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PLURALIZING PLURALISM: LESSONS FROM, AND FOR, INDIA

By Rochana Bajpai

How can people of different faiths and none live together peaceably amid deep diversity of religions and worldviews? The notion of “covenantal pluralism” (Stewart, Seiple, and Hoover 2020) tackles this key question at a critical moment in the ascendancy of ethno-religious majoritarianism in most of the world. It offers timely and useful resources for addressing flaws in existing approaches to dealing with diversity such as tolerance, secularism, and multicultural citizenship. At the same time, covenantal pluralism also faces challenges, both as an ideal of universal applicability, and as a policy for change, a practical proposal for negotiating diversity in most of the world. Is it relevant as an ideal and policy aspiration for societies where the majority does not follow Abrahamic faiths? In societies where majority religions do not center the notion of a covenant in their creed, what are the resources available to support the demanding enabling conditions of covenantal pluralism? These include the cultivation of a public ethic of humility, patience, and respectful engagement in society, in addition to constitutional and legal guarantees of equal citizenship.

This article explores these questions in the context of India, regarded until recently as a hopeful example of a pluralist democracy, currently under threat from forces of Hindu supremacism and authoritarianism. India poses a puzzle for advocates of pluralism, a continent-sized nation-state with a population larger (1.4 billion) than each of Europe, North America, Latin America, Africa, and Australia. On the one hand, pluralism has been, and to an extent continues to be, a key element in Indian national narratives. On the other hand, religious violence,

Abstract: Embracing religious belief and societal norms, in addition to state laws and policies, covenantal pluralism has the potential to address key limitations of existing approaches to dealing with religious diversity. Nevertheless, it also shares some of the problems of other ideals. Notably, the demands of covenantal pluralism seem too onerous for most of the world, relying as they do on most of the population recognizing the value of religious pluralism. This article explores the possibilities and limits of covenantal pluralism in India, once heralded as a pluralist democracy, currently under the grip of Hindu supremacist authoritarianism. India’s historical record challenges key assumptions of theories of pluralist co-existence, illuminating problems and prospects for covenantal pluralism across the globe.

Keywords: India, Hindu nationalism, religious diversity, pluralism, secularism, multiculturalism, citizenship

inter-group as well as intra-group, has been a persistent strand and is increasingly prevalent today. How do we account for this puzzle?

Herein I argue that the category of pluralism needs to be unpacked. I distinguish, in a schematic fashion, six historical variants in India, broadly grouped into religious and secular forms of pluralism.¹ These are segmented pluralism, multi-confessional pluralism, Hindu pluralism, religion-blind citizenship, inclusionary differentiated citizenship, and multicultural citizenship. Through an evaluation of varieties of political pluralism in India, I show that covenantal pluralism is closest to secular forms, notably religion-blind citizenship and multicultural citizenship, both embodied imperfectly in the Indian Constitution. The challenges for religious pluralism in India today underscore the need for societal “bottom up” resources advocated by covenantal pluralism, while at the same time as highlighting the centrality of state constitutional and legal frameworks for building equal citizenship in highly unequal and diverse societies.

This article is divided into three sections. The first section examines the ideal of covenantal pluralism and how it is distinct from existing approaches to religious diversity and conflict, notably toleration and secularism. The second section outlines paradoxes of pluralism in India. The third section distinguishes six variants of political pluralism in India and evaluates the resources these offer for covenantal pluralism, its potential, and the challenges it encounters.

The Promise and the Challenge of Covenantal Pluralism

Covenantal pluralism, in the valuable formulation articulated by W. Christopher Stewart, Chris Seiple, and Dennis R. Hoover (2020), signals the need for a new approach to living with religious diversity that goes beyond tolerance and secularism, emphasizing “both legal equality and neighborly solidarity,” a “positive ethos of nonrelativistic pluralism” that guides state as well as social behavior. The value of the qualifier “covenant,” Stewart, Seiple, and Hoover (2020) argue, is that it “evokes an easily understood holistic vision that emphasizes not

only *rules* ... but also *relationships*.” While secular in form, covenantal pluralism draws upon and speaks to religious believers, particularly followers of the Abrahamic faiths of Christianity, Islam, and Judaism, and thus has “relevance, appeal, and precedents across the world’s many religious/worldview traditions.” Seiple and colleagues argue that as covenantal pluralism is “more genuinely plural ... more inclusive of the actual extent of diversity that exists,” it is not just a theoretical abstraction, “a figment of a political philosopher’s imagination,” but rather, “a realistic socio-political aspiration,” a practical “strategy for progress toward a society’s enlightened self-interest” (Stewart, Seiple, and Hoover 2020, 2, 9, 10, 13).

Covenantal pluralism is a valuable addition to our repertoire of approaches for dealing with religious diversity. Stewart and colleagues correctly identify problems with existing approaches to pluralist coexistence based on tolerance, contract, cosmopolitanism, and secularism. Tolerance can signal indifference or grudging accommodation, “even condescension,” a lack of recognition of equal standing and equal respect for religions. A pluralism that is strictly contractual (or transactional), based on “a conditional relationship,” is also inadequate as it fails to take into account our need for deeper, long-term “relationships ... underpinned by trust,” going beyond “short-term calculations of advantage.” Unlike some versions of cosmopolitanism, covenantal pluralism takes seriously the value of religious belief and draws upon its spiritual reserves for citizenship, while also appealing to non-believers. Seiple and collaborators note that the notion of “covenant” is used in an inclusive sense that is “explicitly cognizant of the myriad forms of faith/worldview diversity around the world” and its usage in international human rights treaties, such as the International Covenant on Civil and Political Rights. Covenantal pluralism seeks to be inclusive of the exclusive, inviting to the table “a genuinely robust diversity of actors,” and “not just an unrepresentative sample” comprising only “self-selected cosmopolitans,” with its embrace of religion and

communitarianism making it “particularly resonant beyond the West” (Stewart, Seiple, and Hoover 2020, 10, 9, emphasis added). Finally, unlike secularism which has focused on state practices, covenantal pluralism recognizes the need for a normative ethic that is simultaneously about “top-down” legal and policy parameters *and* “bottom-up” cultural norms and practices (Stewart, Seiple, and Hoover 2020, 5, 9, emphasis added.).

