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The Fundamentalist Face of Secularism and Its Impact on Women's Rights in India, Joseph C. Hostetler-Baker & Hostetler Lecture

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THE FUNDAMENTALIST FACE OF SECULARISM AND ITS IMPACT ON WOMEN'S RIGHTS IN INDIA¹

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When I scan the global theater I find that God seems to be occupying a central place in public life these days. Well—at least in the sense of formal religion. Religion is, so to speak, out of the closet and is frequently found in cahoots with the state. In the United States, the relationship remains contentious and at times volatile. Rudolf Guliani, responding to Catholic protests against the Sensations exhibition, is threatening to cut city funding to the museum for exhibiting the scatological portrait of Virgin Mary³ and some States are promoting highly controversial school voucher programs whose primary effect seems to be to advance religion.⁴ And most

¹This talk was the Joseph C. Hostetler-Baker & Hostetler Lecture delivered by Professor Ratna Kapur, the Joseph C. Hostetler-Baker & Hostetler Visiting Chair, at Cleveland Marshall College of Law, October 6, 1999. This talk is drawn from BRENDA COSSMAN & RATNA KAPUR, *SECULARISM'S LAST SIGH-HINDUTVA AND THE (MIS)RULE OF LAW* (1996); and RATNA KAPUR & BRENDA COSSMAN, *SUBVERSIVE SITES: FEMINIST ENGAGEMENTS WITH LAW IN INDIA* (1996). An earlier version can be found in Ratna Kapur, *The Two Faces of Secularism and Women's Rights in India* in *RELIGIOUS FUNDAMENTALISM AND WOMEN'S RIGHTS* (Courtney Howland ed., 1999).

²1999 Joseph C. Hostetler-Baker & Hostetler Visiting Professor.

³Reference to the Rudolph Guliani's opposition to the staging of "Sensation: Young British Artists from the Saatchi Collection" that opened at the Brooklyn Museum of Art on October 2, 1999. The Mayor of New York attacked the exhibit as "desecrating somebody else's religion" referring specifically to the work of 1998 Turner Prize winner Chris Ofili's painting of a black Madonna enhanced with elephant droppings. The Museum has a filed a lawsuit in a federal court against the Mayor, accusing him of violating the First Amendment for threatening to withdraw funding to the museum if the offending works were not removed.

⁴A challenge has been brought against the Ohio Pilot Scholarship Program on the ground that it violates the Establishment of the First Amendment of the U.S. Constitution. The program was enacted to address an educational crisis in the public schools in Cleveland in the wake of a U.S. District Court-ordered takeover by the State of the administration of the Cleveland City School District. The project includes a scholarship program to enable students to attend "alternative schools" (the Voucher program). The private schools that want to participate in the program must register with the State Superintendent. Those students eligible are chosen by lot and receive a fixed amount of the tuition charged by the alternative school of their choice up to the amount of \$2,500. A large majority of the schools participating in the program are sectarian as are most of the students receiving the scholarship. The challenge concerned the fact that many of the schools had a pervasive religious orientation. See Order of

intriguingly, at least from the perspective of the outsider, is the sin of sex, where the church and state have collaborated to both chastise and absolve the President through the edifice of impeachment and breakfast prayer confessions. Each of these controversies highlights the increasingly troubled relationship between religion and the state in the United States. It is also a very fraught relationship in the context of post-colonial India and it this relationship that I will address in my talk today.

Why should the facial contours and expressions of secularism in India be of any value or even meaningful to you, my audience? Time demands I be brief. But I have at least three thoughts on this question. The first is that India makes up a quarter of the worlds population, so its mass is not easily ignored. But India is not a country that exists exclusively within the confines of some geographical boundaries as is often imagined. It finds part of its existence through the diaspora, through music, dance and artistic expression, popular and traditional, and most importantly, food—through which we have found our way into your very gut!!

