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Secularism, Religion, and the State in a Time of Global Crisis: Theoretical Reflections on the Work of Abdullahi An-Na'im

Rohit Chopra

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SECULARISM, RELIGION, AND THE STATE IN A TIME OF GLOBAL CRISIS: THEORETICAL REFLECTIONS ON THE WORK OF ABDULLAHI AN-NA'IM

Rohit Chopra*

ABSTRACT

This Essay presents a primarily theoretical examination of critical aspects of Abdullahi An-Na'im's body of work. Drawing on my earlier work, the essay describes the current historical moment as one of "crisis globalization," a normative condition characterized by the rise of authoritarianism and erosion of democracy across the globe, a backlash against religious and other kinds of minorities, as well as by a general sense of existential uncertainty stemming from the impact of climate change, terrorism, and our vulnerability to pandemics like Covid-19. I argue that An-Na'im's work speaks especially powerfully to several aspects of this new condition. An-Na'im's theorization and reconceptualization of the relationship between the secular and the religious, and his elaboration on the role of state and society in mediating that relationship, help us think through and grasp the rise of authoritarianism and religious majoritarianism. They also illuminate a path and template for countering these trends, as elaborated in An-Na'im's articulation of the necessity and challenge of endowing the relationship of the state and religion, and a corresponding idea of the secular, with cultural legitimacy. In the Essay, I also examine these ideas with reference to recent developments in India, the distinct character of whose experience with secularism seems increasingly under threat.

* Rohit Chopra is an Associate Professor of Communication at Santa Clara University. His research broadly addresses the relationship of global media, culture, and identity in South Asian and global contexts. A central focus of his work is the role of online spaces in mediating ideas of political and cultural identity, a phenomenon that he has studied extensively with regard to right-wing Hindu groups on the internet. He is the author, most recently, of *The Gita for a Global World: Ethical Action in an Age of Flux* (Westland 2021) and *The Virtual Hindu Rashtra: Saffron Nationalism and New Media* (HarperCollins 2019). Professor Chopra also writes in a journalistic capacity for a number of Indian, American, and other international publications.

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INTRODUCTION

It is my privilege to contribute to this festschrift honoring the work of Professor Abdullahi An-Na'im for the *Emory International Law Review*. Whilst a PhD student at the Graduate Institute for the Liberal Arts at Emory University from 2000 to 2006, I had the opportunity to work for Professor An-Na'im as a research assistant on several of his books, in particular on *African Constitutionalism and the Role of Islam* (2006) and *Islam and the Secular State: Negotiating the Future of Shari'a* (2008). I also worked on two research projects that Professor An-Na'im directed at the Center for the Study of Law and Religion at Emory University, namely, the Islam and Human Rights Fellowship Program and The Future of Shari'a. My work for these projects involved assisting in organizing workshops and public events in Istanbul as well as several cities in India, which brought together in discussion diverse constituencies of scholars, activists, religious and community leaders, and students. The experience offered me the chance to witness and participate in vibrant, animated, and often contentious debates on secularism, religion, human rights, and the state. These conversations were often focused on Islam in particular settings, whether India, Nigeria, or Turkey, but had wider relevance for different faith traditions and societal contexts as well as for the global political and cultural landscape. Though I was not ever formally a student at Emory University's School of Law, I was fortunate to be able to audit Professor An-Na'im's course on International Law and Human Rights during my time as a graduate student at the university. In all these ways and through the gift of countless conversations, at the Center's office at Emory, and in various locations across three continents, I had the privilege of benefiting richly from Professor An-Na'im's intellectual generosity, wisdom, and mentorship. Indeed, Professor An-Na'im's work and example have profoundly influenced my research and my sense of the scholarly vocation itself. The magnitude of my debt to him cannot be easily explained.

