strive for consistency, even where some concepts change. If they do not, they can no longer limit the type of measures we can justify in their terms.

What kind of change has the concept of secularism undergone in India? Most authors note that "secularism" has acquired new meanings, related to "equal respect for all religions."[14] They leave it unclear how this changed notion is connected to other concepts. Does this amount to a new connotation to be accommodated within liberal political theory? That does not appear to be the case: many argue that Indian secularism deviates from classical liberal principles. Is there then a new theory or *interpretation* of secularism in India? Certain conditions have to be fulfilled before we can speak of an "interpretation" here. What is interpreted? If it concerns only one term, then interpretation would amount to stipulating some definition for "secularism." This is equivalent to saying that a new interpretation of Darwin's evolutionary theory could materialize only by defining the word "evolution" differently. Any new "interpretation" of secularism cannot interpret only one term. It has to interpret a series of terms and sentences, and clarify the semantic and logical relations of an entire system of concepts.[15] Generally, a principle like "equal respect for all religions" makes sense only if it is part of a larger theory, which explains what equality of respect entails, what constitutes religion as the object of respect, and how these concepts are related to those of the state, the citizen, and equality.[16] But in the Indian debate, such questions go unanswered. It is as though the word "secularism" could stand in isolation and acquire new "meanings."

In a recent article, Bhargava defends "the distinctiveness of Indian secularism." In western secularism, he says, separation of state and religion means either mutual exclusion or neutrality, but Indian secularism unpacks the metaphor of separation differently, in terms of "a policy of principled distance." The state does not abstain from intervening in religious affairs, nor does it treat all religions symmetrically. Instead, principled distance entails that a state can intervene or not, depending on "the context, nature, or current state of relevant religions." In other words: "To say that a state keeps principled

distance from religion is to claim that it intervenes or refrains from interfering in religion, depending entirely upon whether or not some values are protected or advanced. Moreover, it is to admit that a state may interfere in one religion more than in others, depending once again on the historical and social condition of all relevant religions."[17]

First note that this policy of principled distance attributes extraordinary powers of observation and cognition to the state. The state should be able to know the context, nature, and condition of religions in such a way that it has good reasons to decide where and when to intervene in the affairs of these religions. The problem is that we do not currently possess any widely accepted intersubjective descriptions of the religions of India that clarify their nature or condition. The policy of "principled distance" requires such descriptions. Without them, state officials are free to take recourse to those descriptions that justify their intention to intervene in the affairs of some community.

Consider Bhargava's examples. Within the framework of principled distance, he says, when the state advances the value of social equality, then it will justifiably interfere more in "caste-ridden Hinduism" than in Christianity or Islam. When it aims to advance "a diversity driven religious liberty," then it may intervene more in the latter two religions.[18] Several theorists argue today that the dominant descriptions of "Hinduism" are western constructions and products of a generic Christian descriptive framework.[19] Similarly, the common understanding of "the caste system" is rejected as a colonial projection, and the connection between Hinduism and caste has been denied.[20] We do not have to endorse any position in these debates to recognize that they provide good reasons to distrust the standard descriptions of "caste-ridden Hinduism." The same is true for dominant descriptions of Islam.[21] As a consequence, such descriptions cannot help the Indian state to decide reasonably and impartially where to interfere in religious matters.

Depending as it does on subjective judgments about religions, "principled distance" brings back the partisanship into the state's relation to religious communities that secularism seeks to prevent. Bhargava asserts that the state must ensure that the relationship between itself and religions is guided by nonsectarian motives consistent with the constitutive values of secularism.[22] To guarantee this, however, we need something more than some values. It is impossible to ensure that the state's justifications are consistent with any set of values, unless *there are constraints on how these values can be interpreted*. In other words, we require a theory that puts interpretive limits on "secularism," "religious freedom," and other terms by relating these to each other in systematic fashion. Only then can we guarantee that justifications for state policies are consistent with secular values. Bhargava explicitly denies this kind

of structure to Indian secularism. He views it as a "contextual secularism," which recognizes that it is "a multi-value doctrine," and that any situation demands compromises between its values. This cannot be done by taking recourse to some general principle, he says, but "can only be settled case by case and may require a fine balancing of competing claims."[23] This is as good as saying that secularism in India does not have any general conceptual structure, but allows the state to decide on ad hoc basis which measures to adopt towards religious communities, as long as it is able to justify these in terms of some secular "values."

"Principled distance" is not an interpretation of secularism, but an ex–post facto justification of the behavior of the Indian state since 1947 by making ad hoc modifications to liberal political theory. This way of "interpreting" secularism offers the means to legitimize illiberal policies. As one author puts it, "since secularism remains a nebulous concept, the ruling party can pursue partisan ends and still claim to be upholding secularism."[24] Under these conditions, Hindu nationalists can suggest that "Hinduism is secularism in its noblest sense" and that a Hindu state would be a truly secular state.[25] Or, as another observer notes, Supreme Court judges can draw upon Rawlsian liberal arguments "to legitimate the core beliefs of the Hindu right on the most fundamental of all questions, the nature of Indian national identity."[26] This happens when a concept like secularism is modified without paying heed to the conceptual framework of which it is part.

Attempts to show the distinctiveness of Indian secularism reveal its incoherence. Could the problem lie in the demand that thinking should be coherent and consistent? Are these criteria perhaps derived from western reasoning? Such suggestions ignore the debates that occurred in India over millennia. When Vaidikas, Buddhists, and Jains held disputes about the nature of human action, desire, or the self, they pointed to inconsistencies and incoherence in each other's arguments. The same happened in debates between *advaita* ("non-dualism") and *dvaita* ("dualism") schools of Vedanta. Indian thinkers rejected inconsistent reasoning and developed sophisticated systems of logic. Consistency and coherence are demands put on human reasoning in Indian culture as much as they are in the West.[27] We should look elsewhere to account for these problems in the Indian secularism debate.

Liberalism, Secularization, and Conceptual Migration

Today, the classical "secularization thesis" and its claim that religion gradually declines in modern societies have lost credibility. More and more authors argue that we need to understand the emergence of our modern secular age differently.[28] In the words of Charles Taylor, "subtraction stories," which suggest

that modern secularity is the residual kernel that remains after discarding the impact of religion on human nature, are inadequate.[29] Secularism as it developed in the West was shaped by the internal dynamics of western Christianity, like its long history of reform movements.[30]

Given this growing consensus, how should we now conceive of the general relation between modern western thought and its religious antecedents, or more specifically, between Christian political theology and liberal political theory? Is this relation merely one of origin and influence or is there a stronger connection? In other words, what has secularization meant in the realm of ideas, and what does this tell us about the status of modern political theory?[31]

To address these questions, we shall build on a hypothesis about secularization introduced by Balagangadhara in his *The Heathen in His Blindness* (1994). Modern western societies did not become free of the influence of religion, he suggests, but instead secularization is a part of the expansion of religion. As a religion, Christianity exhibits a double dynamic of universalization: proselytization and secularization. The former is how this religion expands directly, through the process of recruiting people into its fold, among other things. In doing so, it creates a community of believers. "Secularization," by contrast, also extends the dominance of this religion but in another form, through the creation of what looks like a non-religious secular world within the ambits of a religious world. In this sense, Christian religion universalizes itself through the two antipodal movements of proselytization and secularization.[32] If we confine "secularization" to the realm of ideas, our question becomes: Do religious ideas spread across society in a secular guise?