In addition, the Hindu Right's use of liberal rights discourse through its rendition of secularism to promote it's agenda, finds distinct affinities with other religious right wing movements that have swept across so much of the globe. This move is not a feature exclusive to the Islamic world, that Other 'other', that Outsider, the vilification of whom knows no limits. When your democratic presidential candidate Al Gore, a born again Christian, feels the need to openly declare that 'the main goal in life is to glorify God' he proves himself worthy, honorable—a good man. Put these very words in the mouth of a leader in the Islamic world, and he is constructed as fanatical, fundamentalist—a force to be feared. Breaking these polarities and stereotypes is perhaps the second reason why you might find some value in today's talk.

The Right, globally has shifted the center to the Right and left the Left in a state of chaos, until the Left was also reborn and became, New Labor, New Socialists, and New Democrats. Reborn with its religious credentials polished and prominent and running with God on the campaign trail.

And finally, the culture of the religious right is not a foreign import. It is as deeply embedded in the American psyche as baseball and apple pie. In the United States, the religious right, has completely altered the features and language of judicial and political debate, dressing it in a religious veil that has exposed the translucency of the wall of separation that is so much a part of this countries democratic culture. I will elaborate on this point in a moment.

In talking to you today, I am talking as an intellectual who has a critique about the way in which secularism is operating in contemporary India and, by way of comparison, even here. In presenting this critique before a largely Western, and American audience, I risk being characterized as one who desires distance from the native exotic 'Other'. And yet the other option, of glorying in nationalist pride, would amount to as much a betrayal of me and my context, as well as of you. I require the skill of a trapeze artist to negotiate my way through the space in between these two positions.

Judge Solomon Oliver, Jr, dated August 24, 1999 in Case No: 1:99 CV 1740 and Case No. 1:99 CV 1818 pending in the United States District Court, Northern district of Ohio, Eastern Division, in *Doris Simmon-Haris, et.al., v. Dr. Susan Tave Zelman, Superintendent of Public Instruction, State of Ohio, et. al, and Sue Gatton v. Dr. Susan Tave Zelman, Superintendent of Public Instruction, State of Ohio.*

I am also fully aware that I am touching on a controversial issue—I am talking about religion. In fact worse than that—I am talking about three of them!

I. CONTEXT AND BACKGROUND

The Hindu Right is a nationalist and right wing political movement devoted to creating a Hindu State. It includes the *Bharatiya Janata Party* (BJP)—the political arm of the Right which heads the alliance that will once again form the government, the *Rashtriya Swayam Sevak*, (RSS) the main ideological component of the Right, and the *Vishwa Hindu Parishad*, (VHP) the exponents of the Right's religious doctrine. Other parties include the militant and virulently anti-Muslim, *Shiv Sena* (SS). The BJP, RSS, VHP and SS—these 'alphabet soupists' collectively promote the ideology of *Hindutva*—an ideology that seeks to establish a Hindu state in India.

I am going to talk about three things today:

- The first is to give you a very brief account of the competing understandings of secularism that have emerged in India. I look at the model of secularism that is being promoted by the Hindu Right and the validation this has received from the electorate, but more importantly, the Supreme Court.
- Secondly, I will address why the wall of separation does not provide a way out of the crisis of secularism in India and how it has not solved the problem of majoritarianism even in the American context.
- And finally, how the Hindu Right's agenda for women, more specifically women from the religious minority communities, is related to its secular project—a project that seeks the establishment of a Hindu State.

II. SECULARISM

Secularism has long been the site of political and constitutional struggle and controversy in India. The struggle to secure its place in the Indian polity has had many enemies. Increasingly the enemies of secularism are waging their war not in opposition to secularism, but in and through it. Indeed, "secularism has become the central and powerful weapon in the Hindu Rights' quest for discursive and political power."⁵

It is important to understand that in India secularism has never been based on the idea of the wall of separation. Since Independence in 1947, almost all discussions of secularism have been based on the idea of equal respect of all religions. This approach to secularism does not require a wall of separation between religion and politics, but rather, an equal respect of all religions within both the public and private spheres. The concept was propounded by Mahatma Gandhi and has been the governing model of secularism since India gained her Independence.⁶

The meaning given to this concept of secularism depends in large part on the meaning given to equality. If equality is understood in a formal sense—treating likes alike, the dominant understanding of equality since Aristotle—then secularism will insist on treating India's various religious communities alike. By contrast, if equality

⁵COSSMAN & KAPUR, *supra* note 1, at 2.