In this Essay, I will undertake a primarily theoretical examination of critical aspects of An-Na'im's work, which I consider singularly apposite to a current historical situation of global crisis that we find ourselves inhabiting. The themes

from An-Na'im's work, which speak especially powerfully to this moment, are (1) his theorization and reconceptualization of the relationship between the secular and the religious at the level of state and society, and (2) the necessity and challenge of endowing that relationship with cultural legitimacy. I will also explore these ideas with reference to recent developments in India, the distinct character of whose experience with secularism has been addressed by An-Na'im at some length in *The Future of Shari'a*.¹

I. A GLOBAL CRISIS AND CRISIS GLOBALIZATION

In a recent work, I have described the current historical moment as one of "crisis globalization," a normative condition characterized by the rise of authoritarianism and erosion of democracy across the globe, a backlash against religious and other kinds of minorities, as well as by a general sense of existential uncertainty stemming from the impact of climate change, terrorism, and our vulnerability to pandemics like Covid-19.² A brief schematic of this state of affairs will suffice here, while an elaboration of aspects of the condition is included in the arguments that follow in later sections. Crisis globalization, I suggest, does not represent a retreat from globalization, but rather reflects the emergence of a new form and paradigm of globalization itself in which a high degree of economic, political, social, and cultural flux is the new normal state of everyday life. The condition of global crisis requires a coordinated international effort to be meaningful, particularly with regard to the threats posed by climate change and pandemics, which are extremely likely to recur.³ But even areas that have traditionally been the domain of national state sovereignty, such as the role of religion in politics, legal protections for minorities, and state commitments to

¹ Across Professor An-Na'im's oeuvre, these concepts are related in robust, complex, and strikingly original ways to a number of other themes, including constitutionalism, specific aspects of international and Islamic law, and citizenship. A single essay cannot do justice to the depth and range of his scholarly legacy, but where relevant, I will draw on these and seek to illuminate such relationships. Any limitations in interpretation and analysis remain mine, of course. The works that I draw on in this essay primarily consist of the following: Abdullahi Ahmed An-Na'im, *The Interdependence of Religion, Secularism, and Human Rights: Prospects for Islamic Societies*, in 11 COMMON KNOWLEDGE 56–80, 11 (2005); ABDULLAHI AHMED AN-NA'IM, AFRICAN CONSTITUTIONALISM AND THE ROLE OF ISLAM (2006); ABDULLAHI AHMED AN-NA'IM, ISLAM AND THE SECULAR STATE: NEGOTIATING THE FUTURE OF SHARI'A (2008). My reflections here also draw extensively on ideas and arguments as well as themes shared in personal conversations and discussions with Professor An-Na'im. Since I refer collectively to a corpus of closely knit themes and arguments developed by Professor An-Na'im across these works, and my debt to them is obvious, I will not cite them in each individual instance here.

² See generally ROHIT CHOPRA, THE GITA FOR A GLOBAL WORLD: ETHICAL ACTION IN AN AGE OF FLUX (2021).

³ *Coronavirus Isn't an Outlier, it's Part of our Interconnected Viral Age*, WORLD ECON. F. (Mar. 4, 2020), <https://www.weforum.org/agenda/2020/03/coronavirus-global-epidemics-health-pandemic-covid-19>.

human rights, will likely increasingly need to be addressed much more significantly at a transnational level.

No doubt, this will be a daunting task, given the strongly nationalistic, right-wing turn that has accompanied the ascendancy of anti-democratic strongmen in different political settings, from India's Modi to the United States' recently deposed Trump and Turkey's Erdoğan to Hungary's Orbán. The resurgence of nationalism and the new, more unstable, equilibrium of globalization can be framed in terms of economist Danik Rodrik's famous globalization trilemma, which posits that it is impossible to achieve greater global economic integration without compromising national sovereignty and democracy.⁴ Yet, as the tragedy of Afghanistan playing out at this moment on the world stage shows, neither a doctrine of isolation nor the do-it alone imperial hubristic folly of the United States seems to be a viable option for the country or the world, whether the yardstick for judging so is realpolitik or the objective of the protection of human rights.⁵ Formidable as the demands of any such project will be, the initiative will additionally require introducing, examining, and rethinking the role of secularism and the ideas of the secular in a reimagined world order that can prove adequate to meet the political challenges that face us as a global community. One of the main reasons for the focus on secularism is that the resurgence of right-wing authoritarianism across the globe is closely related to the aggressive assertion of cultural-nationalist majoritarian projects. These are, more often than not, associated with the exclusion of particular religious, racial, or ethnic identities, whether non-Whites or non-Christians in the United States, oppressed castes in India, or anti-Semitism and anti-Muslim sentiment in European societies. While the suspicion of the outsider applies to all forms of difference that are seen as threatening, from sexual difference to hostility against refugees, in right-wing discourse it is cultural or ethnic difference combined with religion that is seen as the biggest threat to the "natural" citizen of the society in question.⁶ The rise of religious fundamentalist movements in the late twentieth