Topoi of Liberalism

All cultures and societies have their own commonplaces. We would like to introduce the term "topos" to refer to a particular kind of commonplace idea, which plays an important role in the conceptual world of a society.[33] Not all commonplace ideas are topoi, even though each of them has the potential to become one. Whether or not a commonplace becomes a topos depends upon its ability to be elaborated in the form of a theory or hypothesis. Hence we can identify a commonplace as a topos only after some thinker develops it into a theory. Alternatively, a commonplace idea can become a topos in a different way: by playing the functional role of a heuristic that allows one to develop new theories or hypotheses. That is, topoi can give direction to the process of transforming other ideas into theories. An important characteristic of topoi is that they exhibit some sort of structure or coherence. They are not isolated commonplace ideas but consist of clusters of related ideas. This is not to say

that, taken together, all topoi form a coherent whole. The relationship between clusters of topoi could be one of relevance or irrelevance, compatibility or incompatibility.

We can now state our hypothesis about the secularization of religious ideas succinctly: some ideas developed in the theology of a religion are "secularized," that is, spread in an apparently secular or non-religious guise in society, in the form of topoi. Secularization in the realm of ideas, then, *is the process of transforming religious ideas into the topoi of a culture.*

This formulation may generate a thorny problem: after all, what makes some ideas into *religious* ideas? The problem disappears if we restate the thesis. *In the realm of ideas*, Christian religion universalizes itself through a twin process of proselytization and secularization. Proselytization consists of articulating some ideas within the framework of a particular theology: embedding and elaborating ideas in the contexts of a theology. Secularization takes the form of transforming these ideas into topoi and untying ideas from their theological embedding and contexts. In the movement of proselytization, the particular ideas of a theology crystallize and spread; in that of secularization, these ideas lose some of their theological embedding and particularity, accordingly as they are transformed into the topoi of a society.

Let us illustrate this hypothesis historically. From the start, attempts were made in western Christendom to spread theological ideas among the populace. This happened through sermons and *florilegia*: a kind of handbooks for producing sermons, consisting of quotations from the Bible, the church fathers, respected theologians, and pagan philosophers, indexed and classified in terms of topics relevant to the life of the believer. This classification followed fixed levels of theological authority. Scripture came first, then certain church fathers and later theologians. Passages from classical philosophy could serve only as illustrations of truths already established. Out of this tradition grew a new genre of texts and mode of learning: that of the *commonplace books*. These Latin books emerged during the Renaissance and were associated with the educational programme of humanism. They dominated European education throughout the sixteenth and seventeenth centuries. Students and scholars kept notebooks divided into headings and sub-headings under which exemplary quotations from various sources were brought together and fitted into the broad conceptual framework of Christianity. Thus, theological ideas were transmitted in society as commonplaces about human existence and its relation to God.[34]

Commonplace books were particularly popular in the Protestant world, where they played a significant role in shaping early modern political thought.[35] Here, the formation of the liberal secular state comes into the picture. When Protestant intellectuals discussed the question of religious toleration, they did

so in a conceptual language that was clearly theological, namely, that of the theology of Christian liberty.[36] This is not to say that the toleration discourse reproduced Luther's or Calvin's theology. Rather, several claims from these theologies had become commonplaces: the claim that human existence was divided into two spheres—the spiritual "kingdom" of the soul and the political "kingdom" of temporal physical existence; that the flesh is sinful and needs to be restrained by coercive political powers; the belief that God alone could rule over and judge our souls in the spiritual kingdom; the freedom of the conscience; the principle that fallible human beings should not bind others to their own understanding in religious matters etc.[37]

In the next step, political thinkers elaborated these commonplaces into theories of toleration. In the process of solving the problem of confessional co-existence, they developed certain theological commonplaces into political theories and transformed them into topoi. In his writings on toleration, for instance, John Locke calls upon the theological ideas of Christian liberty and the two kingdoms to transform these into a theory about two basic spheres of human existence: that of civil interests and that of religion or the pursuit of salvation. His argument for the separation of politics and religion secularizes the separation of the two kingdoms in Protestant theology.[38] The magistrate can rule only over the sphere of civil interests, since human beings have entered into "the commonwealth" merely to protect these. Locke relates this central claim to a series of other topoi, with which the topos of the two kingdoms form a cluster. The success of the resulting theory of toleration lies in its capacity to relate several topoi to each other systematically and consistently, and thus present these as reasonable ideas.

Early modern theories of toleration did not consist only of secularized theological ideas. To relate topoi to each other or give additional justifications, thinkers could add non-religious arguments or ideas from classical philosophy, not obviously related to Christian political theology. They could argue that granting freedom to all religions has a positive impact on economic welfare. While such "secular" content of liberal theories increased over the next centuries, the clusters of topoi continued to constitute their conceptual core, around which the rest was built. For example, John Stuart Mill's attempt to demarcate the sphere of individual liberty from that of political coercion in terms of the so-called harm principle is another articulation of the topoi of the two kingdoms.[39] Conceptual change occurred through the re-articulation of these topoi in different terms and their development into various liberal theories. Like all topoi, they had a variety of potential interpretations and could be connected to each other in various creative ways.

Nevertheless, we can predict the limits within which such theories developed, because these were set by the original theological ideas. Topoi are *clusters* of theological ideas that have been secularized. This implies not only that they are elaborated into new theories but also that they lose some of their theological content and embedding in the process. The original theological schemes become topoi that can be articulated in various ways, yet their outer limits or generic structures continue to constrain the range of potential interpretations. Thus, theory formation remains within certain conceptual limits set by the original theological clusters.

This has another consequence. If some theological idea becomes a topos, we can only lend intelligibility to the resulting theory because of the presence of other topoi and theological ideas surrounding it. To give a simple example, we cannot speak of the universal right to freedom of conscience, without also assuming that it is in the nature of human beings to have a conscience that plays a particular role in moral reasoning.[40] This *intelligibility condition* is crucial for the acceptance of topoi and the theories constituted by them. Their basic intelligibility depends on the surrounding constellations of ideas. The accessibility and acceptance of any such theory, and *especially its further development*, are contingent upon this requirement: other commonplace ideas in the surrounding culture should sustain the further interpretation and elaboration of the topoi.