While promising, the ideal of covenantal pluralism also poses difficulties. In normative terms, what are the reasons for valuing religious pluralism and according equal respect to all religions, beyond the practical need for peaceful co-existence and stability? In particular, those who believe in the exclusive value of their faith or viewpoints are often willing to undertake conflict and struggle in defence of what they see as righteous or persecuted convictions. What is the value of religious diversity for them, why they should seek to respect, engage, and protect distinct and opposed viewpoints, needs elaboration. In its current formulation, the covenantal ethic of equal respect for all religions seems to rely on the value of equal citizenship, which makes sense. This, however, raises further questions: is covenantal pluralism then basically a form of political liberalism (Rawls [1993] 2005), and if so, how does it deliver on its promise of being *more* inclusive of those making exclusive truth claims than existing approaches, such as forms of multicultural citizenship (Kymlicka 1995) and moderate secularism (Bhargava 1998)? The over-riding value of equal citizenship needs to be argued for, particularly for those pursuing exclusive religious and/or ethical claims. Nor is this an abstract intellectual concern alone. As Hefner (2020) notes, if covenantal pluralism is to become “a public reality,” its central tenet of mutual engagement and respect for religious diversity has to “somehow come to be seen by most citizens as consistent with their most deeply held ethical convictions.”

Covenantal pluralism encounters further challenges when we examine the conditions of its possibility, as requiring the cultivation of religious literacy, and of the virtues of

openness, humility, patience, and positive engagement with other faiths on the part of ordinary citizens. Seiple and colleagues rightly note that covenantal pluralism is a demanding ideal, requiring not just constitutional and legal rules of equal citizenship, but the “active cultivation of pluralist virtues by each faith and the negotiation of a positive ethos of engagement between them,” which does not “just happen” through “technical religious literacy.” This, however, begs further questions. How are the necessary dispositions of humility, openness towards learning, and respect for worldviews other than one’s own, to be cultivated, what are the conditions and mechanisms required for this? And crucially, how are these to be fostered in the present context, in which a majority of citizens in most countries appear to be convinced of the exclusive truth of their own ethical and epistemic frameworks, religious or secular? If religious literacy requires a working understanding of (i) “one’s own belief system or faith tradition, especially what it says about (engaging) persons outside that tradition,” (ii) “one’s neighbor’s moral, epistemological, and spiritual framework, and what that framework says about engaging the other, and (iii) the historical and contemporary particulars of the specific contexts in which multi-faith collaborations may (or may not) be advisable” (Stewart, Seiple, and Hoover 12), this seems a tall order for public education anywhere in the world, at any point. *Prima facie*, covenantal pluralism seems to demand too much, perhaps more than is reasonable to expect from the average citizen. If we are all required to set aside skepticism for what we believe are false and inferior views, devote time and effort to listening and learning about our own and other religious traditions, it is hard to see how covenantal pluralism is a realistic theory of change in the present. Furthermore, to instill the kind of religious literacy and pluralist virtues required would seem to entail far-reaching reforms in existing educational institutions, religious and secular, and thereby, an expansion in state power and restrictions on religious freedom. These, in turn, could be

undesirable from a standpoint of covenantal pluralism.

But perhaps the conditions of possibility for covenantal pluralism should be understood as *aspirations* rather than conditions, as desirable goals to work towards. Our initial examination thus suggests a need to perhaps reframe the constituent elements of covenantal pluralism, to distinguish necessary conditions from desirable aspirations, and thereby to further its prospects in most of the world. To do so, in the remainder of this article, I examine covenantal pluralism in relation to paradoxes of pluralism in India, a continent-sized polity with deep and cross-cutting diversity, currently in the grip of the Hindu Right.

Paradoxes of Pluralism in India

In popular understandings, religious diversity is often regarded as a threat to peace and stability. That India, with a population larger and more diverse than all of Europe and North America combined, has held together at all as a nation-state and a flawed electoral democracy for 75 years, is a puzzle. In terms of societal pluralism, if we focus on religion alone, as per the last 2011 census, Hindus form a majority of around 79.8%; with its Muslim population of nearly 200 million (14.2%), India is also the third largest Muslim country in the world, due to become home to the world's largest Muslim population in 2050. The population of India's other important religious communities is as follows: Christian 2.3% (around 30 million Christians; the second largest population of Roman Catholics in the world), Sikh 1.7% (20.8 million), Buddhist 0.7% (8.4 million) and Jain 0.4% (4.4 million). Furthermore, unlike Western democracies, religious diversity in India is longstanding and not the result of recent migration. India is the birthplace not just of Hinduism (15th c. BCE) but also of Buddhism (6th c. BCE), Jainism (6th c. BCE), and Sikhism (16th c. CE), and home for many centuries to Christians (1st c. CE), Muslims (7th c. CE), Parsees (7th c. CE) and Jews (1st c. CE). Yet, until the recent rise of Hindu nationalism, instances of large-scale religious violence and bloodletting were infrequent, and interspersed with long

periods of amicable co-existence amongst peoples of diverse faiths.