⁴ DANI RODRIK, *THE GLOBALIZATION PARADOX: DEMOCRACY AND THE FUTURE OF THE WORLD ECONOMY* (2011).

⁵ The matter of human rights is especially controversial with regard to military occupation and invasion, given the long history of justifying such actions in the name of protecting the rights of women and indigenous populations. Clearly, the American misadventures in Afghanistan and Iraq, which we inaugurated in the aftermath of the September 11, 2001 terrorist attacks, have not led to the emergence of a liberal order founded on and dedicated to the protection of rights in either society. In keeping with the classic imperial narrative, though, any such shortcomings are blamed right back on the Afghans themselves. For an incisive perspective, see Simon Jenkins, *The West's Nation-Building Fantasy is to Blame for the Mess in Afghanistan*, *GUARDIAN* (Aug. 20, 2021), <https://www.theguardian.com/commentisfree/2021/aug/20/west-nation-building-fantasy-afghanistan-boris-johnson>.

⁶ The historian Gyanendra Pandey conceptualizes this as the unmarked "axiomatically natural" citizen

and early twenty-first century, which have often taken the form of terrorist violence or concerted attacks on religious minorities, are another reason why the topics of secularism and the secular warrant serious attention, not just as purely scholarly questions, but ones with implications for political stability and our collective future as a global society.⁷

II. RETHINKING RELIGION, SECULARISM, AND THE STATE

An-Na'im's inquiry into the character of the secular locates it as a critical aspect of political modernity. Importantly, though, it does not foreclose the possibilities of political modernity or limit them to a particular historical manifestation, such as the forms that it takes in the West or elsewhere. Rather, as An-Na'im argues in his work on constitutionalism and the role of Islam, political modernity as a historical and sociological condition is an uneven landscape, that varies greatly by historical context. The role of religion in political modernity, or, more narrowly, with regard to constitutionalism or secularism, is subject to the same principle of contingency. It is deeply contested, constantly negotiated, and its role cannot be reduced to any single predetermined outcome or set of outcomes. Religion, by implication, cannot and should not be seen as an embodiment of atavistic, irrational impulses that will necessarily compromise objectives such as the constitutional protection of rights or freedoms of speech, expression, and belief. As such, religion is not something to be overcome, worked around, or worked through but instead something to be worked with.

Religion, further, must be acknowledged as an essential part of lived and existing secular political modernity. In making this claim, An-Na'im is not asking us to reintroduce religion into a secular space from which it has been banished, but rather to acknowledge the role that religion already plays in secular and modern life—as a source of cultural identity, framework for organizing social life, and fount of collective or individual meaning and psychological motivation.⁸ Religion suffuses our realities, shared and distinct, though the

who is contrasted with the visibly marked “hyphenated” minority citizen of the nation-state (and, by extension, one could argue with the non-citizen), a hierarchy that is constitutive of and fundamental to the very idea of the modern nation-state. Gyanendra Pandey, *Can a Muslim be an Indian?*, 41 COMPAR. STUD. IN SOC'Y & HIST. 608 (1999).

