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LIBERAL SECULARISM

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Abstract

Liberal secularism is a political and social ideology that promotes individual freedom and equality as well as the separation of religion and state. It emphasises the significance of human rights, democracy, and the rule of law, and is based on the concept that people should be free to choose their own religious choices without intervention from the state or other external influences. Liberal secularism also acknowledges the diversity of ideas and lifestyles within a community and advocates for the protection of minority rights, particularly religious minorities' rights. It aspires to build a society in which all persons, regardless of religion, race, or cultural background, may participate completely and equitably. Overall, liberal secularism holds that people should be free to practise their religion or belief system as they see appropriate, but that the state should be religiously neutral and not impose any specific religion on its population. Liberal secularism is a political theory that advocates for religion and political power to be separated. It holds that religion should not be used to influence government or public policy, but should instead be a private affair for people to believe and practise as they see suitable. Liberal secularism is frequently related with the concepts of individual liberty and diversity, as well as the conviction that a varied community should not be dominated by a single religion or moral system. Tolerance is one of the key foundations of liberal secularism. In a varied community, it is critical to respect others' views and practises, even if they differ from one's own. Liberal secularism recognises that people's beliefs and views differ, and that these differences should be acknowledged and safeguarded. This includes the freedom to express one's ideas and engage in religious practises so long as they do not violate the rights of others. Individual liberties are another key feature of liberal secularism. Liberty is a basic virtue in this philosophy, and it is regarded as crucial to an individual's well-being and pleasure. This means that people should be free to conduct their lives as they see fit, free from interference from the government or any other authority. Individual autonomy, or the ability to make one's own choices and decisions in life, is likewise valued by liberal secularism.

Keywords: Liberal Secularism, Ideology, Democracy, Religion, Freedom, Community, Human Rights

1.1 INTRODUCTION

Since India's independence, intellectuals and political observers have been debating the role of secularism in Indian politics, with no end in sight. These disputes have been accompanied by an increase in confrontation between Hindus (India's so-called majority religious population) and Muslims. Secularists claim that India need secularism and that if the state sides with the Hindu majority during conflicts, the state would

no longer be an unbiased arbitrator. On the other hand, anti-secularists argue that the existing Indian state is a pseudo-secular state whose policies and laws continuously favour Muslims and Christians over Hindus. With the rise of social media, these conversations have devolved even further into emotional flinging and mudslinging rather than well-reasoned arguments and disciplined thought. Secularism is not as "secular" as we think it is. It is also not

"anti-religious." In reality, secularism is Christianity's unanticipated "child," a kid that many non-Christian civilizations have attempted to embrace. This infant, metaphorically speaking, has grown into an adult, and it now appears to be experiencing a "middle-age" crisis. There are several types of secularism. The liberal model is the most popular. The separation of politics and religion is at the heart of this concept. The Christian Reformation and the European Enlightenment both influenced liberal secularism. The "sacrifice" of the so-called "neutral" state is at the heart of its political philosophy. This approach holds that governmental policy cannot be founded on religious belief.

Liberal secularism follows two essential rules: first, government should not be guided by a specific religious ideology; and second, the state should safeguard the freedom of conscience of its inhabitants. Until recently, liberal secularism was seen to be a cure for avoiding religious conflicts, particularly in Europe. But it is currently under threat. It is less successful than normal; the force of its ideological appeal appears to be waning. Religious conflicts are on the rise across the world, with individuals, governments, and political parties becoming increasingly engaged in religious concerns and discussions. Religion, which had become largely side-lined during the previous century, appears to be quickly re-entering the public realm. Liberal secularism has aided in the expansion of political and social liberties. It has encouraged the growth of new ideas and civilizations by allowing for greater diversity and plurality in society. It has also been a driving force behind many of the social and political reforms that have happened over the last century, including the women's rights, civil rights, and LGBTQ rights movements. Finally, liberal secularism is a political theory that promotes the separation of religion and governmental authority, individual liberties, plurality, and tolerance. It supports individual autonomy and independence and recognises the significance of respecting others'

beliefs and practises in a varied community. Liberal secularism has had an impact on social and political reform and has contributed to the development of a more inclusive and accepting society.