⁶See Asgar Ali Engineer, *Secularism in India—Theory and Practice*, in SECULARISM AND LIBERATION: PERSPECTIVES AND STRATEGIES FOR INDIA TODAY 40 (Rudolf C. Heredia & Edward Mathias eds., 1995).

is understood in a more substantive sense—of addressing disadvantage—then secularism will allow for an accommodation of difference between religious groups, and the protection of the rights of religious minorities. These models will be familiar to you if you think about them in relation to racial minorities and women in the American context.

Indian secularism has been based on a more substantive approach to the principle of equal respect and toleration of all religions, which has allowed for the protection of religious minority rights primarily through temporary special measures, which is akin to the affirmative action in the United States. But, the Hindu Right has increasingly been trying to cast itself as the true inheritors of India's secular tradition, that is, as promoters of a genuine or 'New' secularism. Yet, contrary to the dominant understanding of secularism in India, the Hindu Right is committed to a vision of secularism based on a formal approach to equality. In its vision, secularism requires that all religious communities be treated the same. Any protection of the rights of religious minorities is cast as "appeasement", and a violation of the "true spirit" of secularism. Within this vision of secularism, all religious groups are to be treated the same. Religious minorities are to be treated the *same* as the majority. Within this formal approach to equality, then, the majority becomes the norm against which all others are to be judged. Secularism, then is no longer about the protection of rights of religious minorities, but rather, becomes about the assimilation of minorities.

It is comparable to the situation in the U.S. The clawing back of affirmative action is based on a similar argument: Blacks are now the same as whites, affirmative action policies have fulfilled their function, and quotas only encourage double standards. This conclusion has been reached only forty years after the edifice of double standards, segregation ended, and despite the fact that statistics seem to indicate that in terms of education and employment opportunities, there has not been sufficient progress. The stark choice appears to be one of either assimilation, blacks to be like the whites, Muslims to be like Hindus, or annihilation, graphically symbolized in the obliteration of the Babri mosque in 1992 or more literally, in the grizzly murder of James Byrd only a short time ago.

The particular meaning that the Hindu Right accords to equality is made to sound quite reasonable. It is after all based on equal respect for all religions, the quintessential understanding of secularism in India, and the formal approach to equality, which is a legitimate understanding of equality within Indian constitutional law. But beneath the surface, the discourse of equality and secularism is an unapologetic appeal to brute majoritarianism and an assault on the very legitimacy of minority rights. Formal equality means that the dominant Hindu community becomes the norm against which all other communities are to be judged and treated. The Hindu Right not only regards special protection for the rights of minorities as a violation of secularism, but it also defends this vision of secularism in unapologetically majoritarianist terms. As one leader of the Right has stated: "Democracy in normal parlance means the rule of the majority. In every single democratic country, it is the majority culture whose ideals and values of life are accepted as the national ethos by one and all....The same applies to the laws of the land...No religious group can claim any exclusive rights or privileges to itself."⁷

⁷COSSMAN & KAPUR, *supra* note 1, at 67.

One of the cornerstones of democracy—the protection of the minorities from the rule of the majority—is simply discarded.

In the hands of the Hindu Right, the face of secularism is twisted and gnarled almost beyond recognition. The principle of equal respect and toleration of all religions is used to establish the supremacy of Hinduism as the only religion that truly respects difference and is tolerant (since unlike Islam and Christianity, it is not proselytizing). According to the logic of the Hindu Right since secularism is about toleration, and only Hindus are tolerant, then only Hindus are truly secular. And the principle of protecting minorities virtually disappears. The various laws through which these minority rights have been protected are attacked as “special treatment” and as a violation of the constitutional mandate of equal treatment. Within this vision of the Hindu Right, then, secularism comes to be equated with a Hindu state, where religious minorities must be treated the same as the Hindu majority (that is, where those religious minorities are effectively assimilated into the Hindu majority). It is a vision in which there is no respect, no toleration, and no protection of religious minorities and it is the antithesis of Indian secularism.