The existence of religious diversity in and of itself, however, as several scholars have shown, does not pose a challenge to peace and stability. For large-scale conflict and violence, it is the *configuration* of diversity that matters rather than its extent, as well as the role of political leaders. The followers of each religion in India are divided by language (22 languages are recognized by the Indian Constitution; linguistic diversity is territorially based), caste (socially prevalent in non-Hindu religions too, notwithstanding their doctrinal rejection of caste), and tribe. India's pattern of ethnic diversity along multiple and cross-cutting lines of religion, caste, and tribe, prevents their aggregation, consolidation, and sustained mobilization along a single line of difference and has historically been conducive to state stability at the pan-India level (see Varshney 1998 for a discussion).

A deeper paradox is posed by the growing violence and conflict along religious lines that have accompanied the rise of Hindu nationalism since the 1980s on the one hand, and the persistence of narratives of religious pluralism, on the other. Today, the century long project to remake India into a Hindu nation-state holds sway across the country. With the Bharatiya Janata Party ascending to political power at national ("Center") level and most of the 28 provinces ("states") since 2014, Hindu nationalists have captured state institutions and used these to extend their domination over civil society. Hindu nationalism is, of course, fundamentally anti-pluralist, denigrating Islam and Christianity as "foreign" to the Indian soil, decreeing Hindu supremacy in law and policy, and demanding, often through violent vigilante action, that religious minorities follow orthodox Hindu norms in their public and private practices. With Indian identity defined in cultural terms, based on descent from Hinduism, religious minorities are either assimilated (Buddhist, Jains, Sikhs) into the Hindu body-politic or excluded (Muslims and Christians) from it, with Islam and Christianity seen as religions associated with foreign invaders. Hindu nationalists hold the historical realization of the

Hindu nation to have been held back by Muslim and Christian conquest and later, the partition of the country in 1947, for which Muslims are held responsible (Brass 2003, 34). In everyday life, discrimination in housing and employment, hate speech, and demeaning stereotypes of Muslims are rife (as “jihadis” and a security threat after 9/11, as Pakistan loyalists and fifth columnists, as “backward”), encouraged by the pronouncements of BJP leaders, a pliant news media constantly pushing images of Pakistan as India’s geopolitical enemy, and the anonymity offered by social media (BBC 2021).

Hindu nationalists have pursued the acculturation of religious minorities, enforcing, often through violence, the recitation of Hindu political-theological slogans (e.g. *Bharat Mata ki Jai, Jai Shri Ram*), orthodox Hindu food habits (for instance, not eating beef—20 out of 28 Indian states prohibit cow-slaughter, with the exceptions of Kerala, West Bengal, Arunachal Pradesh, Meghalaya, Nagaland, Tripura, Manipur and Mizoram)², as well as attitudes towards religion. Notwithstanding a constitutional right to propagate religion, 12 or so Indian states have passed legislation to limit religious conversion, euphemistically termed “Freedom of Religion” laws, starting with Odisha and Madhya Pradesh in the 1960s.³ Since 2017, 5 BJP ruled state governments have enacted more stringent punishment against conversions (Scroll 2022), with campaigns around such laws accompanied by increasing acts of violence against minorities (for instance, in Karnataka in 2021). Hindu nationalists have demanded, sometimes violently, that religious minorities demonstrate reverence for Hindu mythical and historical heroes (such as Ram, Shivaji); at the same time, the BJP government has demoted public holidays associated with Christians and Muslims from compulsory to optional status (for instance, since 2014, Christmas has been observed as “Good Governance Day” in public offices, schools, and universities; official meetings have been held over Easter), and imposed heavy economic constraints on Christian charities (e.g. blocking funding for Mother Teresa’s Missionaries of Charity, on Christmas eve 2021), Muslim businesses and

human rights NGOs (notably Amnesty International, Greenpeace), using the regulatory powers of the state (*The New York Times* 2021). With increasing attacks against churches, Christian schools, and pastors on false charges of conversion, and a “deafening silence” from the powerful BJP government, according to senior observers, “the fate of religious pluralism in India hangs in the balance” (*Foreign Policy* 2021).

Notwithstanding the dominance of Hindu nationalism in India today, however, pluralism has historically been, and to an extent continues to be, a key element in social imaginaries and narratives of Indian national identity. Historically, leaders of India’s multi-ethnic national movement proclaimed a “unity in diversity,” reflected in India’s long history of co-existence of diverse communities. Religious conflict, it was argued, was not inherent to India’s make-up, but a product of a deliberate colonial “divide and rule” strategy which pitted Indians against each other to secure British rule. Today, even as the Indian national movement’s aspiration of equal citizenship has been overwhelmed in practice by the capture of state institutions by Hindu nationalists, religious pluralism remains a living presence in everyday narratives of religion and national identity. According to a recent Pew Research Center survey (2021) of religion of nearly 30,000 respondents across India, around 91% of participants across religious lines reported that they were free to practice their religion, with approx. 84% saying that respecting all religions was very important to being “truly Indian.” And notwithstanding the electoral popularity of the BJP (some 41.2% of respondents professed their support in a post-poll survey, compared with 19.2% for the Indian National Congress, its nearest rival), a substantial section of the population (37.2%) also reported disliking the BJP (CSDS 2019). Indeed, Hindu nationalists also profess pluralism, emphasizing Hinduism’s unique capacities of accommodation of religious difference, giving birth to Buddhism, Jainism, and Sikhism, as well as its internal diversity (330 million Hindu deities is a common claim).

How do we make sense of this puzzle? The central argument of this article is that pluralism

and differentiated citizenship come in multiple forms, and in the absence of the institution of equal citizenship, do not support covenantal pluralism.