⁷ An-Na'im's contributions on secularism can be located in a tradition of critical interrogations of the concept of secularism from a range of disciplinary perspectives. Other important works in this tradition include Ashis Nandy, *An Anti-secularist Manifesto*, Spring INDIA INT'L CTR. Q. 35–64 (1995); WILLIAM E. CONNOLLY, *WHY I AM NOT A SECULARIST* (1999); TALAL ASAD, *FORMATIONS OF THE SECULAR: CHRISTIANITY, ISLAM, MODERNITY* (2003); CHARLES TAYLOR, *A SECULAR AGE* (2007).

⁸ A historian and scholar of religion aptly observed to her students at the beginning of her courses: “you

widely varying forms that authority takes, depending on the society in question and one's position within that society. Even in societies where formal indicators of religiosity, such as attending religious services or participating in religious activities, may be on the wane (such is the case in some Western European nations), religion still remains, at the very least, a residual "structure of feeling," in the critic Raymond Williams's useful phrase.⁹ Moreover, in such societies, the anxiety about the impact of Muslim refugees and Islam on the national culture reveals the latent assumption that cultural life in secular European nations draws on a substratum of Christianity, which is taken to be the dominant source of national and cultural identity.¹⁰ The insistence that refugees from France's former colonies should assimilate begs the question of what exactly is it to which they should assimilate? Is it a secular culture that can accommodate Islam, or for that matter, Hinduism or Buddhism, in public life to the same extent that it does Catholicism, or will it inevitably privilege the latter?

It is here that An-Na'im proposes a radical rethinking of two conceptions of secularism: first, as a distinction between the separation of religion and politics, and second, as the relegation of religion from public life. An-Na'im suggests that, in practical terms, it is not possible to separate religion from politics in the broad sense. This broad sense may be understood within the horizon of the nation-state as the negotiation of power relations and concomitant distribution of resources between (1) individuals, (2) communities, (3) individuals and communities, (4) the state and individuals, and (5) the state and communities. Individuals and communities do act and make choices out of religious motivation based on the perceived interests of their religious group, or because they hope to see a particular government enact laws that will align with their religious worldview. In the American context, we may think of the role of evangelicals in helping elect Trump in 2016 or Trump's Supreme Court appointment of Justice Amy Coney Barrett, who is widely seen to be unsympathetic to *Roe v. Wade* on religious grounds. Yet, many religious leaders also called for a rejection of Trump's politics of exclusion in the 2020 election, framing the Catholicism practiced by Joe Biden, the current American president, as more genuinely attuned to the promise and ideals of the American state and society.

may be done with religion, but religion is not done with you." Personal Conversation with Audrey Truschke, Assoc. Professor, Rutgers Univ. (Aug. 19, 2021).

⁹ Sean Matthews, *Change and Theory in Raymond Williams's Structure of Feeling*, 10 PRETEXTS: LITERARY & CULTURAL STUD. 179, (2001); see also David Simpson & Raymond Williams, *Feeling for Structures, Voicing 'History'*, 30 SOC. TEXT 9, 15–16 (1992).

¹⁰ See the forum, *Is Europe Christian? IMMANENT FRAME*, <https://tif.ssrc.org/category/book-blog/book-forums/is-europe-christian/>.

In the Indian context, Indian elites, who have largely seen themselves as secular and liberal and have stridently defended this image of themselves, voted in large numbers in the last two general elections of 2014 and 2019 for the Hindu nationalist Bharatiya Janata Party (BJP). Helmed by Narendra Modi, the BJP's promises, along with the usual rhetoric about development and establishing India as a global superpower—now-familiar tropes in Indian political discourse—included the construction of a Hindu temple on the ruins of a mosque which was demolished by a Hindu nationalist mob in 1992. Modi, who had reemerged in Indian politics as a powerful force in the run-up to the 2014 general elections, was long known for his anti-Muslim and hardline views; he had also spent a considerable period of time as a national and international pariah and was denied a visa to the United States for his alleged role in an anti-Muslim pogrom in Gujarat in 2002. Leading up to Modi's election, the difficulties facing Hindus and Indian society at large were blamed on the marginalized, largely-poor Muslim population.¹¹ The speed with which Indian elites, as well as other sections of Indian society, embraced Modi and turned from the politics of an inclusive secularism to majoritarian grievance calls attention to both the battered state of Indian secularism and the power of religion in Indian politics.