III. THE SUPREME COURTS SEAL OF APPROVAL

Unfortunately, in 1995, the Supreme Court of India, handed down a series of decisions, collectively known as the *Hindutva* cases, which put a judicial seal of approval on the Hindu Right’s vision of secularism.⁸ The decision represents a low water mark in the Court’s protection of secularism. Charges were brought against several members of the Hindu Right for promoting feelings of religious enmity through speeches that were made during the course of their election campaigns and which constituted an offense under the provisions of the Representation of Peoples Act.⁹ Let me quote one example: “We are fighting this election for the protection of Hinduism. Therefore, we do not care for the votes of the Muslims. This country belongs to Hindus and will remain so.”

Although the Court found several of the accused—guilty of appealing to religion to gain votes, and promoting religious hatred, it also held that “*Hindutva*”—the ideological linchpin of the Hindu Right—simply represented “a way of life of people of the subcontinent.”¹⁰ Yet the Court’s conclusions are ideologically, historically and politically, inaccurate. *Hindutva* is about the establishment of a Hindu State in India and the complete assimilation of the religious minorities or put more bluntly, it involves a total subjugation of all non-Hindus to a ‘master’ race. *Hindutva*, from its inception in the 1920’s, is very much about the promotion of hatred and enmity towards religious minorities.¹¹ It propagates the idea that the Christians and Muslims

⁸The primary case was *Manohar Joshi v. Nitin Bhaurao Patil*, All India Reports 1996 SC 796.

⁹The charges were brought under sections 123 (3) and (3A) of the Act. The former prohibits candidates from appealing to religion, race, caste, community or language to further their prospects for election, and the latter provision prohibits candidates from “promoting feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language” for the purposes of securing votes or prejudicially affecting the votes of another candidate.

¹⁰COSSMAN & KAPUR, *supra* note 1, at 20.

¹¹See V.D. SAVARKAR, *HINDUTVA; WHO IS A HUNDU?* (1929).

“holy land” lay elsewhere and that their presence in India made them a threat to the Indian Nation. This idea allowed the leaders of the Hindu Right to construct Muslims and Christians as foreigners, aliens and invaders.

The Court’s conclusion on the meaning of Hindutva exemplifies the way in which the unstated norms of the majority come to be inscribed in legal principles. The Court did not for a moment consider that this uniform culture is one based on assimilating religious and cultural minorities, and on reconstituting all Indians in the image of the unstated dominant norm, that is, a Hindu norm.

Nor did the court address the meaning of equality, upon which the meaning of secularism is contingent. The Court was content to conclude that the speeches were secular by virtue of their appeal to the discourse of equality. And in doing so, the Court fell into the complex trap set by the Hindu Right—in which a fundamentally non-secular project (of Hindu supremacy and the assimilation of religious minorities) has been packaged, sold and consumed as a secular one.

Not surprisingly, the decision was immediately hailed as a victory by the Right and has been used in their election campaigns and manifestos as legitimizing its model of secularism.

IV. SECULARISM IN CRISIS

The vociferous attack on religious minorities is symbolic of a much deeper crisis afflicting secularism in India. So what is the solution? This brings me to my second point. Some commentators argue that the current brand of secularism is not working, and that there is a need to address the rising tide of majoritarianism and intolerance and its attack on religious minorities. The crisis has led some critics to argue in favour of a return to a notion of the wall of separation of religion and state.

In the American context, where the establishment clause requires state non-intervention in religion,¹² it is not at all clear that this majoritarianism has been avoided. If we refer to some of the ‘wall’ cases in the American context, what is striking from the point of view of a comparativist looking at U.S. secularism from the outside is that there appear to be a broad range of widely accepted state sanctioned religious activities. These include the United States currency that proudly displays “In God We Trust”, opening prayers at state assemblies, and state funding of chaplains in the armed forces. More recent contentious examples include the withdrawal of evolution studies from the curriculum of Kansas City School Boards as well as the case pending on school vouchers. The fact that presidential candidates now also feel obliged to declare their faith credentials to voters leaves the comparativist questioning the impermeability of the ‘wall’. In fact, while the Hindu Right is complaining that the Hindu majority is being held to ransom and oppressed by the religious minority, in a similar vein, the House Majority Leader, Dick Armey, in a recent speech to the House on religious bigotry in America proclaimed that

¹²Although the idea of a wall of separation goes back to the words of Jefferson, it was only given judicial expression as a basic principle of constitutional law by the United States Supreme Court in the 1940s. In *Everson v. Board of Education of Ewing Township*, 330 U.S. 1 (1947), Justice Black writing for the majority emphasized the requirement of strict government neutrality on issues of religion.