Types of Pluralism in India and Possibilities for Covenantal Pluralism

Indian history offers examples of several types of pluralism and differentiated citizenship. To evaluate the possibilities of covenantal pluralism in India, I outline and discuss six approaches to religious diversity in a broad-brush schematic fashion, grouping these roughly into two broad families, religion-based pluralism and secular pluralism. A dialogic mode of evaluation is adopted, in which varieties of pluralism in India and covenantal pluralism are examined in relation to each other, to enable a constructive critique of each.

Forms of Religion-based Pluralism

Several kinds of religion-based pluralism can be found in India, ranging from segmented pluralism, multi-confessional pluralism, and extending to moderate Hindu nationalist pluralism. In each of these forms, pluralism draws upon religious precepts and offers a substantial measure of religious freedom to minorities. This suggests superficial similarities with covenantal pluralism; nevertheless, our survey suggests that forms of religious pluralism in India, as elsewhere, have been hierarchical, with substantial inequalities within and across groups.

(i) *Segmented pluralism:*

Pre-modern states in India, as elsewhere, often granted their subjects substantial freedom of religion. Associated in India with constrained state power (Khilnani 1997; Kaviraj 2010), segmented pluralism was in part a pragmatic concession to the power of local rulers, underpinned by the Hindu principle that a society consisting of different social groups is “prior to the state and independent of it,” and the duty of rulers was to “protect and uphold the respective customs and laws” of self-regulating social groups. This covenant was adhered to by indigenous as well as foreign rulers who succeeded in ruling over Indian territories for any

length of time (Rudolph and Rudolph 2008, 11, 18). The precedence of the moral order of society implied that the state would not seek to impose its preferred vision throughout society, but respect the internal rules and practices of distinct social groups, so long as taxes and revenues were paid.

While a segmented social order was plural in terms of group religious freedom and accommodation of socio-religious difference, it was not characterized by equality or mutual respect, key elements of covenantal pluralism. A compartmentalized social order meant that external groups could be incorporated into a “circle of circles” by creating a circle of their own, which existed not so much in open communication with the rest, but in what Sudipta Kaviraj (2010, 15) has insightfully described as “a kind of back-to-back adjacency,” “by way of a very peculiar combination of absorption and rejection.” The caste system exemplified this segmented order of self-regulating groups. However, different social and religious groups did not have equal status, nor did they share a sense of brotherhood with each other (Rudolph and Rudolph 2008, 9).

Hierarchical, segmented pluralism has continued under modern states that have accorded religious freedom to groups. In India, the British colonial state recognized religious authority in the realm of family law from the late 18th century, and accorded representation to Indians along lines of religious group membership from the late 19th century (see, e.g. Rudolph and Rudolph 2008, 9). In contemporary India, in the ordering of social space for instance, newer forms of segmented pluralism have overlaid older patterns. While spatial segregation in India is long-standing, with particular religious and caste groups occupying distinct neighborhoods and not welcoming those belonging to other groups (often linked to incompatible food habits, e.g. vegetarianism), in the past, this did not preclude cohabitation among elites belonging to different religious groups in urban areas (Gayer and Jaffrelot 2012). With increased levels of religious conflict and violence in the wake of Hindu nationalist mobilizations, older patterns of cohabitation of

Hindu and Muslim elites have been replaced with the formation of cross-class Muslim ghettos in many cities in western and northern India, propelled by discrimination in the housing market and insecurity following police failures to protect Muslim lives (Gayer and Jaffrelot 2012, 323).⁴ Recent research shows that after Muslims, Dalits are the most spatially segregated group, that spatial segmentation is high in large cities as well as smaller towns (i.e. the extent of urbanization does not make a big difference), and that caste and class continue to overlap (Bharathi 2021). Segmented pluralism represents a form of hierarchical pluralism in which communities defined by religion have substantial religious freedom, but there is little mutual engagement or respect across groups of the kind envisaged in covenantal pluralism, nor freedom of choice for individuals.

(ii) *Multi-confessional pluralism:*

Another form of religion-based pluralism draws upon the country's antique history of religious diversity to argue that living with religious difference is the Indian way of life. In the broader, inclusive version of this claim, Indian state secularism is rooted in India's own civilization, an integral aspect of Indian identity, rather than being a foreign import, an imitation of the modern West (see e.g. Sen 2005). The elaboration of Indian civilizational ethos often invokes ancient Hindu texts, but also key historical figures of non-Hindu faith, notably the emperors Ashoka (3rd century BCE, Maurya dynasty, Buddhist) and Akbar (16th c, Mughal dynasty, Muslim). While remaining strongly grounded in their own faiths, these rulers issued commands against the denigration of other faiths, and sought deeper engagement with other religions, in a spirit of humility and mutual respect (Sen 2005, 15–19). While the extent of influence of these exceptional examples of religious toleration remains historically contested, they do provide Indian precedents for an ethic of mutual engagement and respect across faith communities akin to covenantal pluralism.

Nevertheless, multi-confessional pluralism can leave intact inequalities within, and between, religious groups, notwithstanding the attractiveness of the idea that religious believers

of different faiths find resources from within their traditions to covenant with each other. In post-independence India, the possibilities and limits of multi-confessional pluralism as a framework for the accommodation of religious diversity are perhaps exemplified in the well-known Shah Bano legislation in 1986. The Indian government instituted exemptions for followers of Muslim personal law from provisions of a common criminal code, overturning a Supreme Court judgement to the contrary. Legal pluralism and secularism were invoked in ways that seem consonant with covenantal pluralism. The Law Minister, A.K. Sen, declared that “dead uniformity is not the prescription of the Constitution,” that “the Constitution sets up a secular democracy ... a fine mosaic where each community has its own part to play, its own culture to show and its own ... philosophy to flower” (cited in Bajpai 2002). Indian secularism, construed as religious freedom for groups and state non-interference in minority religious practice, was, it was argued, the basis of India's successful movement for independence from British rule, and an extension of India's traditions of cultural diversity “for thousands of years,” where religions and races “have all lived together and ... maintained their faith,” [and] “assimilation was possibly a concept alien to Indian culture and ... way of life” (cited in Bajpai 2002). Government spokesmen demonstrated rare religious literacy and respectful engagement with Islamic law, with some emphasizing the relatively progressive character of Muslim law in comparative terms, in its construal of marriage as a contract.