Importantly, in the cultural setting where they were commonplace ideas, liberal topoi made sense because the conceptual resources required for interpreting them were available. In the early modern toleration debates, people knew broadly speaking what "religion" referred to, why it deserved a special status and freedom, and needed to be separated from "politics," or what it meant to say that "conscience" ought not to be oppressed. These notions were linked to an implicit background system of concepts. Naturally, there were many different positions and discontinuities in such debates. But conflicts between different theories and normative positions made sense to the participants, precisely because they occurred against this type of implicit background of commonplaces. These conceptual resources helped in the creative (re)interpretation of theological ideas such that multiple articulations of the clusters of topoi became possible.

Cultural Migration of Ideas

What happens when such topoi migrate to another culture? All cultures in the world have evolved in interaction with other groups and cultures. Especially

after western colonialism, it is nonsensical to speak about, say, a pure Indian culture, as though we are able to discover what it looked like in its *Ur-* form before it encountered the West. Even though it remains possible to distinguish cultures from each other, we are not making some absolute distinction between them.[41] *Relative* to each other, we can speak about *cultural differences* between cultures, even where we lack complete knowledge of the cultures in question.

One of the interesting aspects of cultural contacts is the migration of ideas from one culture to another. Ideas have migrated in multiple ways and forms. It would be foolish to argue that all such conceptual migrations are problematic. After all, some of the cognitive success of the natural sciences relies on their ability to do so. We could suggest that science emancipated itself from religious dogma in modern Europe, but such claims ignore the growing body of work showing that the scientific revolution was influenced by deep-seated religious ideas.[42] Consider one powerful cluster of ideas that played an extraordinary role in the development of scientific thinking. For centuries, researchers held the idea that they were searching for "the laws of Nature," hidden behind the surface phenomena and functioning as their regulator. They also spoke of nature as a book requiring deciphering. For even longer, Christians believed that natural phenomena expressed the underlying order of God's will and that—besides the book of revelation—that of nature also exhibited God's purposes. It does not require a great deal of imagination to see that the first sentences are translations of the second set. In terms of our terminology, the first cluster of ideas secularizes the second, which is clearly theological. The ideas that "laws" function as the hidden regulators of natural phenomena and that nature is a book are topoi propelling the formulation of multiple scientific theories.

Does this mean that such scientific theories are secularizations of Christian theology because of their origin in religious ideas? Any positive answer commits the genetic fallacy. Even where theological ideas played the role of heuristic devices in the development of scientific theories, the resulting theories are *not* secularizations of these ideas, because it is possible to state these theories independently of any theological presuppositions. That is to say, such scientific theories contain *their own conditions of intelligibility*.

To understand Einstein's theories in physics, we do not have to endorse his belief that God does not play dice. Knowledge of physics and mathematics is all we need. We can state the axioms and definitions of his theories completely in a non-theological language (as Einstein did). Similar considerations apply to Galileo's famous dictum that the grand book of the universe "is written in the language of Mathematics."[43] While this topos played the role of a heuristic, the conditions of intelligibility of Galileo's theory do not require such religious

ideas. Given the necessary education, any person of average intelligence can understand these theories, precisely because they are stated in such a way that all axioms become independent of their source of inspiration. When scientific theories migrate across cultures and languages, they are interpreted and understood on their own terms, for they carry their conditions of intelligibility with them.

Is there a migration of topoi across cultures as well? To appreciate the significance of this question, let us focus exclusively on the migration of commonplace political ideas: "Humans are born free," "liberty of conscience," and similar concepts. Some of these have played central roles in society: for instance, the French and American Revolutions were inspired by such "simple" ideas. Even though similar notions had been part of Christian thought for centuries, they played a revolutionary role only in some historical constellations. Consequently, any explanation of such events will have to be historically nuanced. We focus on one of these nuances: for these ideas to have the cogency they had and continue to have, they need to be surrounded by other ideas that support them and make them appear intelligible, plausible, and significant. Or, in terms of our argument, these commonplace ideas become powerful only where they are articulated as topoi.

When topoi migrate across cultures, they do not do so as scientific theories do, since they do *not* carry their intelligibility conditions with them. As said, to understand them "properly" or creatively, other clusters of commonplace ideas have to be present in society. These conditions of intelligibility also contain the limits of permissible interpretations. If one goes beyond these limits in interpreting and articulating the topoi, then they begin to lose their basic clarity and heuristic productivity. The permissibility here is both conceptual and linguistic: conceptual in the sense that these topoi are productive heuristics of research insofar as they are interpreted within definite limits, and linguistic because interpretations that stretch beyond these limits threaten to transform these ideas into linguistic nonsense.

In the process of cultural migration, the topoi of one culture are used to interpret and "elaborate" the topoi of another culture. When this happens, the productivity and heuristic capacity of the interpreted topoi are often lost and their coherence disappears. Then we speak of the occurrence of a *conceptual distortion* of these topoi: *when a topos of one culture is interpreted using the topoi of another, the first topos is conceptually distorted*. This distortion occurs because the clusters of ideas related to the distorted topos are missing. The background of shared conceptual resources, necessary to interpret and elaborate the topos in question, is no longer available. There is no commonplace background that puts limits on the interpretations of terms, and that allows one to make

sense of conflicting positions. Because the topos gets interpreted in a distorted fashion, its heuristic ability is also lost.

Distortions of Secularism

Let us test the adequacy of the above hypothesis by turning back to the Indian secularism debate. From the beginning, liberal principles were central to this debate. English-language notions of "religion," "religious freedom," and "toleration" had entered India during the colonial period.[44] As English became the lingua franca of the post-Independence intelligentsia, this conceptual language remained central to public debate. So when Indian thinkers discuss secularism, they inevitably draw on concepts originating from western political thought.[45]

The best way to assess the value of our hypothesis is to state some of its predictions about such debates. First, problems of understanding and interpretation should come into being in the Indian secularism debate, because liberal topoi are detached from their conditions of intelligibility. Second, in the interpretation of these topoi, conceptual distortions will occur accordingly as they are interpreted in terms of Indian commonplace ideas. The meaning of terms should change, and they will be related to each other in unexpected ways. Third, because of these problems, liberal topoi shall lose their heuristic productivity. They will prove inadequate to conceptualize the relevant problems of Indian society and fail to generate new theories to solve these problems. Fourth, if liberal principles have been interpreted in terms of topoi of Indian culture, then there should be systematicity to the resulting conceptual distortion. Generations of intellectuals, independent of each other, should exhibit *a remarkable consistency* in the way they interpret some specific topos from the West. Are these predictions true?