“Christians are now subject to ridicule, mistreatment and bigotry—pure and simple.”¹³

Many American critics have argued that the requirement of state non-intervention and neutrality on issues of religion have in fact served to reinforce the power relations of the status quo, and thus the dominant position of religious majorities. As Stephen Feldman argues in his review of some of the cases, “the legal discourse of the religion clause contributes to [the] cultural imperialism by constituting or labeling oppressive Christian displays and revelries either as secular or as protected private sphere activities.”¹⁴ He refers to the decision on Sunday closing where the Supreme Court held that Sunday was a neutral day of rest for all citizens.¹⁵ The fact that this uniform day of rest was of particular significance to Christians was not considered to be an obstacle to this secular objective. The case reveals how in the name of secularism, the dominant norms of the Christian majority were reinforced at the expense of the norms of the minority, although Justice William Douglas in his dissent recognized this implicit majoritarianism. He wrote: “No matter what is said, the parentage of [the Sunday closing] laws is the Fourth Commandment....They serve and satisfy the religious predispositions of our Christian communities.”¹⁶ Of course the recent move to display God’s Law or the Ten Commandments in public places appears to bear out this claim.

There are at least two problems then with turning to the wall:

- Firstly, the idea of the wall of separation is not part of the current discussion in India where the concept of secularism is based on equal treatment. Nor is there currently any space for the acceptance of a concept that appears so profoundly western and was rejected as a model of secularism at the outset of India’s independence. The nationalist urge to construct India as something entirely distinct from ‘the West’ is as much present today as it was then. Today however, the urge is no longer a liberating one propelled by the desire to evict a colonial power from the premises. Today, the nationalist urge is to pursue a conservative moral and cultural agenda. Rather than imposing the western ‘wall’ within the context of India and given the limited possibility of succeeding with such a move, it may be preferable to work with the existing concept.
- Secondly, and perhaps more significantly, the principle of neutrality on which the wall is based will not necessarily be able to turn the tides of majoritarianism, but can play right into it. Neutrality does not appear to have resolved the

¹³See “Religious Bigotry in America Prepared Text of Special Order” delivered by House Majority Leader Dick Armev September 29, 1999.

¹⁴Stephen M. Feldman, *Principle, History, and Power: The Limits of First Amendment Religious Clauses*, 81 IOWA L. REV. 833 (1996).

¹⁵McGowan v. Maryland, 266 U.S. 420 (1961).

¹⁶*Id.* at 572-73. In contrast, the later decision of *Thornton v. Caldor, Inc.*, 474 U.S. 703 (1985), the Supreme Court struck down a Connecticut law that allowed Sabbath observers a right to not work on their Sabbath. The Court was of the view that only Sabbath observers had the right to designate their day off (other workers simply had the right to a day off, but not to designate that day) was a violation of the constitutional requirement of neutrality. The net result is that the state can force all individuals to take off Sunday (the traditional Christian Sabbath) as long as it does not do so in the name of the Sabbath, but cannot accommodate the Sabbath of non-Christian observers.

problem of majoritarianism in the American context, and there is little reason to believe that its performance would be any better in the Indian context. Rather—it could easily play right into the Hindu Right’s majoritarianism—in which the unstated norms of the Hindu majority are seen as neutral. So our dilemma remains unresolved—the equal respect of all religions and the principle of neutrality that underlies the wall of separation—both have the potential to reinforce majoritarianism.

