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Ranabir Samaddar

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Promise, Oath, and Sanctity

On 11 September 2012 the Government of India announced a massive rise in the prices of petrol and cooking gas, declared withdrawal of subsidy of cooking gas under a complicated scheme beyond the understanding of most commoners, and withdrew restrictions on foreign direct investment (FDI) in multi-brand retail. The ruling party in West Bengal, the Trinamul Congress (TMC), opposed the decision, appealed to the government at the Centre to revoke the decision, and declared that if the central government failed to heed to the appeal of a major UPA (United Progressive Alliance) ally, it would leave the government and the Alliance. As the central government refused to change its decision, the TMC withdrew from the ruling Alliance and government at the Centre; its ministers resigned from their respective posts; and it accused the ruling Congress party of trickery and practising falsehood— in its words, breaking a particular promise.

What was the promise? The promise was that during the earlier round of rise in the administered prices of petroleum and gas and discussion over the issue of FDI in retail trade, the Congress government at the Centre had made a commitment to the effect that no decision in this regard would be taken without a consensus on the involved issues. Specifically, the then Finance Minister in the Union Government had assured Parliament that the parties and Parliament would be consulted before a decision was taken on the entry of foreign capital in retail trade and insurance. One news agency reported the complaint of breach of promise in this way:

Kolkata: Opening up a new front against the UPA government, TMC chief Mamata Banerjee on Thursday accused the Manmohan Singh government of going back on its word on involving all stakeholders before opening up multi-brand retail FDI. Referring to the assurance given by then finance minister and current President Pranab Mukherjee in the Parliament, Mamata accused the UPA government of not honouring the commitment made, a news channel reported.

“The decision to permit 51 % FDI in retail trade is suspended till a consensus is developed through consultations among various stakeholders. The stakeholders include political parties and states,” Pranab Mukherjee had said in both houses of Parliament in December 2011. Mamata’s new posturing is expected to make things difficult for the government and also complicates the matter if the Trinamul MPs go ahead and resign from the UPA government. The BJP has also taken a similar line on the issue with LK Advani— in view of the promise made by then finance minister— terming the recent decision by the government as a “breach of trust of Parliament”.¹

The theme of breach was reinforced with ethical twist. The same news agency carried further this comment,

Kolkata: ...“I have just come to know through media that Centre has notified FDI in multi-brand retail today. Is it ethical, moral and democratic for a minority government to issue government order

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forcibly and hurriedly when massive protests against it are taking place across the country?” she (Mamata Banerjee) said on her Facebook page today, terming the move as “shocking”. She said, “These actions by a minority government question its credibility. It also defied democratic traditions in the context of the assurance given in a statement by the former finance minister (Pranab Mukherjee) on December 7, 2011 in Lok Sabha to go in for consensus among all stake holders before taking a decision.”

Banerjee’s comments come a day before Trinamul Congress ministers are slated to submit their resignations to the Prime Minister...

“It is not understandable as to what has compelled the present minority government to take a hurried decision on such an important issue which touches the livelihood of millions of common people,” Banerjee said. “Shocking at midnight....,” she said.²

The last three words were clearly a reminder of the vow taken by the first Prime Minister of India, Jawaharlal Nehru on the eve of Independence, “...At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom...” The promise of freedom at midnight had been broken. It was shocking. The President of course kept his own counsel on the matter of promise and the breach. But it was not lost on the readers and listeners of the news that the erstwhile Finance Minister (and now the President Pranab Mukherjee) as the main spokesperson of the government in 2011 had repeatedly told the agitators who were demanding the acceptance of a people’s bill for the institution of a Lokpal specifically mandated to investigate and arrest the tide of corruption, that the street was not the right place for discussion and decision; and since the government and other political parties may have different views, therefore, nothing should be done outside Parliament.

The invocation of the sanctity of Parliament is age-old, and if we recall William Blackstone, the venerable constitutional commentator of the British Isles with Whig overtones, Parliament is “coeval with kingdom itself”. And, even though “the original or first institution of parliaments is one of those matters that lie so far hidden in the dark ages of antiquity, that the tracing of it out is a thing equally difficult and uncertain,” yet Blackstone was careful to draw its sketchy genesis from the power of the king to convene the council which would consist of “all arch-bishops, bishops, abbots, earls, and greater barons, personally; and all other tenants in chief under the crown, by the sheriff and bailiffs; to meet at a certain place, with forty days notice, to assess aids and scutages when necessary.” Parliament’s sanctity, he explained, draws, “first, from the manner and time of its assembling; secondly, its constituent parts; thirdly, the laws and customs relating to parliament, considered as one aggregate body; fourthly and fifthly, the laws and customs relating to each house, separately and distinctly taken; sixthly, the methods of proceeding, and of making statutes, in both houses; and lastly, the manner of the parliament’s adjournment, prorogation, and dissolution.” These rules, Blackstone, made clear, have evolved, but now that they are in place, they are non-violable. They are rules, they do not add up to composing a sovereign power; they in fact originate from a sovereign power, which has to convene an assembly of the realm; and, now once in existence, they, collectively called the parliament, are coeval with the realm.³ In other words, the “sanctity” of parliament which the politicians daily invoke is double-faced. They do not replace the executive, they do not also exhaust the executive; yet they are invested with a mystic power without which power over the realm cannot function.⁴