1.2 RESEARCH PROBLEM

There are many challenges faced by India in implementing liberal secularism in the country. Liberal secularism is a product of both the Christian Reformation and European Enlightenment. The centre of its political ideology is the "sacrality" of the so-called "neutral" state. It is very difficult for India to implement such an ideology because of the increasing influence of the communalism, caste system and other factors.

1.3 RESEARCH QUESTIONS

1. Whether liberal secularism is capable of providing a foundation for moral and ethical norms, or does it result in moral relativism and a loss of moral standards?
2. Whether liberal secularism can be put into practice, and what are the problems and constraints of doing so in India?
3. Whether liberal secularism can combine religious freedom with the necessity for a shared set of values and standards to govern society?

1.4. HYPOTHESIS

Liberal Secularism can be accepted as a western invention that can be exported to other cultures. Intellectuals will accept Liberal Secularism as they have included basic Physics, Chemistry or Biology from their countries' educational curricula, as these theories also hail from the West. Liberal Secularism being intertwined with the Western culture it can bring out the best in other cultures.

1.5 OBJECTIVE

- To analyse the capability of Liberal Secularism in providing a foundation for moral and ethical norms.

- To provide a space where people of different origins and ideas may coexist peacefully and engage in constructive discourse and debate about topics that matter to them.
- To emphasize the importance of tolerance, logic, and critical thinking are encouraged, as is the freedom for all individuals to express their ideas and pursue their own goals without interference from the state or any specific religious organisation.

1.6 RESEARCH METHODOLOGY

The research is primarily based on descriptive and analytical method of research. The study is based on secondary sources like books, journals, research paper and articles have been used. The book specifically been referred to is 'Europe, India and The Limits of Secularism' by Jakob De Roover. Various related case laws i.e., The Hijab Case, The Crucifix Case, etc., provide an insight on Liberal Secularism and its situation in India.

1.7 SCOPE OF THE STUDY

The scope of the study is that how communities might reconcile the contradiction between individual liberty and the necessity for an equitable and stable social order. It investigates how religion, politics, and culture overlap and affect one another, and how this interaction may either help or impede the growth of liberal secular principles. The study of liberal secularism also includes an investigation of the historical and cultural background in which it arose, as well as an evaluation of the many political and social forces that supported or opposed it over time. This includes the emergence of religious extremism, the problems provided by globalisation and diversity, and the ongoing arguments over topics like as church-state separation, free expression, and minority rights.

2. LIBERAL SECULARISM AND INDIA

In India, the notion of secularism differs from that of Western countries. Secularism in India is founded not only on the separation of religion

from the state, but also on the recognition of religion's relevance in society. According to the Indian constitution, India is a secular republic with religious freedom for all citizens. This notion was proposed and executed by India's founding fathers, led by Jawaharlal Nehru, who thought that secularism and democracy were the only ways for India to flourish. He ensured that the constitution protected equal rights and opportunity for all citizens, regardless of faith. In India, liberal secularism entails the separation of religion and state, as well as the equitable treatment of all religions. Every citizen has the freedom to freely practise their religion or believe without interference from the state. The Indian government is a secular body, and it is supposed to treat all people fairly, regardless of their religious background. The Indian constitution guarantees religious freedom as a basic right to which every individual is entitled without discrimination. Despite the Indian constitution's provision of equal rights to all religions, minority religions and beliefs have been attacked or marginalised. Religious fanaticism and intolerance have also hampered the country's liberal secularism policy. The Indian government has attempted to solve these challenges by enacting rules that protect the rights of minority religious groups, but more has to be done. Minority religions and beliefs have been targeted or ignored, despite the Indian constitution's promise for equal rights for all religions. Religious intolerance and extremism have also impeded the country's liberal secularism policy. The Indian government has sought to address these issues by creating regulations that safeguard the rights of religious minorities, but more has to be done.

The challenges faced by India in implementing Liberal Secularism are:

1. Communalism: The emergence of communalism, which refers to the promotion of limited religious identities and the exclusion of other groups, is one of the most serious obstacles to liberal secularism in India. Violence

and prejudice against religious minorities, notably Muslims and Christians, have frequently resulted from communalism.