The resolution of this dilemma must I think begin from the recognition that not only does religion remain present in the various models of secularism, but that the unstated norm of the dominant religion also remains present—here it means Christian and there it mean Hindu. Majoritarianism—is steadily eroding the value of secularism—disemboweling your own sacred cow—the wall of separation between religion and state, and also transforming the distinctly Indian version of secularism based on the equal respect of all religions, into a vision proclaimed by the religious right.

The best course of action I think is to adopt a model of secularism that is able to acknowledge this dilemma. A model premised on the separation thesis is least likely to acknowledge the presence of religion since it is premised on the prohibition of religion in politics. The model based on the equal respect of all religions, in contrast, although also complicit in majoritarian politics, may be able to meet the challenge in so far as it does acknowledge the presence of religion in politics. This model can use its own premise that is, the principle of equality to critique the way in which this model of secularism has been applied to undermine the equality of religious minorities, and in fact does this in and through the rights of women who belong to these communities.

And this brings me to my third point. How does secularism based on formal equality play out in relation to women’s rights, and advance the project of the Hindu Right?

The Hindu Right has taken on board a broad range of women’s rights issues, both within the majority community as well as the minority community.¹⁷ Their election promises include ensuring women the right to adopt, to put an end to polygamy, to enforce the principle of equal wages, pass anti-sexual harassment codes, to enact criminal laws against domestic violence, and prevent media’s projection of women in any manner that demeans or hurts their dignity, and passing a bill reserving 33 percent seats for women in all elected bodies, including the National Parliament. It reads like a feminist wish list!

But these promises need to be understood in the context of their broader political program on cultural nationalism, the role of the family, and their targeting of the Muslim minority community. Indeed, the connection between women’s rights and ‘new secularism’ is most visible in relation to the rights of minority women. The Hindu Right has attempted to position itself as the guardians of the rights of women from minority religious communities, as part of its more general project of undermining the very legitimacy of these communities.

¹⁷SUBVERSIVE SITES, *supra* note 1, at Chapter 4.

V. THE RIGHTS OF MINORITY WOMEN:

In India, familial relations are governed by the personal laws of each community. There have been calls to develop a secular uniform civil code (UCC) applicable to all communities in the same way. Yet this move in the hands of the Hindu Right has an insidious meaning—it is a call to establish Hindu norms and values as the governing norm for all families. This move has been played out under the sinister shadow of *Hindutva* and the Rights ‘new secularism’ project. The move constructs the Muslim community and its practices as discriminating against women, and hence uncivilized. Part of the ‘civilizing’ mission of the Hindu Right is to do away with these practices, and enact a UCC, based on the unstated, but very present practices of the Hindu majority community.

The Hindu Right’s demand for a UCC is all about secularism rather than women’s rights. It insists that *all* women must be treated the same, that is, that Muslim women must be treated the same as Hindu women. Any recognition of difference is seen to constitute a violation of secularism. Any recognition of difference between women in different religious communities is seen to violate the constitutional guarantees of equality, which, they state, requires formal equal treatment. The UCC is a means for realizing the Hindu Rights vision of secularism (formal equal treatment of all religious communities) and its vision of equality for women (treating all women the same, but treating them differently from men.). Hindu men retain their position and status and are never required to concede anything in this redrawing of the UCC map.

The Hindu Rights is trying to project itself as the guardian of the rights of Muslim women, both within India and in surrounding Muslim countries. For example, in 1993, they took up the cause of the Bangladeshi writer, Taslima Nasreen. A *fatwa* was issued against Nasreen in September 1993, after the publication of her novel *Lajja* (Shame)—a story of the plight of a Hindu family in Muslim dominated Bangladesh which was persecuted in the aftermath of the destruction of the Babri mosque. In May 1994, Nasreen called for a reform of religious texts that oppress women and the *fatwa* was reasserted. Facing increasing protests and calls for her death, the Bangladeshi government brought blasphemy charges against her. Nasreen was compelled to flee the country and live in exile.