The interesting aspect of this situation is that governmentalisation of an institution (through rules, procedures, and orders) produces a holy power— doubly holy, because it originates from a holy power, also because the assemblage of certain aspects and procedures makes it sacrosanct, the sacrament of power. Carl Schmitt was, therefore, wrong when he tried to define the concept of the political as post-philosophical or in this case say post-religious. He famously said, “A definition of

the political can be obtained only by discovering and defining the specifically political categories. In contrast to the various relatively independent endeavours of human thought and action, particularly the moral, aesthetic, and economic, the political has its own criteria, which express themselves in a characteristic way. The political must therefore rest on its own ultimate distinctions, to which all actions with a specifically political meaning can be traced. Let us assume that in the realm of morality the final distinctions are between good and the evil, in aesthetics beautiful and ugly, in economics profitable and unprofitable. The question then is whether there is also a special distinction, which can serve as a simple criterion of the political and of what it consists. The nature of such a political distinction is surely different from that of those others. It is independent of them and as such can speak clearly for itself. The specific political distinction to which political actions and motives can be reduced is that between friend and enemy.”⁵ Clearly such post-religious concept of politics is difficult to visualise as there will be always scores of interactions with ethics or morality, aesthetics, and economy. Likewise we cannot call it a secular vision of politics, because such a search for a self-evident foundation of the political— as distinct from morality, aesthetics, and economy— will be mostly unrewarding. For the same reason it cannot be called a post-secular vision, because while critiquing liberal foundations of politics, it cannot come out of the bind of theology. It is in fact a double bind: theology leading the path to governmental power, governmental power leading to theological glory.

Yet, this is not all to the issue of the *sanctity* with which we began. The breach of promise was a breach of sanctity not only because it was a statement given in and to Parliament and had not been adhered to, but also that Mr. Mukherjee’s statement was in the nature of a commitment, an oath, a promise in the nature of an oath, now violated. In politics, we witness hundreds of instances, particularly instances of election manifestoes, where on the eve of elections promises are made and then violated after the party promising the moon or what should have been routine has come to power. In fact, as one astute observer of elections in India has commented, with the “unstoppable rise” of the public or the people, parties hold out promises of all kinds, they are careful not to hurt sentiment of any particular group, on economic matters they can promise both neo-liberal reform and right to food, and the election manifesto plays the role of a vital ritual in the exercise of Indian democracy.⁶ Election rituals (including promises in elections) are holy. In case of Parliament, such promise of course takes an additionally grave character. What is significant here is not that the promises are violated, or that the people draw ethical conclusions from these violations (such as whether x party is trustworthy or not), but that these promises are like non-cashable cheques. You cannot drag the party violating its promises to the court. Law will not take cognizance of the violation.

Why? Because, exactly as in the case of constituting a parliament as a sacred body, the democratic public sphere is also constituted by its own specific rules and procedures, which collectively make this sphere democratic, also sacred because it is democratic. In this sphere you can make promise and break it and accept moral consequences, in the long or even short run political consequences, but you will not be held for perjury. Therefore, oath in cases like this does not express the power of law, but the limit of law, though Giorgio Agamben chooses to call this as the limit of language arising out of various limits of existing situation.⁷ The violation of oath is equivalent to “perjury, which separates words from things”.⁸ Agamben, however, does not probe further as to why in the modern form a violation of oath in the political sphere is not considered as perjury or blasphemy, and thus punishable by law. Violation of promise in politics evokes moral injunction and castigation. Secularism has ensured that perjury can go unpunished, while creating at the same time an aura of holiness of the sphere where the perjury has been committed. In this sense then, we are

not in any post-secular situation, for the *secular* contains in it elements of the theological that defines legitimacy and sanctity.