However, notwithstanding the ecumenism of secularism construed as equal respect for all religions, lacunae remained with regard to equal citizenship and national identity (see Jayal 1999; Bajpai 2011 for details). In terms of *inter-group* equality, given that state-led reforms had been enacted in Hindu family law in the 1950s, a case for the differential treatment of Muslims as a requirement of equal citizenship was needed. Several equality-based considerations could have been cited in support of the differential interpretation of religious freedom in the case of Hindus and Muslims. State institutions and

policies everywhere are inevitably more representative of, and support, the majority religion (Mehta 2005; Nussbaum 2005). Muslims in India (like in Israel, for example) are an oppressed group (Spinner-Halev 2001), and state imposition of reform in Muslim law would compound existing injustices. In terms of *intra-group* equality, state provisions that accord greater autonomy to religious groups can in practice confer more power to conservative male religious leaders, and strengthen existing power structures within a community, to the detriment of gender justice, as several critics of the Act (including several Muslim intellectuals) noted at the time. In the Shah Bano case, the government's approach of treating "orthodox sections of the *ulema*" as the sole religious experts was seen to have bolstered existing patriarchal power structures within the community (Hasan 1998, 367–8), and reinforced the Hindu right's stereotypes of Muslims as illiberal and obscurantist.

In relation to national identity, the implanting of secularism in the values of Indian civilization and Indian philosophy, while espoused by followers of all faiths, has often served as a conduit for the "unstated norms of the Hindu majority" (Cossman and Kapur 1996, 2616). While secularism thus construed can support minority rights, it is redolent of Hindu superiority and self-congratulation on the tolerance and forbearance of Hindus over their superior "liberal" credentials, as well as a sense of grievance vis-à-vis other religions as less open-minded and generous, which were recurrent themes in the discourse of the Hindu Right in this period. Hindu nationalism is seen to have gained political ground in the 1990s as a reaction to the expansion of pluralism-promoting policies in the 1980s and 1990s.

This is not to suggest that resources for covenantal pluralism are absent in multi-confessional forms of secularism such as equal respect for all religions. It is, however, to suggest that these need to be underpinned by robust forms of equal citizenship for individuals, in order to avoid reinforcing existing injustices between, and within, communities. Further, taking the requirements of equal citizenship

seriously also requires rethinking *national identity* in ways that recognize the symbols and the contribution of minority religions to the nation (Parekh 2000; Modood 2018).

(iii) *Hindu nationalist pluralism:*

While religious majoritarianisms are essentially anti-pluralist, these often have their own narratives of pluralism. A secular state in India, many have argued, was the outcome of the nature of Hindu religion, its unique capacities of openness and accommodation of religious diversity. The Indian Constitution could be secular because the majority of India's population was Hindu: secularism implied "that the numerical majority, the Hindus, would not use their power to give Hinduism a favoured place over other religions" (Embree 1990, 87).

Hindu religious beliefs, it has been argued, are pluralist and support a secular state. Beliefs that although God may be called by different names, he is ultimately one; that all religions are true, because all are different paths of reaching the same God; that religion is ultimately a matter of personal realization, can be seen as conducive to the separation of state and religion (Smith 1963, 147). However, Hindu beliefs also have limitations as a basis for pluralism. The view that all religions are ultimately true is itself a particular religious doctrine, not acceptable to many followers of Islam, Christianity, and other religions who believe in the unique truth of their religions. Moreover, while commonly regarded as contributing towards a social attitude of tolerance and "live and let live" towards followers of different faiths, such views can also give rise to "an attitude of intolerance towards those who are convinced of the uniqueness of their faith and feel impelled to preach and propagate it" (quoted in Smith 1963, 151). Nor is this a theoretical concern alone. Christian pastors and educationists suspected of proselytization among Hindus face increasing violence and murder (*Al Jazeera* 2021).

Hindu nationalism's form of political pluralism might be described as *exclusionary* differentiated citizenship, perhaps exemplified in the case of the Citizenship Amendment Act, (CAA) 2019. This controversial law created a fast-track route to Indian citizenship for

non-Muslim migrants from Pakistan, Bangladesh, and Afghanistan, in keeping with BJP election promises. In BJP rhetoric, the CAA is pluralist as it extends protection to victims of religious persecution in neighboring states. The law allows for “any Hindu, Sikh, Buddhist, Jain, Parsi, or Christian migrant from Afghanistan, Bangladesh, or Pakistan who arrived in India on or prior to December 31, 2014 [to] not be treated as an ‘illegal migrant’” (USCIRF 2020). However, with no proof of persecution required, and persecuted Muslim communities in Afghanistan and Pakistan such as Shi’a and Ahmadi Muslims excluded, the category of “illegal migrant” is essentially for Muslims alone (USCIRF 2020). The fears for pluralism here are not only that the CAA institutionalizes discrimination against Muslims in citizenship law undermining secular citizenship established by the Indian Constitution, but also that alongside a putative national list of all Indian citizens (NRC), the CAA can pave the way for “statelessness, deportation, or prolonged detention” of Muslims, a material concern as the experience of the NRC in the state of Assam suggests (USCIRF 2020).