In emphasizing the deep relationship between religion and politics, An-Na'im indirectly acknowledges the difficulty, perhaps the impossibility, that as a *reason of society* and a force that influences social relations and public life, secularism can necessarily grant *equal* weight to the respective perspectives offered by different religions. His theorization preserves the hope and possibility, though, that in an ideal public sphere guided by a kind of Rawlsian public reason, the most persuasive ideas and arguments—whatever the particular religious, moral, or philosophical source they are drawn from—will fall or stand on their merit.¹² As with Rawls, there is a belief in the human capacity of reason, in contrast to Marxist ideas of public belief or common sense as ideologically produced. An-Na'im does not necessarily rule out reason as an abstract universal human capacity, but he would likely argue that as with ideas of faith, understandings of plurality, and notions of human dignity, the forms of that reason are sedimented in the present through specific genealogies and historical contingency.

¹¹ Subir Sinha, "Modi's BJP in massive election win – and that threatens to be a disaster for India," THE CONVERSATION, May 16, 2014, <https://theconversation.com/modis-bjp-in-massive-election-win-and-that-threatens-to-be-a-disaster-for-india-26774>.

¹² What Rawls has called "a plurality of reasonable comprehensive doctrines, religious, philosophical and moral[.]" See John Rawls, *The Idea of Public Reason Revisited*, 64 U. Chi. L. Rev. 765, 765–766 (1997).

Ideas from different traditions also cross-fertilize each other. Perhaps the great syncretic traditions of the precolonial worlds of Indic, African, and Asian societies and Hindu and Islamic civilizational matrices, as well as the cross-cultural exchanges of Semitic faith traditions can be invoked here in defense of this argument. Such exchanges are what give rise to a distinctly South Asian or African Islam, a uniquely Japanese Buddhism, or an Indian Christianity.

However, it is precisely because a religious majority may threaten to drown out the perspectives of a minority to the point of diluting and eviscerating the rights, security, and dignity of the latter that An-Na'im is equally emphatic on the necessity of understanding and implementing secularism as the separation of religion and state. An-Na'im would likely agree that if there is incommensurability in reasonable doctrines, it is secularism that must provide the criteria for determining the superior reason, whether grounded in equality or motivated by the principle of least harm. In proposing this argument, An-Na'im agrees with the Weberian dictum of the state as the entity that possesses a monopoly over the legitimate use of force.¹³ Yet, as he has argued in another essay with reference to the postcolonial African state, such states have a dual identity as both fiction and reality. An-Na'im's argument on the topic requires quoting in toto:

. . . the underlying paradox of the African post-colonial state is in its existing as a legal fiction, in contrast to empirical realities on the ground. On the one hand, the African post-colonial state continues to be a legal fiction in the sense that it is neither quite in control of its own territory, nor sufficiently sovereign in dealing with other entities, including the major transnational corporations which continue to exploit the human and material resources of the country. Yet, the same state controls the life of people in a wide variety of serious and far reaching ways. As far as its own populations are concerned, however weak and artificial it may be, the state is a fundamental and effective reality through its monopoly of the use of force, its legal institutions, its ability to enforce its will in a range of fields, from taxation to education and economic policies, control of international trade, and so forth. Indeed, one of the urgent tasks at hand is how to bring this awareness of the far-reaching and all-pervasive power of the state to the consciousness of African populations.¹⁴

The argument can be extended to the postcolonial state at-large and, arguably, to any society where state institutions are under threat of losing

¹³ Max Weber. *Politics as a Vocation*. Philadelphia: Fortress Press (1965).