The Constituent Assembly Debates

In the 1940s, the Constituent Assembly held decisive discussions on the question of secularism in India, setting the agenda for future debates.[46] Since most Assembly members agreed that India should become a secular democracy, they reproduced standard formulations of religious freedom and the secular state.[47] Yet the trouble in interpreting these formulations surfaced whenever there was disagreement about their implications. The most striking instance was the question whether the secular state requires a uniform civil code.[48]

This discussion started when Mohamed Ismail, a Muslim representative, proposed to add the following proviso to Article 35, which said that the state would secure for its citizens a uniform civil code throughout the territory of

India: "Provided that any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law." Ismail defended his proviso:

> Now the right to follow personal law is part of the way of life of those people who are following such laws; it is part of their religion and part of their culture. If anything is done affecting the personal laws, it will be tantamount to interference with the way of life of those people who have been observing these laws for generations and ages. This secular State which we are trying to create should not do anything to interfere with the way of life and religion of the people.[49]

Several Muslim representatives agreed that the secular state cannot touch personal laws because it ought not to interfere in matters of religion.

When others rejected this proviso as a direct negation of Article 35, the dispute turned to the correct interpretation of "the secular state." Another representative insisted that Indians seemed to have "very strange ideas" about the secular state: "People seem to think that under a secular State, there must be a common law observed by its citizens in all matters, including matters of their daily life, their language, their culture, their personal laws." This is incorrect, he added, because, in a secular state, "citizens belonging to different communities must have the freedom to practice their own religion, observe their own life and their personal laws should be applied to them."[50] At the time when this debate occurred, the idea that the same set of laws and rights should apply to all citizens, irrespective of religious affiliation, was not a "very strange idea" but a central principle of the liberal secular state. If the state ought not to interfere with the ways of life of people, then legal uniformity would become impossible.[51]

Indeed, such reasoning led Muslim representatives to rejecting the attempt "to have uniformity of law to be imposed upon the whole people" concerning civil matters as "a tyrannous provision which ought not to be tolerated." In response, the lawyer K. M. Munshi remarked that democracies in the West had uniformity of law and they were hardly tyrannies. Munshi also denied that personal law was part of religion. The dispute now took the form of disagreement about the scope of the term "religion," where Munshi argued that "religion" should be restricted to spheres that legitimately appertain to it and the rest of life must be regulated.[52] The state was welcome to interfere in the *secular* affairs of any religion. But, as Ismail retorted, each community also disagreed on what was religious and secular: "It is a question of difference of opinion as to what a religion should do or should not. People differ and people holding different views on this matter must tolerate the other view."[53]

What happened here? In terms of our hypothesis, the claim that "the state ought not to interfere in religious matters" is one of the topoi of liberalism. When it migrates to the cultural setting of India, we perceive typical problems of conceptual migration. To make sense of this claim, one requires a minimal set of conceptual resources: some basic circumscription of what religion is and of the conditions under which the state can interfere. Instead, Muslim representatives treated this principle as an isolated sentence and made use of a commonplace from Islamic theology to interpret it—the belief that the Shar'iah has been ordained by Allah, and not by human agency, and that humans should never modify it.[54] Since religion covered all of God's revelation, they suggested, a secular state cannot interfere in Muslim personal law.

Confronted by this interpretation, secularists in the Assembly failed to draw upon any conception of religion clarifying which properties make something religious or secular. They had to take recourse to other commonplaces to interpret the same topos. Thus, the chief architect of the Constitution and advocate of social reform, B. R. Ambedkar, borrowed the cliché from European orientalists that religion in India covers all aspects of life from birth to death: "There is nothing which is not religion and if personal law is to be saved, I am sure about it that in social matters we will come to a standstill." He offered an alternative to seeing everything as religion: "There is nothing extraordinary in saying that we ought to strive hereafter to limit the definition of religion in such a manner that we shall not extend beyond beliefs and such rituals as may be connected with ceremonials which are essentially religious."[55] Ambedkar's proposal generated a vicious circle, since his definition of "religion" included the term to be defined. Without consensus on what religion was, there would also be disagreement on what was *essentially* religious.

Similar problems came into being, when the Assembly discussed what made a state "secular." One representative added the following explanation to the Constitution: "No person shall have any visible sign or mark or name, and no person shall wear any dress whereby his religion may be recognised." In the civilized West, he argued, one cannot recognize a man's religion by his name or dress; in India, the opposite was true. If India was to be a secular state, it should enact a law that did away with this diversity: "We should not, being a secular State, be recognised by our dress."[56] Under this interpretation, creating a secular state implied eradicating all visible religious and ethnic differences from society. We could rationalize this as an expression of the nation-building project and the need to rid India of "ascriptive identities." Yet this connection between secularism and national unity cannot render the proposal sensible that the secular state should impose general uniformity of dress or name giving.

Even where one appealed to classical liberal notions, these were subjected to peculiar distortion. One representative argued that the separation of church and state was necessary because western history had shown that their union brought about bloodshed. Given its diversity, India should follow the logic of the secular nation-state: "If a State identifies itself with any particular religion, there will be rift within the State. After all, the State represents all the people, who live within its territories, and, therefore, it cannot afford to identify itself with the religion of any particular section of the population."[57] In the next step, the secular state became less recognizable. The real meaning of the word "religion," this representative pointed out, is dharma or "the true values of religion or of the spirit." All states need religion to get out of their malaise. Therefore, *the secular state was one that united politics and religion*: "When I say, Sir, that the State shall not establish or endow or patronise any particular religion, I mean the formal religions of the World; I do not mean religion in the widest and in the deepest sense."[58] In this way, the secular state became a state that should be both separated from *and* unified with religion.

Conceptual distortions emerged because liberal topoi were cut loose from their conditions of intelligibility and interpreted by means of other topoi present in Indian society. Without going into the difficult task of specifying these Indian topoi, it is clear that the equation of "religion" with *dharma* brought this representative to a distinction between formal religion and *dharma*, where the latter ought to be united with politics. The problem is that terms like "religion" and *dharma* are not semantically equivalent. Many scholars have noted the difficulty of translating *dharma*: some suggest "law"; others "ritual action based on transcendentally authoritative texts"; yet others say *dharma* can mean "order," "role," "duty," or "ethics."[59] Few scholars would translate it as "religion" today. By translating "religion" as *dharma*—either explicitly or implicitly – several problems are generated: the word "religion" has a totally different reference for Indians who map its use onto the use of *dharma* in Indian languages; the meaning and reference of "religion" become unclear; equivocation is unavoidable. Yet this type of "translation" was not exceptional. Mahatma Gandhi often made similar statements that politics and religion should be united, rather than separated, and added that he meant "universal religion" as opposed to specific religions.[60] In such instances, liberal claims about politics and religion were transformed and distorted in terms of topoi about *dharma*.