At one level, Hindu nationalist pluralism underscores the limitations of toleration-based approaches to the accommodation of religious diversity noted by covenantal pluralism advocates, requiring as it does, acceptance by the religious minorities of the superiority of Hindu religion and its centrality for Indian national identity. At another level, however, India’s experience suggests that the problem with views such as all religions are different paths of reaching God, is less that this reflects a relativistic, wishy-washy ecumenism (Stewart, Seiple, and Hoover 2020), as that it can reflect a *particular* religious worldview, one that is intolerant of those who are convinced of the exclusive correctness of their faith.

Forms of Secular Pluralism

Given the deficiencies of religious forms of pluralism in India from a standpoint of covenantal pluralism, how does secular pluralism fare? Like religious pluralism, secular pluralism in India comes in many forms, ranging across

difference-blind citizenship, integrationist differentiation, and multicultural citizenship, each underpinned by equal citizenship, albeit construing its requirements differently. The Indian Constitution contains each of these approaches, and does not resolve the tensions between these, a capaciousness that has historically been a source of strength, seen as responsible for its relative longevity, and continuing acceptance among contending parties as the normative standard for the polity. Nevertheless, with BJP governments instituting a parallel Hindu nationalist legal order, policies, and rules, the existence of secular citizenship in India is mostly to be found in the constitutional text and its invocation in some judicial pronouncements and recent episodes of civil society protest (BBC 2020).

(i) Religion-blind citizenship:

Born amidst a bloody, bitter Partition in 1947, in which over a million Hindus and Muslims died, the Indian Constitution was influenced by the ideals of civic nationalism, articulated in a liberal republican vocabulary. Constitution-makers envisaged difference-blind citizenship as the means for forging national unity, and the basis of Indian identity, which was seen to require secularism, not in the sense that the state would be anti-religious, but that it would treat all Indians as equals “irrespective of caste, creed, or colour” (Bajpai 2000; 2002). Non-discrimination on religious grounds, together with a national identity defined in civic rather than ethno-cultural terms, was to be the basis for the accommodation of religious minorities in the new Indian nation-state. This was in contrast to the late colonial state, which had instituted separate electorates on religious lines, seen by Indian nationalists as an illegitimate mixing of religion and politics, a calculated colonial “divide and rule” strategy that had culminated in Partition.

Constitution-making (1946–49) marked a moment of containment in group differentiated rights, with the abolition of religion-based separate electorates in 1947, and the withdrawal by 1949 of legislative quotas for religious minorities that had been included in initial constitutional drafts (for details, see Bajpai 2000;

2011). This was in keeping with the dominant consensus at the time that the ethnicization of political institutions would lead to inter-group conflict and political instability (McGarry, O’Leary, and Simeon 2008, 45)

Religion-blind citizenship, in theory and in practice in India, supports covenantal pluralism. This is notwithstanding the multiple points of convergence between secular and Hindu nationalism during the Indian national movement, constitution-making, and in Congress governments since. To be sure, civic nationalism in India, as elsewhere, has historically had an ethnic core, and the distinction between secular and Hindu nationalism “can at best claim a certain precision in logic, far less so in practice” (Sarkar 1998, 360). During constitution-making, Hindu nationalists invoked liberal, secular norms against group-differentiated provisions for religious and caste minorities (Bajpai 2011). Nevertheless, in contrast to Hindu nationalists’ assimilationist stance that seeks to impose the religious and cultural norms of the majority on minorities (e.g. in relation to religious conversion, cow protection), holding that only “Hindus could be true patriots” and has encouraged “hatred or violence” towards other religions (Sarkar 1998, 361–2), secular nationalists have pursued *integrationist* policies that seek to unite people of all religions living on the territory of India through equal citizenship.

Was the project of creating secular citizenship doomed to failure because India was a fundamentally religious country, with encompassing, practice-based religions? While some scholars of religion have argued along these lines (e.g. Madan 1987), most advocates of a secular state in the Indian Constituent Assembly avowed deep respect for religion, and argued for religion-blind citizenship on account of the significance, and multiplicity, of religions in India. It is true that for Nehru and a handful of modernists of all faiths, religion (and caste, language, and other ethno-cultural affiliations) were “backward” relics; however, this

was not the view of most advocates of secular citizenship in the Constituent Assembly (Bajpai 2002; 2011).

The failures of sustaining a robust pluralism stem not from the ideal of secular citizenship being hostile to religion, but from the limited translation of constitutional-legal values into institutional cultures and social relations of citizenship, a task that remains incomplete also in Western democracies (Beaman 2016; Laborde 2021). While secular citizenship in India was sought to be elaborated through the constitutional legal framework and court decisions, and also disseminated through national educational curricula and textbooks, it

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was also routinely violated in practice, as a result of weak rule of law more generally, and through the emergence of a Hindu nationalist legal framework (e.g. anti-conversion laws) and social practices that undercut the constitution

and were often enforced through police action and inaction at the behest of the executive, in concert with violent mobs. Nevertheless, the ideal of religion-blind citizenship remains a living presence, notably in practices of bottom-up constitutionalism, with civil rights activists, lawyers, journalists, and ordinary citizens appealing to constitutional values against governmental laws and actions that discriminate on the basis of religion, as witnessed in the anti-CAA protests around the country in 2019–20 (BBC 2020).

(ii) *Inclusionary differentiated citizenship:*

Equal citizenship in the Indian Constitution goes beyond formal equality to include affirmative action provisions (legislative quotas, special treatment in government employment and educational institutions) for marginalized groups, mainly Scheduled Castes and Scheduled Tribes (*Dalits* and *Adivasis*). Indian constitution-makers went beyond the liberal consensus of their time (Bajpai 2011, 2012a), recognizing that formal equality of opportunity for individuals was insufficient for equal citizenship in a country with profound and deeply entrenched

inequalities. While many constitution-makers, including Nehru, had strong misgivings and felt that group quotas detracted from secular citizenship, they agreed to these as a temporary measure for the reduction of socio-economic disparities, in the interests of national unity and development. In a departure from the late colonial state, legislative quotas and other forms of differential treatment were *recast* from consociational types of permanent provisions for the recognition of religious diversity, to affirmative action mechanisms for reducing inter-group differences over time. Special treatment of the Untouchables was constantly distinguished from that of religious minorities by Congress leaders through specifying, for instance, that what separated these groups from the majority was not so much religious difference, but socio-economic inequality (for details, see Bajpai 2011).