2. Caste System: The caste system is a social stratification based on birth that has existed for millennia in Indian society. Despite the constitutional guarantee of equality, India's caste structure continues to be a fundamental impediment to the realisation of liberal secularism.

3. Political Interference: The Indian state has frequently intervened in religious affairs, sometimes even endorsing a specific religion. As a result, tensions and conflicts have arisen between various religious sects.

4. Secularism v. Hindu Nationalism: The emergence of Hindu nationalism, which tries to promote a Hindu identity for India, has put liberal secularism on the defensive. Secularism is viewed as a Western imposition in Hindu nationalist ideology, which advocates the concept of a Hindu Rashtra (country).

5. Implementation of Laws: Despite the fact that the Indian Constitution provides religious freedom and equality, the implementation of laws and policies has frequently been problematic. For example, rules against discrimination against religious minorities are not always followed, and there have been reports of law enforcement agencies engaging in religious profiling.

Introducing liberal secularism into India will need a multifaceted strategy involving legal, institutional, and cultural reforms.

1. Legal Reforms: There is a need for legislative reforms that strengthen the state's secular character and guarantee equal protection to all people, regardless of faith. This might entail examining and modifying laws that discriminate against minority populations, guaranteeing the state's neutrality on religious affairs, and implementing procedures to hold individuals and organisations accountable for discriminatory behaviour.

2. Institutional Changes: It is critical to build institutions that defend liberal secularism's values, such as the independent judiciary, electoral commissions, human rights commissions, and other regulatory agencies. Such institutions require autonomy and appropriate resources to function efficiently and to prevent abuse of power.

3. Educational Reforms: Pluralism, tolerance, and understanding of diverse cultures and religions must be promoted via educational reforms. This would aid in combating the community biases and preconceptions that frequently drive communal tensions and bloodshed.

4. Social Awareness: There is a need to raise societal consciousness while also encouraging interfaith conversation and collaboration. This might include activities that bring individuals from diverse groups together and give opportunity for meaningful discourse and idea exchange.

3. CONCLUSION

First and foremost, despite being heralded as the global model for diverse society, secularism is demonstrated to be significantly false. Indeed, European cultures have historically encountered far more religious conflicts than other societies such as India, Japan, or the Mongol empire, despite the fact that the earlier societies were far more homogenous in terms of theological variety. Through secularism, which is a continuation of their own Christian culture, European nations discovered the path to pluralistic society. There is, however, no reason to believe that secularisation will be helpful to other societies. When Ayaan Hirsi Ali spoke about Islamic societal reformation and secularisation, she felt the Secularism ideal was global. Because secularism is not a universal concept but sprang from European Christian culture, imposing secularism on the cultural matrix of Islamic nations would fail and give no long-term answer to extreme Islamism. The Shah of Persia, Najib of Afghanistan, and even Kemal Atatürk of Turkey are all instances of

leaders who failed to bring modernity to their societies by instituting secularism.

In the dominant Indian narrative, secularism is synonymous with all positive things like as progress, peace, and harmony. Typically, colonised Indian minds believe that Secularism is the only way to ensure plurality, with Nehru as the Prophet of Secularism who revealed this 'ism' to Indians. However, no one appears to grasp how secularism can secure India's peace and unity. In Europe, several Christian denominations vied for the title of "One True Religion," and secularism signified the state's refusal to support any of them in order to provide a fair playing field that was essential to societal harmony. Protestant Christianity is mostly about religion and has nothing to do with rituals; perhaps this is how the concept of secularism was implemented there. Secularism had no other choice in a heterogeneous country like India, hence the Indian Constitution approved it. Indian Union is home to people of all languages and beliefs. Secularism was required to keep them together. As a result, accepting secularism was required in order to exercise the right to freedom. Despite efforts to bring India's many groups together, minority populations face injustice and discrimination. Of fact, the spirit of nationalism could not be developed even after the establishment of a secular state. Minority awareness of social intolerance is a danger to national integration. Secularism is required to foster a feeling of nationalism among the country's minority populations. Although India has accepted the secular state model, religion has become politicised. Religious institutions are utilised for political voting. As a result, rising communalism is eroding the notion of secularism. Because communalism is anti-democratic, secularism must be anchored in the promotion of democratic ideals. Religion-based politics are harmful to national integrity in a multicultural democracy like India. As a result, in order to establish a robust democracy, secular ideals must be valued in society while religious values are acknowledged.