In brief, the Constituent Assembly Debates exemplified the problem of the migration of topoi. The relevant principles of the liberal secular state had been detached from the connected clusters of ideas necessary to interpret and elaborate them. Therefore, different parties could interpret these principles as they

saw fit. Muslim representatives interpreted them in terms of commonplaces from Islamic theology. Secularists entered into tricky discussions about the correct definition of "religion" and "the secular." At one point, Jawaharlal Nehru—India's first prime minister and arch-secularist—grew so exasperated by the discussions on "the secular state" that he begged "the gentlemen" who use "this word often to consult some dictionary before they use it."[61]

Even though we have selected relevant passages, the same problems recurred in legal and political debates in India over the next decades. To interpret laws related to religion, judges took upon themselves the task of deciding what religion is, what is secular and essentially religious about certain practices, and whether or not Hinduism is a religion. As scholars have noted, the criteria and definitions used to settle these issues are fatally flawed.[62] This is to be expected: the notions of religion and the secular deployed in liberal political theory had originally been embedded in a surrounding system of conceptual resources. Clusters of secularized theological ideas, now commonplace in European societies and their natural language use, allowed people to make sense of these terms and principles. Detached from these conditions of intelligibility, ideas of the secular state were subject to conceptual distortion in India because they were interpreted in terms of the topoi of another culture.

Creative Distortions?

It should be clear that we are not arguing that liberal concepts moved from a coherent and consistent state in the West to incoherence and inconsistency in India. Rather, the migration of liberal topoi to India reveals their connection to a specific cultural background of related clusters of ideas. Today, many of the theological ideas that support liberal principles are no longer present *explicitly* in western public debate. At the very least, they are not shared by all groups in the increasingly multicultural western societies. Consequently, the kind of confusion seen in the Indian secularism debate also surfaces in western debates on secularism and religious freedom.[63]

Even though our hypothesis postulates a connection between liberal principles and a cultural conceptual reservoir, we do not wish to argue that certain ideas *belong to* western culture. Contributions to human thought that help improve the lives of human beings belong to humanity. Political theories emerge as solutions to the practical problems that people face in living together. Whatever conceptual resources are used, these will express the problems that people face and the structure of their solutions. In this sense, the western experience is of great significance to people elsewhere. That is why theories originating in the West migrate across cultures. It is also the case that there

are no "definitive" solutions in political theory. In the course of negotiations between human beings, problems change and the inadequacy of old solutions becomes manifest. As a consequence, there is continuous renewal in political theory, including efforts to re-interpret earlier thinkers.

When Indians were struggling to define the relationship between the modern state built by the British and the diversity of traditions, peoples, and languages in Indian society, it is no wonder that they turned to liberal theories about the secular state. In the course of adopting these ideas, they struggled to interpret these in the context of Indian culture and society. They adapted some ideas in surprising ways. Now the question emerges: what is wrong with this transformative interpretation of ideas, even if it involves conceptual distortion? Can this transformation not indicate the creative power of distortion?

In principle, it is possible that the Indian interpretation of topoi originating in the West leads to creative results. Before we can establish this, however, we should recognize the challenges faced by the migration of political ideas across cultures. In the case of secularism, let us distinguish clearly between two aspects: (a) the nature of *the problem*; (b) *the description* of the problem. In Europe, the nature of the problem was this: how can people belonging to different conflicting religions live together peacefully? The way European intellectuals stated this problem appealed to commonplaces present in their culture. For instance, to say that enduring disagreement over "religious truth" confronted them with the task of determining the proper relation between "secular authorities" and "the spiritual realm" is to invoke conceptual distinctions indebted to centuries of Christian theological reflection. These theological ideas were transformed into topoi and used to frame the problem and formulate solutions. In other words, what migrated to India was not some generic description of the problem of diversity, but *a particular way of stating the problem and its solution*.

There is no canonical form for the statement of problems in political life; multiple possibilities exist to do so. We are arguing that the statement of the problem *in terms of western topoi* is of no great help to India. Take the suggestion that India has suffered from religious strife in much the same way as the West, and that it should therefore separate "politics" from "religion."[64] This does not result from analyzing the problem of diversity in India but merely expresses the presupposition that the problem here is a variant of that of Europe. Without having a theory on the characteristics of *religious* conflicts, scholars presuppose that communal conflict in India has the same structure as the European Wars of Religion; hence the solution of the liberal secular state should work here.

Instead of identifying the nature of the Indian problem and seeking inspiration from western attempts to solve similar problems, the framers of the Indian constitution and later intellectuals *conflated a distorted interpretation of western*

secularism with the statement of the Indian problem. That is to say, they did not study the problems of diversity in Indian society; they merely "reinterpreted" western conceptions of liberalism as though such reinterpretations could substitute for a clear statement of the Indian problem of diversity. This confusion came into existence because Indian thinkers used Indian topoi not to study India and its problems of co-existence but to interpret western topoi concerning religious conflict and the liberal state.

In such cases, both the problem statement and the solution get distorted, because they are reinterpreted in terms of Indian topoi. This leads either to rigidity or to lack of clarity: either one reproduces the western liberal model of the secular state as the norm from which Indian politics deviates, or one postulates a particularly Indian model of secularism whose properties remain unclear. When Donald Smith published his *India as a Secular State* in 1963, Marc Galanter demonstrated how his ideal of the secular state was simply a projection of the American model "with an extra dose of separation." Smith had presented specific American compromises as the rational model from which India deviated.[65] More than two decades later, the same issue cropped up again when Madan and Nandy pointed out that secularists in India had presupposed as the universal norm a political model that happened to work in Christian Europe but whose efficacy in India had not been demonstrated. In response, thinkers like Bhargava or Amartya Sen did not build any theory about Indian secularism and the problem it seeks to solve but added "modifications" to liberal political theory.[66] Similarly, advocates of Hindu nationalism gave their own "interpretation" of the term "secularism" and presented the result as a uniquely "Hindu secularism."

If we want to contribute to the renewal of political theory from an Indian perspective, we need to theorize the Indian problem of living together in a different way rather than simply modifying western political theories. What stands in the way of doing so is the illusion that there is a creative Indian "interpretation" of secularism. Nevertheless, there is a level at which the distortion of secularism is of great interest to political theorists, which we can only briefly indicate here. Systematic patterns can be identified in the conceptual distortion of liberal principles, where these are interpreted in terms of Indian topoi. Different generations of thinkers distort these principles in much the same way. For instance, they keep emphasizing "the equality of religions" as the core of secularism. Such patterns occur, we suggest, because the Indian topoi reflect systematic reasoning and attitudes already present in the Indian cultural context, which then shape the way in which western liberal topoi are understood.[67]

As Nandy argues, to renew our reflection on the problem of diversity in India, we should learn from local traditions of tolerance and try to understand

how these have allowed the co-existence of communities.[68] The cultural migration of ideas gives us a unique entry point: we can track the structure of Indian attitudes and reasoning regarding human diversity by studying the systematic distortions these have caused in the Indian interpretation of liberal principles. This is what needs to be done to truly make sense of the phenomenon of "Indian secularism." Once we can characterize such alternative modes of reasoning about human diversity, these may offer conceptual resources for the renewal of twenty-first-century political theory.

Conclusion

About two decades ago, Bhikhu Parekh asked—referring to India—"why a free and lively society with a rich tradition of philosophical inquiry has not thrown up much original political theory."[69] Since then, the budding field of comparative political theory has repeatedly expressed the concern that the discipline remains ethnocentric and parochial, because it assumes that western political thought is universal and ignores that of other cultures.[70] We hope to have shown that the cultural migration of ideas is a problem that has not received sufficient attention in this context.