Inclusionary differentiation has remained the main approach to group-differentiated rights in post-Independence India, and while it does not pertain to the protection of religious or cultural difference *per se*, is nevertheless relevant for covenantal pluralism, in the following ways. First, religion can be a basis for eligibility and exclusion from affirmative action policies. For instance, inclusionary differentiation policies in India remain exclusionary of significant religious minorities (Bajpai 2017): Muslims and Christians are not listed as Scheduled Caste beneficiaries of affirmative action, ostensibly on grounds that Islam and Christianity do not recognize Untouchability, in fact a concession to Hindu nationalist fears regarding conversions from Hinduism to these religions. The Scheduled Tribe and Other Backward Classes (OBCs) categories are religion-neutral; educational and employment quotas have been extended to OBCs, which in some regions include disadvantaged Muslim communities. Second, relatedly, several demands made on behalf of religious groups by religious leaders and organizations pertain to *secular* concerns of equal citizenship, of discrimination, violence, and socio-economic disadvantage, rather than religion *per se*. For example, Muslim political

leaders in India such as Asaduddin Owaisi have long sought to shift government attention away from issues of religious or cultural accommodation (e.g. state *hajj* subsidy, *Eid* celebrations), towards increasing violence and discrimination against Muslims, such as the high numbers of Muslims under detention without trial for false terrorism charges, torture and killings in police custody, and the exclusion of Muslims from affirmative action for Scheduled Castes, despite similar levels of social segregation and economic exploitation (for details see, Bajpai and Farooqui 2018).

Third, whereas covenantal pluralism advocates have not elaborated on this, equal citizenship is consistent with, and can require unequal treatment of disadvantaged social groups, which may be identified by religion in some contexts. The general point here is familiar to scholars of egalitarian liberalism: differential treatment (e.g. through affirmative action policies) is consistent with *fair* equality of opportunity that seeks to discount the significant effects of massive inherited inequalities in socio-economic backgrounds (Rawls [1993] 2005; for Indian debates, see Bajpai 2010). In relation to religious minorities in India, the United Progressive Alliance (UPA) government led by the INC (UPA 2004–14) sought, unsuccessfully, to include disadvantaged Muslims in affirmative action policies. The UPA government commissioned surveys of socio-economic indicators among Muslims and based on findings of substantial deprivation in the community with regard to assets, income, education, employment, and health outcomes, sought to earmark 15% benefits of a wide range of existing development schemes for members of minority communities, particularly Muslims (see Bajpai 2012b for details).

For covenantal pluralism, inclusionary differentiated citizenship in India suggests a need for greater elaboration of the requirements of equal citizenship and the meanings of religious inclusion. Equal citizenship can require taking religious and social group membership into account for addressing poverty and socio-economic disadvantage, without seeking to protect religious or cultural identity (although

the latter can be a by-product of the former). Furthermore, not all demands made by or on behalf of religious groups are *religious* in nature, pertaining to the recognition of religion or culture *per se*. Ascribing the category of religion to all claims made by religious leaders or groups can cause harms of *misrecognition* to members of minority groups, compounding existing injustices (Bajpai 2019).

(iii) *Multicultural citizenship*:

A third type of equal citizenship also found in the Indian Constitution that comes the closest to covenantal pluralism might be described provisionally as limited or weak multiculturalism (Shachar 1998). In a departure from the standard liberal individualist position, freedom of religion is codified both for individuals and groups (Mahajan 1998, 79–85). Lengthy debates and complex negotiations went into fashioning constitutional secularism as equal respect for all religions. Secularist demands to restrict religion to the private sphere of individual conscience and belief were rejected; no hard distinction between the private and public spheres was posited. A broad definition of the right of individuals to freedom of religion was adopted after extensive debate, which included the right to *practice* religion in public spaces, and even more controversially, to *propagate* religion for all persons, not just citizens, vehemently opposed by Hindu opinion, but in keeping with the demands of Christian representatives who argued that propagation was fundamental to the Christian faith. Religious denominations were permitted by right to hold property, and the state was allowed to aid educational institutions that imparted religious instruction (including minority institutions), allowing for public funds to support minority religions and cultures, against the objections of those seeking to restrict the domain of religion (Articles 25, 26 of the Indian Constitution). In contrast to many secular constitutions, the associational and institutional autonomy of religious groups (as well as tribal and linguistic groups) was affirmed, to an extent. The demands of secularists for a uniform civil code to supplant the different religious laws that governed matters such as marriage and divorce in colonial India were

rejected. However, the right to freedom of religion is subject to other constitutional rights, including those of equality and non-discrimination, with state intervention permitted not just in the interests of public order, morality, and health as common elsewhere, but also for purposes of social welfare and reform, and a non-justiciable provision for a uniform civil code kept alive legal unification in the future (for details, see Bajpai 2011).

Restricted multiculturalism is also to be found in Indian federalism, although this applies only to a limited extent to religious diversity (five Indian states have non-Hindu majorities: Punjab, Nagaland, Meghalaya, Arunachal Pradesh, Mizoram). Historically, the Indian state has only reluctantly granted limited territorial autonomy to religious minorities, in part from fears of separatism. Limited multicultural provisions have come to be attenuated, with the abolition of special status as well as state-hood to the Muslim-majority state of Jammu and Kashmir by the BJP government in 2019, a significant case in point.