The Hindu Right positioned itself as the great defender of free speech from the threat of fundamentalist censors. The rhetoric of freedom of expression, much like that of equality, was used to construct the Muslim other as the great violator of democratic rights, and to deflect attention away from the similar absence of a respect for free expression within its own ranks. And once again, within the context of the Nasreen controversy, the Hindu Right became the self-appointed champion of the rights of a Muslim woman, and used the violations of these rights as a way of attacking the Muslim community as a whole. In taking on Nasreen’s case the Hindu Right aligned itself with the secular movements, opposed to this fundamentalist attack on Nasreen, and in so doing, endeavoured to further constitute itself in and through the discourse of secularism.

The strategies of the religious right are directed at demonizing the Muslim community through liberal rights discourse. It represents the community itself as the violators of the constitutional norms of equality and secularism and I have touched upon how it does this in and through its support for Muslim women’s rights.

VI. SOME CONCLUDING THOUGHTS

Fallen angels are scheming to figure out a way to get back into heaven and not everyone is happy about it. In New York, the American Society in Defense of Tradition, Family and Property, the Catholic League and other groups have protested against the plot of the film *Dogma*, starring Ben Affleck and Matt Damon. It made me think about the irony of protesting representations of God and faith in celluloid fantasy and fiction when so much about God and faith is about fantasy and picture-making, about the imagination. The Religious Right is writing the obituary to imagination, imagination that is born of diversity, difference and dissent. And in India, it is doing it in and through the discourse of secularism. The story about secularism in India, especially since the rise to power of the Hindu Right is a story about the way in which the very rights that we take so much for granted, equality, secularism, freedom of religion, and tolerance, are all sites of contest. Equality and secularism have been infused with meanings that breed a politics of hatred and intolerance. Yet these rights are so deftly deployed by the Hindu Right, they do not come across as religious fundamentalists, but as reasonable and logical for many people.

And this is where I think we come back to my opening comments. Religious fundamentalism is often presented as a characteristic or feature of ‘other’ countries, ‘other’ worlds, and most frequently of course, the Islamic world and the Muslim community. The Taliban is frequently invoked to justify this claim. But the Taliban did not come into power through popular consent and democratic process—it used brute force. Today, my concern has been with what I perceive to be the more insidious, indeed more alarming development in our respective worlds—the seepage of the ideology of the religious right in and through democratic institutions and liberal rights discourse.

The religious right has constructed what constitutes a good Hindu, or a good Christian. And in the context of India, protesting the nuclear test was amongst other things, anti-Hindu. How strange—to claim in other words that the bomb is Hindu. To quote Arundhathi Roy, booker prize winner of 1998, “We storm the heart of whiteness, we embrace the most diabolical creation of western science, and call it our own.”¹⁸ The power of the Hindu Right lies in the highly inventive way in which it has re-written history, nation and religion along the faultlines of its ideology—Hindutva. It’s similar to expunging Darwinianism from school curriculums as if it never existed or to ensure that only one story about religion or origins gets heard or told. And today, in the wake of the Indian Supreme Court decision the law has become complicit in this re-writing.

Diversity is the strength of a liberal democracy. Rushdie refers to a ludicrous attempt at enumerating the total number of gods presently existing in India, of all varieties, from the most minor tree god to the daunting images of Prophets, Messengers and Messiahs. The number recorded was approximately 330 million—“about one god for every two and a quarter humans”.¹⁹ And no matter where you go, there they are! These vast multitudes of deities co-exist with the vast multitude of people. You bump into them on the streets, trip over them on the sidewalk, they sit

¹⁸Arundhathi Roy, *End of Imagination*, OUTLOOK MAGAZINE, Aug. 3, 1998, at 70.

¹⁹SALMAN RUSHDIE, *IMAGINARY HOMELANDS: ESSAYS AND CRITICISM, 1981-1991* (1991).

with you in taxis and attend street parades where they are the constant cause of traffic jams. Nothing could be more obvious and more a part of every day life than this fact of diversity. Yet today this very diversity is at risk, at peril. In the hands of the Hindu Right diversity is being re-fashioned as a weakness, as a fracturing of society, as a threat to the whole rather than what constitutes the whole. This is where the battle lies, in retrieving and revitalizing this value in cultures where the religious right is shaming people for their defects and differences, and where the assertion of difference is not merely about belief, it is about the very right to exist.