The conceptual language that dominates liberal political theory consists of topoi resulting from the secularization of Christian theology. These topoi are dependent on what we have called their conditions of intelligibility: they require other clusters of ideas present in western society in order to remain coherent and productive in the theorizing of political problems. When liberal principles like "the separation of politics and religion" migrate to other cultures, their conditions of intelligibility do not travel with them. This causes fundamental obstacles to the interpretation and elaboration of such principles. Taking into account these obstacles, it is no wonder that the formulation of original political theories remains largely a western affair.

We can no longer assume that the fact that ideas like secularism have been invoked in India proves their relevance and intelligibility across cultures. The Indian debate reveals something different: at least some principles of liberal political theory are *not* sufficiently freestanding from the cultural setting where they emerged to be intelligible and helpful to societies other than the West. In that case, the freestanding nature of liberalism becomes an empirical question. Many of its central concepts need to be re-examined to find out whether these are topoi, what conditions of intelligibility they presuppose, and which problems come into being in the absence of these conditions. It is only after this exercise that we shall be able to decide on the viability of liberal political theory in the increasingly diverse societies of our globe.

Authors' Note

Declaration of Conflicting Interests

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Notes

1. John Rawls, *Political Liberalism* (New York: Columbia University Press, paperback edition, 1996), 10-13; Charles Larmore, "The Moral Basis of Political Liberalism," *Journal of Philosophy* 96 (1999): 599-625; Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Belknap Press, 2006), 79.

2. Mark Lilla, *The Stillborn God: Religion, Politics and the Modern West* (New York: Alfred A. Knopf, 2007); Jonathan Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, NJ: Princeton University Press, 2010).

3. Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), 121-44; Rawls, *Political Liberalism*, xxvi-vii.

4. T. N. Madan, *Modern Myths, Locked Minds: Secularism and Fundamentalism in India* (Delhi: Oxford University Press, 1997); Thomas Pantham, "Indian Secularism and Its Critics: Some Reflections," *The Review of Politics* 59 (1997): 523-40; Rajeev Bhargava, ed., *Secularism and Its Critics* (Delhi: Oxford University Press, 1998); Sumit Ganguly, "The Crisis of Indian Secularism," *Journal of Democracy* 14 (2003): 11-25; Anuradha Dingwaney Needham and Rajeswari Sunder Rajan, ed., *The Crisis of Secularism in India* (Durham, NC: Duke University Press, 2007); S. N. Balagangadhara and Jakob De Roover, "The Secular State and Religious Conflict: Liberal Neutrality and the Indian Case of Pluralism," *Journal of Political Philosophy* 15 (2007): 67-92; Badrinath Rao, "The Variant Meanings of Secularism in India: Notes toward Conceptual Clarifications," *Journal of Church and State* 48 (2006): 47-81.

5. Partha Chatterjee, "Secularism and Tolerance," in *Secularism and Its Critics*, 353-66; Rao, "The Variant Meanings of Secularism in India," 48-49. This concerns a long tradition of state involvement in temple management and supervision of

fairs and pilgrimages. Generally, the state's reform activities have been directed at Hindu practices and family law and ignored Muslim personal law. In this context, Hindu nationalists often accuse secularists of being "pseudo-secular" because of their "appeasement" of religious minorities.

6. André Beteille, "Secularism and Intellectuals," *Economic and Political Weekly* 29 (1994): 559-66; Madan, *Modern Myths, Locked Minds*, 2, 244; M. M. Sankhdher, "Understanding Secularism," in *Secularism in India: Dilemmas and Challenges*, ed. Sankhdher (New Delhi: Deep and Deep, 1995), 1-2; H. Srikanth, "Secularism versus Pseudo-Secularism: An Indian Debate," *Social Action* 44 (1994): 39-54.

7. T. N. Madan, "Secularism in Its Place," in *Secularism and Its Critics*, 297-320; Ashis Nandy, "An Anti-secularist Manifesto," *Seminar* 314 (1985): 14-24; Nandy, "The Politics of Secularism and the Recovery of Religious Tolerance," in *Secularism and Its Critics*, 321-44, and "Closing the Debate on Secularism: A Personal Statement," in *The Crisis of Secularism in India*, 107-17.

8. Neera Chandhoke, *Beyond Secularism: The Rights of Religious Minorities* (Delhi: Oxford University Press, 1999), 42; Pantham, "Indian Secularism and Its Critics"; Shabnum Tejani, *Indian Secularism: A Social and Intellectual History, 1890-1950* (Bloomington, IN: Indiana University Press, 2008), 4-6. For similar statements, see the introduction and several essays in *Comparative Secularisms in a Global Age*, ed. Linell E. Cady and Elizabeth Shakman Hurd (New York: Palgrave Macmillan, 2010).

9. Rajeev Bhargava, "The Distinctiveness of Indian Secularism," in *The Future of Secularism*, ed. T. N. Srinivasan (New Delhi: Oxford University Press, 2007), 21-22. See Gurpreet Mahajan, "Secularism as Religious Non-discrimination: The Universal and the Particular in the Indian Context," *India Review* 1 (2002): 33-51.

10. Gary Jacobsohn calls the result "the *ameliorative* model," which "embraces the social reform impulse of Indian nationalism in the context of the nation's deeply rooted religious diversity and stratification." See his *The Wheel of Law: India's Secularism in Comparative Constitutional Context* (Princeton: Princeton University Press, 2003), 49-50.

11. James Farr, "Understanding Conceptual Change Politically," in *Political Innovation and Conceptual Change*, ed. T. Ball, J. Farr, and R. L. Hanson (Cambridge: Cambridge University Press, 1989), 33-34.

12. Veit Bader opposes liberal constitutionalism to democratic majoritarianism in this context. See his "Reply," *Ethnicities* 9 (2009): 566-70.

13. Prabhu Raghavendra, *Freedom of Religion Bill and the Christians: An Assessment* (Mangalore: Vishwa Hindu Parishad, 1979), 21; Sarah Claerhout and Jakob De Roover, "Conversion of the World: Proselytization in India and the Universalization of Christianity," in *Proselytization Revisited: Rights Talk, Free Markets and Culture Wars*, ed. R. I. J. Hackett (London: Equinox, 2008), 53-76; Sebastian

C. H. Kim, *In Search of Identity: Debates on Religious Conversion in India* (New Delhi: Oxford University Press, 2003).

14. Nandy, "Anti-Secularist Manifesto," 14; Madan, *Modern Myths, Locked Minds*, 197; Pantham, "Indian Secularism and Its Critics," 523-40; L. M. Singhvi, "Secularism: Indigenous and Alien," in *Secularism in India: Dilemmas and Challenges*, ed. M. M. Sankhdher (New Delhi: Deep and Deep, 1995), 35-87; Rajeswari Sunder Rajan and Anuradha Dingwaney Needham, "Introduction," in *The Crisis of Secularism in India*, 20.