¹⁴ Abdullahi A. An-Na'im, *Experiences of Freedom in the African Context*, 17 PONTIFICAL ACAD. SOC. SCI. 193, 199 (2012).

legitimacy or have already lost some degree of legitimacy among a sizeable segment of the population. Indeed, the attack of January 6, 2021 on the U.S. Capitol by a mob of Trump supporters who refused to accept the results of the 2020 U.S. Presidential election emphasizes the fragility of democratic institutions and the very foundations of the nation-state, and underscores the fact that these institutions have to be constantly imbued with legitimacy.¹⁵ That process of legitimization must be sustainable and ongoing. The combination of power and precarity—of susceptibility to the will of majoritarian parties or the brute force of a dominant religious, cultural, or ethnic population at the expense of minority rights, whether in a postcolonial society or one where the state is supposed to have secured a stronger degree of legitimacy—can pose a serious threat to secularism. Hence, there exists a need for entrenching secularism and rights as culturally legitimate concepts within postcolonial societies, and the equally important need for ensuring an effective separation of religion and state. What is essential to this process is securing the legitimacy of the state as an abstraction beyond its manifestation as a specific government in power at a specific point of time.

Secular political modernity as both the enabling condition of the state and as the telos of the state, then, has an additional valence in An-Na'im's elaboration of secularism. In addition to being a lived, highly varied, historical condition, secular political modernity also functions as an ideal. In his mapping of the relationship of shari'a (or, more generally Islam), secularism, and the state, An-Na'im imagines and proposes a secular political modernity that seeks to find an equilibrium between these two forms, aware that the two exist in tension or even in possible antagonism. Such an equilibrium can simultaneously rejuvenate religion as a source of public life, while desacralizing it to ensure that it can be freely debated and criticized without any fear of the part of interlocutors that they might be accused of blasphemy. In seeking to achieve this ideal, which An-Na'im considers an ongoing process—subject to negotiation and requiring constitutional and secular safeguards—his project is reformist yet also locates an important place for religion. Shari'a, for instance, is typically associated in public and media discourse with a theologically sanctioned system of brutal and violent punishment meted out in Islamic states. In reality, however, it is a broader and wider set of precepts and principles, running the gamut of social life from banking to personal conduct. It is along these lines that An-Na'im makes a forceful case in the opening chapter of *The Future of Shari'a* for why Muslims

¹⁵ See *U.S. Capitol Riot*, N.Y. TIMES (Nov. 10, 2021), <https://www.nytimes.com/spotlight/us-capitol-riots-investigations>.

need a secular state in order for shari'a to be a meaningful source of individual and social life in all its potentiality.¹⁶

III. INDIAN SECULARISM AT A MOMENT OF CRISIS

The arguments sketched above provide an extremely useful framework for addressing the character and experience of Indian secularism, its promises and perils, and the state of acute crisis it now finds itself in under the stridently majoritarian Hindu nationalist government led by Modi. Secularism in the Indian context follows a different trajectory from its history in the West, defined not as the separation of religion and politics or religion and the state, but as equidistance from all religions or an equal embrace of all religions.¹⁷ Indian secularism, arguably, bears the imprimatur of Nehru's understanding, as compared to the vision of other leaders. Gandhi's emphasis on the role of religion as a source of spiritual value and Ambedkar's unflinching commitment to the constitutional protection of rights complement that vision, while also contradicting it in some ways.

Secularism for Nehru was the only political framework that could adequately address India's pluralistic and diverse character, which, by definition, made a narrow nationalism untenable. In Sunil Khilnani's insightful interpretation, for Nehru "India was neither a society of liberal individuals nor of exclusive communities but of interconnected differences [and] . . . secularism was not a substitute civic religion, still less a political project to remoralize Indian society by effacing religion and stamping a secular identity on all Indians."¹⁸ In the decades following independence, the legitimizing narrative for state secularism was the supposed recuperation of a syncretic religious tradition drawing on different faiths that predated British colonial rule and had survived it, despite a history of sectarian violence that had marred that tradition of pluralistic coexistence.¹⁹ A second motivation behind the Nehruvian project and its affirmation by state authorities and intellectuals was to deliberately create a capacious narrative of religious inclusion given the horrors and trauma of Partition.²⁰ This necessitated the conflation of a historical narrative with a

¹⁶ An-Na'im's contributions on secularism can be located in a tradition of critical interrogations of the concept of secularism from a range of disciplinary perspectives.