Scientific methods to secularism practise and the establishment of equitable and social justice in worldly life necessitate intentional and planned efforts. The right to religious freedom is unquestionably guaranteed by the Constitution. We must grasp the context in which the right is granted to individuals rather than religion. The majority of Indians believe in religion. Many people feel that there is a humanitarian teaching in every scripture. We can comprehend if all faiths are treated fairly, independently, and by incorporating complementing aspects of modernity into the curriculum. By doing so, all religions may be understood and the right to religious freedom can be conscientiously applied. Citizens will either accept or reject religion. The scientific viewpoint is an essential component of secularism. This comprises your directive philosophy as well as people's essential obligations. Religion and politics must be distinct, and if they are not, the actual definition of secularism is the exclusion of religion from public life. Officially, the state has no religion. The majority of people in India believe in religion, and humanitarian preaching is the foundation of all texts. If the ideals of religious literature are included into school curricula, it can help to build a secular society. Because the political system cannot discriminate against religion and respects all religions equally, welfare projects for all religions may be implemented at a strategic level.

The growing involvement of religion in politics is a fundamental problem for the secular state. Candidates are chosen for elections based on their religious beliefs. Vote politics takes precedence over religious emotions. As a result, the proper individuals are not elected. Minority populations like as Muslims, Christians, Parsis, and Sikhs coexist alongside the Hindu majority. Everyone has the freedom to spread and promote their faith. Despite this, religious minority' sentiments of uneasiness do not appear to be diminishing. This makes establishing a secular society difficult. One of the greatest difficulties confronting India's

secular society is the country's rising racism. A secular society cannot exist until all communities in the country work together more closely in the spirit of nationalism.

4. REFERENCE

1. George, R. P. (2016). Conscience and its enemies: confronting the dogmas of liberal secularism. Open Road Media.
2. Hashemi, N. (2009). Islam, secularism, and liberal democracy: Toward a democratic theory for Muslim societies. OUP USA.
3. Bader, V. (2012). Post-secularism or liberal-democratic constitutionalism. *Erasmus L. Rev.*, 5, 5.
4. Mahmood, S. (2010). Can secularism be other-wise? Varieties of secularism in a secular age, 282-299.
5. Mahmood, S. (2006). Secularism, hermeneutics, and empire: The politics of Islamic reformation. *Public culture*, 18(2), 323-347.
6. Wuthnow, R. (1989). The struggle for America's soul: Evangelicals, liberals, and secularism. Wm. B. Eerdmans Publishing.
7. Levey, G. B., & Modood, T. (Eds.). (2009). *Secularism, religion and multicultural citizenship* (Vol. 7). Cambridge: Cambridge University Press.
8. Bilgrami, A. (2014). *Secularism, identity, and enchantment*. Harvard University Press.
9. De Roover, J., Claerhout, S., & Balagangadhara, S. N. (2011). Liberal political theory and the cultural migration of ideas: The case of secularism in India. *Political Theory*, 39(5), 571-599.
10. Berger, B. (2002). The limits of belief: Freedom of religion, secularism, and the liberal state. *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société*, 17(1), 39-68.
11. Woodhead, L. (2013). Liberal religion and illiberal secularism. *Religion in a liberal state*, 93-116.
12. Greenawalt, K. (2008). Secularism, religion, and liberal democracy in the United States. *Cardozo L. Rev.*, 30, 2383.
13. Plesner, I. T. (2016). The European Court of Human Rights: Between Fundamentalist and Liberal Secularism I. In *Islam, Europe and emerging legal issues* (pp. 63-74). Routledge.
14. De Roover, J. (2016). Europe, India, and the limits of secularism.
15. Turner, B. S. (2007). Minorities and modernity: The crisis of liberal secularism.
16. Çınar, A. (2011). The Justice and Development Party: Turkey's experience with Islam, democracy, liberalism, and secularism. *International Journal of Middle East Studies*, 43(3), 529-541.