15. Our quarrel is not with the potential multiplicity of "interpretations" of secularism. As Davison argues, the political project of secularism can be "variously constituted by attempts to define the relations between religious ideas (or matters of conscience and tradition more generally), institutions, practices, and politics." However, the problem we point out is that such attempts have to do more than give some new meaning to the term "secularism." Either they interpret the terms and propositions of some theoretical model of secularism differently, or they build a different model of secularism. In both cases, such attempts depend on some background framework that allows participants to understand how the *religious* is recognizable and stands in particular relations to the *political*. Andrew Davison, *Secularism and Revivalism in Turkey: A Hermeneutic Reconsideration* (New Haven, CT: Yale University Press, 1998), 30.

16. Bhikhu Parekh, "The Poverty of Indian Political Theory," *History of Political Thought* 13 (1992): 535-60, 540-43.

17. Bhargava, "The Distinctiveness of Indian Secularism," 38-40.

18. Ibid., 40.

19. S. N. Balagangadhara, *"The Heathen in His Blindness. . .;" Asia, the West and the Dynamic of Religion* (Leiden, Netherlands: Brill, 1994); Esther Bloch, Marianne Keppens, and Rajaram Hegde, eds., *Rethinking Religion in India: The Colonial Construction of Hinduism* (London: Routledge, 2010); Daniel Dubuisson, *The Western Construction of Religion: Myths, Knowledge, and Ideology* (Baltimore: Johns Hopkins University Press, 2003); Richard King, *Orientalism and Religion: Post-Colonial Theory, India and "the Mystic East"* (London: Routledge, 1999); Timothy Fitzgerald, *The Ideology of Religious Studies* (New York: Oxford University Press, 2000).

20. Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, NJ: Princeton University Press, 2001); M. V. Nadkarni, *Hinduism: A Gandhian Perspective* (New Delhi: Ane Books, 2006), 77-130.

21. Edward Said, *Orientalism: Western Conceptions of the Orient* (London: Routledge & Kegan Paul, 1978); Elizabeth Shakman Hurd, *The Politics of Secularism in International Relations* (Princeton, NJ: Princeton University Press, 2008).

22. Bhargava, "The Distinctiveness of Indian Secularism," 40.

23. Ibid., 41-44.

24. Rao, "The Variant Meanings of Secularism in India," 59-60.

25. M. S. Golwalkar, quoted in Brenda Cossman and Ratna Kapur, "Secularism: Bench-Marked by Hindu Right," *Economic and Political Weekly* 31 (1996): 2613-30, 2622; K. S. Sudarshan, "Secularism and Distortions," in *Secularism in India: Dilemmas and Challenges*, 192.

26. Jacobsohn, *The Wheel of Law*, 12-4, 189-226.

27. Many sources illustrate this: in Bhatta Jayánta's ninth-century *Agamadambara*, representatives from different traditions enter into such disputes about the inconsistency and incoherence of each other's viewpoints. See Bhatta Jayánta, *Much Ado about Religion*, Clay Sanskrit Library, ed. and trans. C. Dezső (New York: New York University Press and JJC Foundation, 2005). For general arguments, see Frits Staal, *Universals: Studies in Indian Logic and Linguistics* (Chicago: University of Chicago Press, 1988), 1-56.

28. Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003); José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994); Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007); Michael Warner, Jonathan VanAntwerpen, and Craig Calhoun, eds., *Varieties of Secularism in a Secular Age* (Cambridge, MA: Harvard University Press, 2010).

29. Taylor, *Secular Age*, 26-29, 169, 253, 267-68, 270.

30. Taylor, *Secular Age*, 25-28; see Michael Allen Gillespie, *The Theological Origins of Modernity* (Chicago: University of Chicago Press, 2008); Graeme Smith, *A Short History of Secularism* (London: I.B. Tauris, 2007); Warner, VanAntwerpen, and Calhoun, "Editors' Introduction," in *Varieties of Secularism in a Secular Age*, 15.

31. There is renewed interest in the debate between Löwith, Schmitt, and Blumenberg on the secularization of Christian ideas. This is relevant to our hypothesis, but analyzing it would take us too far away from our central concerns. Hans Blumenberg, *The Legitimacy of the Modern Age*, trans. R. M. Wallace (Cambridge, MA: MIT Press, 1985); Karl Löwith, *Meaning and History* (Chicago: University of Chicago Press, 1949); Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. G. Schwab (Chicago: University of Chicago Press, 2005). For an overview: Jean-Claude Monod, *La Querelle de la Sécularisation de Hegel à Blumenberg* (Paris: J. Vrin, 2002).

32. Balagangadhara, *The Heathen in His Blindness*, chap. 11.

33. Originally, topoi functioned in ancient rhetoric as helps in composing orations and developing arguments. In 1948, the literary scholar E. R. Curtius showed that the notion of topos was relevant to the study of literature in general. When rhetoric had lost its original purpose during late Antiquity, topoi became "clichés, which can be used in any form of literature, they spread to all spheres of life with which literature

deals and to which it gives form." Curtius, *European Literature and the Latin Middle Ages*, trans. W. R. Trask (New York: Pantheon Books, 1953), 70. We thank Harry van den Bouwhuijsen for pointing us to this notion. See his *In de Schaduw van God* (Kampen, Netherland: Klement, 2010).

34. Ann Moss, *Printed Commonplace-Books and the Structuring of Renaissance Thought* (Oxford: Oxford University Press, 1996).

35. A famous example is Philip Melanchthon's *Loci Communes Theologici*. See *Melanchthon and Bucer*, ed. Wilhelm Pauck (Philadelphia: Westminster Press, 1969).

36. John Coffey, "Puritanism and Liberty Revisited: The Case for Toleration in the English Revolution," *The Historical Journal* 41 (1998): 961-85; Jakob De Roover and S. N. Balagangadhara, "Liberty, Tyranny and the Will of God: The Principle of Toleration in Early Modern Europe and Colonial India," *History of Political Thought* 30 (2009): 111-39; Andrew Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: Pennsylvania State University Press, 2001); John Marshall, *John Locke, Toleration and Early Enlightenment Culture* (Cambridge: Cambridge University Press, 2006); Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, MA: Harvard University Press, 2010), 88-137.

37. Historical studies show that these notions became commonplace across Protestant Europe: Lorna J. Abray, *The People's Reformation: Magistrates, Clergy and Commons in Strasbourg, 1500-1598* (Ithaca, NY: Cornell University Press, 1985); James M. Estes, ed., *Whether Secular Government Has the Right to Wield the Sword in Matters of Faith* (Toronto: Centre for Reformation and Renaissance Studies, 1998); Benjamin Kaplan, *Calvinists and Libertines: Confession and Communion in Utrecht, 1578-1620* (Oxford: Clarendon Press, 1995); Andrew Weeks, *Valentin Weigel (1533-1588): German Religious Dissenter, Speculative Theorist, and Advocate of Tolerance* (Albany, NY: State University of New York Press, 2000); Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006), 228-99.