¹⁷ SECULARISM AND ITS CRITICS (Rajeev Bhargava ed., 1997), remains unmatched as a collection of essays on Indian secularism.

¹⁸ SUNIL KHILNANI, *THE IDEA OF INDIA* 171–72, 177–78 (1999).

¹⁹ Rajeev Bhargava, "The Distinctiveness of Indian Secularism," T.N. Srinivasan (ed.) *The Future of Secularism*, Oxford University Press, Delhi, 2006, pp.20-53.

²⁰ *Ibid.*

political project. Laudable as a political goal, it meant in part glossing over the abiding emotive power of memories of religious conflict, or ignoring the extent to which colonial narratives of the separateness of Hindu and Muslim communities had become central to the self-image and self-identity of these communities.

Viewed through the framework proposed by An-Na'im, if Indian secularism did not relegate religion to the private sphere or banish it from public space, it perhaps fell short in enforcing the distinction between religion and politics and religion and the state. In place of a neutrality toward religion, the dual goal of maintaining an equal distance from all religions and embracing all religions equally has proved to be a contentious, controversial task. In part, this has been complicated by the fact that the Indian constitution protects the rights of religious communities to follow their personal laws—that is laws pertaining to marriage, inheritance, and the like.²¹ In part, it has stemmed from an inconsistent role played by the courts in undertaking reforms with regard to different religions traditions, an inconsistency that was perhaps inevitable given that questions of authority, doctrine, and the sacred are not perfectly equivalent in each religion. This has led to perceptions among large sections of the majority Hindu community that the Indian state had appeased Muslims by refusing to undertake reforms in the realm of gender justice for Islam, as it has for Hinduism. It has also led to perceptions among religious minorities like Muslims that the Indian state, for all its rhetoric about secularism, has acted as a Hindu state to the detriment of Muslims, Sikhs, and Christians.

Neither, arguably, did the postcolonial Indian state seek to establish the cultural legitimacy of secularism as an end or value in itself, taking it for granted as an established social reality in Indian society. Nehruvian secularism, according to Akeel Bilgrami, while “a genuine and honorable commitment[,]” was, in the ultimate analysis, no more than “a holding process”—one that “failed to take hold” despite the fact that in the aftermath of independence, the Congress and Nehru led India for a remarkable seventeen years.²² For Bilgrami, the failure of the Nehruvian vision lay in its insufficiency of being able to accommodate the existence and salience of “religious communitarian voices in politics.”²³ The refusal to acknowledge and engage with them has had a seriously deleterious

²¹ Martha Nussbaum, *Personal Laws and Equality: The Case of India*, in *COMPARATIVE CONSTITUTIONAL DESIGN* 266–93 (T. Ginsburg ed., 2012).

²² Akeel Bilgrami, *Secularism, Nationalism, and Modernity*, in *SECULARISM AND ITS CRITICS* 380, 381 (Rajeev Bhargava ed., 1999).

²³ *Id.* at 393.

impact on the alternative to the Western liberal political order that Nehru tried to implement in India.

Bilgrami's worries, expressed in this essay published two decades ago, have proven to be prescient. Under the leadership of Narendra Modi, India has embarked on a systematic program of disempowering minorities, especially Muslims, through a series of policy decisions. These include the passing of the Citizenship Amendment Act in 2019, which threatens to disenfranchise Indian Muslims by designating them as illegal immigrants from Bangladesh, Pakistan, or other neighboring nations,²⁴ stripping the autonomous status of Kashmir guaranteed by Article 370 of the Indian Constitution,²⁵ and essentially converting the institutions of the state into extensions of the Bharatiya Janata Party.²⁶ The BJP, in turn, has morphed into Modi's party, with rituals of cultish devotion and slavish obedience replacing whatever internal democracy may have existed in the party culture earlier.²⁷ A pliant media and corporate sector have only strengthened Modi's authoritarian grip on political power in India.²⁸ India, in practice and in theory, has very much started to resemble a Hindu religious state.