In relation to covenantal pluralism, the restricted multiculturalism of the Indian Constitution is a reminder that equal citizenship is consistent with the differential treatment of religions, and may require greater state intervention in some religions rather than others, as scholars have argued (Bhargava 1998). For example, to institute equal citizenship, the Indian Constitution abolishes Untouchability, and seeks to reform caste practices in ways that limit the religious freedom of Hindus to a greater extent than other religious groups (perceived by Hindu nationalists as minority privilege). The emphasis that covenantal pluralism places on freedom of religion assumes the prior existence of an order of equal citizenship for all individuals; where this is not the case (most of the world), freedom of religion may need to be limited, differentially for different religions depending on the context.

At the same time, while constitution-makers created provisions for equal citizenship that recognized inter-group and intra-group inequalities, the accompanying normative resources, and institutional framework needed to

support such an order, remained under-elaborated. A normative *deficit* remained in the constitutional framework for multicultural citizenship with regard to the protection of religio-cultural difference and minorities (Bajpai 2011). Furthermore, in institutional and cultural terms, how equal respect could be cultivated among citizens with differing and sometimes antagonistic practices, was not elaborated by policy makers (Bajpai 2017); notably, a “liberal-pluralistic public rhetorical and imaginative culture whose ideas could have worked at the grassroots level to oppose those of the Hindu right” (Nussbaum 2005, 82) was not fashioned. This requires, in turn, building notions of national identity that are inclusive of minority religions at the grassroots level, a task that remains challenging in Western democracies as well (Parekh 2000; Modood 2018).

To be sure, historically, Indian state and social practice has been characterized by what Al Stepan (2017) termed “co-celebratory recognition for majority and minority religions,” with recognized public holidays for minority religions (in common with Muslim-majority Indonesia, and in contrast with most Western democracies). However, this was not accompanied by projects of substantive religious literacy or the cultivation of virtues of humility and respectful engagement with differing religions and viewpoints of the kind advocated by covenantal pluralism, resulting in an enfeebled pluralism, vulnerable to attacks by the Hindu Right.

Conclusion

With its long history of multi-faith co-existence in a vast and highly diverse population, India is an important example not just of social pluralism, but also of *political* pluralism, of multiple approaches towards religious diversity, ranging across different types of accommodation of, and hostility to, difference. Approaches to religious diversity in India have differed not only across time periods, governments, areas of policy, and minority groups, but also importantly, with respect to the *same* group. The Indian Constitution itself embodies multiple approaches towards religious minorities, integrationist in

some areas (e.g. representation provisions), and multicultural in others (notably family laws). Notwithstanding political plurality however, Indian state policy and societal practice have rarely been *pluralist* in their political imaginaries, in the sense of affirming the value of religious diversity for national identity within a framework of equal citizenship. The existence of political plurality without an adequate underpinning of pluralist imaginaries has created fertile ground for the ascendancy of the Hindu Right.

As proponents of covenantal pluralism highlight, India’s experience suggests that for robust pluralism, top-down constitutional legal pluralism does not suffice, and may not endure unless it is supported by bottom-up cultural norms, social practices, and relationships. At the same time, India’s experience also reminds us that for bottom-up cultural and social practices that affirm citizen equality to emerge, the existence and enforcement of an over-arching constitutional order of equal citizenship for individuals belonging to all religions and none, remains crucial. Given the extent of religious diversity in India, it is hard to imagine how religious literacy in the demanding sense outlined by theorists of covenantal pluralism could be feasible; perhaps adequate religious literacy is better understood as an aspiration, rather than a condition for covenantal pluralism.

The dominance of Hindu nationalism in India, like similar trends in Indonesia and Sri Lanka (Hefner 2020; DeVotta 2020) pose serious challenges for covenantal pluralism. One of the ironies of Hindu nationalism is that its rise forms part of the process of democratic deepening (Hansen 2019), which in India, as in Indonesia, Sri Lanka, Turkey, has been accompanied by growing threats to religious pluralism. In India, as elsewhere, the assertion of the majority religion in the public sphere serves as a display of the strength of majority sentiment against the liberal pluralism of a secular elite that led movements of national independence from European rule and sought to restrain the expression of religion in public affairs. Like religious majoritarianisms elsewhere, the ascendancy of Hindu nationalism in India

reflects an interest in religion less as a belief system than as a collective identity that enables the demonstration of numerical strength and fervor in public arenas, the power to claim, and receive, impunity for violence from elected governments. The difficult challenge for covenantal pluralism posed by the rise of religious majoritarianisms in India and elsewhere remains, namely, if a majority (or plurality) of a

country's population do not seek to engage with worldviews different from their own in a receptive and respectful manner, how, in practical terms, do we motivate change towards this desirable ideal? In this, as in other areas, India's experience is instructive, if sobering, for reflecting on the conditions needed for covenantal pluralism to be a realistic prospect in most of the world. ❖

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Notes

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2. In 2017, Sikkim's BJP affiliated government banned cow-slaughter, making it the first state to do so in north-eastern India (*The Wire* 2017), where beefeating has historically been common.
3. On attacks against Christians, see *The New York Times* 2021; on legal challenges to anti-conversion laws, see *Scroll* 2022.
4. Gayer and Jaffrelot distinguish ghettos as characterized by "relative class diversity and the stigmatization and sense of alienation of its residents" (2012, 324), from enclaves, where self-segregation is more common (e.g. upper caste residential areas). For a perceptive re-study, see Susewind 2017; on recent BJP campaigns to further the spatial segregation of Muslims along the lines of the Gujarat Disturbed Areas Act, 1991 that restricts individual freedoms, see Zuberi (2021).

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