38. De Roover and Balagangadhara, "John Locke, Christian Liberty and the Predicament of Liberal Toleration," *Political Theory* 36 (2008): 523-49; see Timothy Stanton, "Locke and the Politics and Theology of Toleration," *Political Studies* 54 (2006): 84-102.

39. John Stuart Mill, *On Liberty*, ed. G. Himmelfarb (Harmondsworth: Penguin, 1987). For the defects of the harm principle, see Steven D. Smith, *The Disenchantment of Secular Discourse* (Cambridge, MA: Harvard University Press, 2010), 70-106.

40. L. John Van Til, *Liberty of Conscience: The History of a Puritan Idea* (Phillipsburg, NJ: P&R Publishing).

41. For theoretical justification, see Balagangadhara, *The Heathen in His Blindness*, 441-500.

42. Amos Funkenstein, *Theology and the Scientific Imagination from the Middle Ages to the Seventeenth Century* (Princeton: Princeton University Press, 1989); Peter Harrison, *The Bible, Protestantism, and the Rise of Natural Science* (Cambridge: Cambridge University Press, 1998) and *The Fall of Man and the Foundations of Science* (Cambridge: Cambridge University Press, 2007); Stanley Jaki, *The Road of Science and the Ways to God* (Chicago: University of Chicago Press, 1978).

43. Harrison, *The Bible, Protestantism, and the Rise of Natural Science*, 1-10.

44. De Roover and Balagangadhara, "Liberty, Tyranny and the Will of God," 111-39.

45. Rochana Bajpai, "The Conceptual Vocabularies of Secularism and Minority Rights in India," *Journal of Political Ideologies* 7 (2002): 179-97, 180; Partha Chatterjee, *A Possible India: Essays in Political Criticism* (Delhi: Oxford University Press, 1997), 232.

46. James Chiriyankandath, "'Creating a Secular State in a Religious Country': The Debate in the Indian Constituent Assembly," *Commonwealth & Comparative Politics* 38 (2000): 1-24; Shefali Jha, "Secularism in the Constituent Assembly Debates, 1946-1950," *Economic and Political Weekly* 37 (2002): 3175-80.

47. See *Constituent Assembly Debates* (henceforth CAD), Official Report, third reprint (New Delhi: Lok Sabha Secretariat, 1999), vol. 3, 488 and vol. 7, 815-16.

48. The importance of these debates is shown by the fact that they continue today along much the same lines: *Religion and Personal Law in Secular India: A Call to Judgment*, ed. Gerald J. Larson (Bloomington and Indianapolis: Indiana University Press, 2001).

49. CAD, vol. 7, 540-41.

50. Ibid., 544.

51. The rise of multiculturalism from the 1960s turned this into a contested idea: Brian Barry, *Culture & Equality* (Cambridge: Polity, 2001).

52. CAD, vol. 7, 548.

53. Ibid., 721-22.

54. Ibid., 756-59.

55. Ibid., 781-82.

56. Ibid., 819.

57. CAD, vol. 7, 824-25.

58. Ibid., 826.

59. Donald R. Davis, Jr., "Hinduism as a Legal Tradition," *Journal of the American Academy of Religion* 75 (2007): 241-67; James L Fitzgerald, "Introduction," in *The Mahābhārata, vol. 7* (Chicago: University of Chicago Press, 2004), 106-14; Sheldon Pollock, "The Meaning of Dharma and the Relationship of the Two Mīmāmsās," *Journal of Indian Philosophy* 32 (2004): 769-811, 772.

60. *Collected Works of Mahatma Gandhi* (New Delhi: Publications Division, 1999), vol. 14, 425; vol. 15, 160; vol. 17, 357-58; vol. 29, 374.

61. CAD, vol. 9, 401.

62. Pratap Bhanu Mehta, "On the Possibility of Religious Pluralism," in *Religious Pluralism, Globalization, and World Politics*, ed. Thomas Banchoff (Oxford: Oxford University Press, 2008), 65-88; Chatterjee, "Secularism and Tolerance," 359-60; J. D. M. Derrett, *Religion, Law and the State in India* (New York: Free Press, 1968), 447, 534; Marc Galanter, "Hinduism, Secularism, and the Indian Judiciary," *Philosophy East and West* 21 (1971): 467-87; Donald E. Smith, "India as a Secular State," in *Secularism and Its Critics*, 196-201.

63. De Roover, "Secular Law and the Realm of False Religion," in *After Secular Law*, ed. W. F. Sullivan, R. A. Yelle, and M. Taussig-Rubbo (Stanford: Stanford University Press, forthcoming); Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton: Princeton University Press, 2007); Smith, *The Disenchantment of Secular Discourse*, 70-186.

64. See Bhargava, "What Is Secularism For," in *Secularism and Its Critics*, 497-98; Paul R. Brass, "Secularism Out of Its Place," in *Tradition, Pluralism and Identity*, ed. V. Das, D. Gupta and P. Uberoi (New Delhi: Sage, 1999), 359-79.

65. Donald E. Smith, *India as a Secular State* (Bombay: Oxford University Press, 1963); Marc Galanter, "Secularism, East and West," *Comparative Studies in Society and History* 7 (1965): 133-59.

66. Sen argues that secularism entails not that the state must steer clear from any association with religion but that it must strive for "basic symmetry of treatment." See his *The Argumentative Indian: Writings on Indian History, Culture and Identity* (New York: Farrar, Strauss and Giroux, 2005), 294-316. For critical analysis, see Jakob De Roover, "The Vacuity of Secularism: On the Indian Debate and Its Western Origins," *Economic and Political Weekly* 37 (2002): 4047-53, 4049.

67. We cannot illustrate this point here. See Claerhout, "Gandhi, Conversion and the Equality of Religions: More Experiments with Truth," forthcoming.

68. Nandy, "The Politics of Secularism" and "The Twilight of Certitudes: Secularism, Hindu Nationalism and Other Masks of Deculturation," in *Tradition, Pluralism and Identity*, 401-419.

69. Parekh, "The Poverty of Indian Political Theory," 535.

70. Anthony J. Parel, "The Comparative Study of Political Philosophy," in *Comparative Political Philosophy: Studies under the Upas Tree*, ed. Anthony J. Parel and Ronald C. Keith (New Delhi: Sage, 1992); Fred R. Dallmayr, "Beyond Monologue: For a Comparative Political Theory," *Perspectives on Politics* 2 (2004): 249-57; Leigh Kathryn Jenco, "'What Does Heaven Ever Say?': A Methods-Centered Approach to Cross-Cultural Engagement," *American Political Science Review* 101 (2007): 741-55; Farah Godrej, "Towards a Cosmopolitan Political Thought: The Hermeneutics

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