In its current situation, India is also an almost-perfect exemplar of the phenomenon of crisis globalization that I have briefly outlined earlier in the paper. Along with the assertion of majoritarianism, rise of authoritarianism, retreat from democracy, and assault on minorities, India was devastated by the second wave of the COVID-19 pandemic as a result of the Delta variant, which first emerged in the country. The economic impact of the pandemic²⁹ as well as other disastrous policy decisions, like demonetization (or a currency swap) undertaken by the Modi government in 2016,³⁰ have pushed large numbers of Indians into poverty, undoing the trends of upward economic mobility seen

²⁴ Puja Changoiwala, "India's Muslims Are Terrified of Being Deported," February 21, 2020, <https://foreignpolicy.com/2020/02/21/india-muslims-deported-terrified-citizenship-amendment-act-caa/>.

²⁵ Amy Kazmin, "Jammu and Kashmir Autonomy: How it Began and Why it Was Scrapped" *Financial Times*, August 5, 2019, <https://www.ft.com/content/b12f9148-b78e-11e9-96bd-8e884d3ea203>

²⁶ Nitish Pahwa, "Can anything stop the destruction of Indian democracy?" *Slate*, May 31, 2019, <https://slate.com/news-and-politics/2019/05/modi-india-election-democracy.html>

²⁷ Kapil Komireddi, "India, the world's largest democracy, is now powered by a cult of personality," *Washington Post*, March 18, 2021, https://www.washingtonpost.com/outlook/modi-cult-of-personality/2021/03/18/dc7ee180-8773-11eb-bfdf-4d36dab83a6d_story.html

²⁸ [Nikhil Inamdar, "How Narendra Modi has almost killed the Indian media," *Quartz India*, March 11, 2019, <https://qz.com/india/1570899/how-narendra-modi-has-almost-killed-indian-media/>

²⁹ Maurice Kugler and Shakti Sinha, "The impact of COVID-19 and the policy response in India," *Brookings*, July 13, 2020

³⁰ Arun Kumar, "Five years later, it's even more clear that demonetization was a disaster for India," *Scroll.in*, November 6, 2021

under the previous government's rule and since the introduction of economic reforms in 1991.³¹ The retreat from democracy, undermining of rights, and economic precarity, combined with a pervasive sense of existential uncertainty, do not at this moment bode well for the future or viability of Indian secularism and Indian secular modernity.

CONCLUSION

It is exactly for these reasons, at this time of seemingly little hope, that the value of secularism must be reaffirmed and a viable secularism reimagined for Indian society as, indeed, for other societies. Abdullahi An-Na'im's work invites us to build on the foundation of the legacy of Indian secularism, no matter how bruised it appears, through the dual task of investing in secularism as a social value and as a principle regulating the actions of the state. Essential to protecting the rights of religious minorities, An-Na'im shows across his work that secularism is a necessary, if not always sufficient, condition for the meaningful exercise of religious belief, practice. Additionally, action by religious majorities—for religion ordained and dictated by the state, or a state that defines itself as a representative of religious authority—can only authorize a prescriptive, limited, and rigid idea of religion.

An-Na'im simultaneously invites us to rethink religion as well. If religion cannot claim authority in the public sphere, in what sense does it continue to function as a source of meaning? What, in other words, underscores its legitimacy for legitimacy is after all, deeply linked to authority? What new kinds of force of authority can we imagine for it?

And finally, beyond the ken of the nation-state, An-Na'im pushes us to ask the question, urgent in a globalized world and at a moment of global crisis: What does a global secular political modernity look like and what can each society and tradition, each nation-state but also each civilizational matrix contribute to it?

³¹ Swaminathan S. Anklesaria Aiyar, "Twenty-five years of Indian economic reforms," *Cato Institute*, October 20, 2016, <https://www.cato.org/policy-analysis/twenty-five-years-indian-economic-reform#introduction>.