We should attempt, if only very broadly, an answer to the question, how did this happen? We can see a convergence of conditions at least in India during the modern period, say, roughly from the early part of the seventeenth century, namely, the spreading influence of the idea of a state religion, if not always declared openly, at least followed in practical terms, reinforcing political stability of the ruling class and the oligarchy; this was coupled in less than a century with increasing internal (within India) political fragmentation that inhibited large scale warfare against other empires and stunted the growth of diplomacy, and finally the growth of an all India educated class that knew how to frame demands of justice and supply the conditions of meeting them in theological-practical/secular terms. The introduction of colonial rule did not basically alter the condition. In some sense it took over the theological-secular mantle of rule, and after less than a century of hesitation it decided to combine the inherited imperial legitimacy with an additional formula of government—the introduction of limited representation marked by the principle of responsibility, again couched in scared language, this time the sacredness of liberal ideas and principles. This very process of law operating in a fixed space called India has now produced impersonal institutions, consensus on the need of a power to make final judgments, and the acceptance of the idea that even though the rule will no longer be hereditary that is rule by the principle of blood, yet subjects while being citizens should give loyalty to the authority that precisely because of its impersonal nature can now claim a divine status— again not always declared, but practically accepted.

Such is the genealogy of rule of law in India today, subsuming within it rule by men, rule by custom, rule by orders and regulations, and rule by invoking the inexplicable but continuing uniqueness of the country, which the first Prime Minister of India fondly pointed out by saying, “Astonishing thought: that any culture or civilisation should have this continuity for five or six thousand years or more; and not in a static or unchanging sense, for India was changing and progressing all the time. She was coming into intimate contact with the Persians, the Egyptians, the Greeks, the Chinese, the Arabs, the Central Asians, and the peoples of the Mediterranean. But though she influenced them and was influenced by them, her cultural basis was strong enough to endure. What was the secret of this strength? Where did it come from?”⁹ And, what was his reply? After “nearly five months ... writing ... a thousand handwritten pages”, he concluded, “It was presumptuous of me to imagine that I could unveil her... Overwhelmed again and again, her spirit was never conquered, and today when she appears to be the plaything of a proud conqueror, she remains un-subdued and unconquered. About her there is this elusive quality of a legend of long ago, some enchantment seems to have held her mind. She is a myth and an idea, a dream and a vision, and yet very real and present and pervasive.”¹⁰ This invocation of a mystic past and an inner mystic core of goodness was typical of the Indian upper-caste Hindu liberal attitude that would tolerate the minorities, allow them under pressure public equality also, but would never concede caste equality (in other words abolition of caste) in social life, and would thus argue for greater governmental power in form of a centralised apparatus as the best way to administer caste relations and manage the minorities.

Given all these, is there a post-secular situation here, by which I mean post-secular situation in politics? We can answer on the state of politics in a double sense: first secularisation makes it possible for politics to accommodate a religious rite like the oath that will now function with ease and an ambivalent status (because its violation is not deemed as perjury); and second, precisely this secularisation of politics will now make possible for politics to become constitutively a critique of the rite (in this case the oath given to a forum of sanctity) and to critique the sacramental bond that has

linked liturgical rites to practical affairs of governance. A post-secular situation will mean then politics getting over the theology-secularism bind. We may envision such politics, but our current politics is certainly not moving towards it.

The legitimacy of the conventional history of secularism rests on a narrative of transition, best theorised by Max Weber. As we all know, he formulated his famous thesis about the secularisation of a particular religious tradition in the capitalist economic ethic. However, more interesting is the way he constructed his thesis. In the Weberian account, Protestant ethic acts as the vanishing mediator in the transition from feudalism to capitalism.¹¹ The secularisation theory has been now critiqued extensively, on ground of being empirically unsound and narrowly based. But the trope of the vanishing mediator is able to make the idea of secularisation look like a real process, while as Agamben points out it functions as a “signature” of other things.¹² It functions in the conceptual system of modernity as a veiled reference to theology. It allows monotheism to become the presiding theological principle under which secularism works. Thus, economic activities may be plural, administrative-governmental practices may be variegated, but legitimacy is drawn from a particular theological attitude of monotheism. It thus cements the unity between being and acting—the sovereign being and the governmental actions and practices. By making this relation transcendental, fractures in political life of the society are cemented. Secularisation thesis allows governmental practices look neutral. History thereby becomes always one of governmental practices and never about politics.

From a critical point of view what happens further is even more interesting. Bourgeois rule depends on two interconnected orders—the theological and the secular. Yet it pretends as if these two are separate from one another and have nothing to do with each other. The theological order will concentrate on the self, the inner, the domestic, the home, and what jurists term as the hostile environment—in other words, such type of environment outside, where the excluded (women for instance) must not think that public liberty prevails, and should expect violence on them. In this way the secular is in fact importing the religious principle by the back door, yet the fiction of distinction remains intact. On the other hand, the secular will focus on the public, the external, the formal, the legal, where governmental practices will appear as autonomous and self-valid. Order here too functions as a sign of a concept that wants to appear as a real process. Modern governmental reason produces this double structure. The double structure of split and unity allows bourgeois rule to create the fable of liberty and equality (two of the most significant aspects of the fundamental rights included in the part III of the Indian constitution), to which now the subjects will attach themselves as if this fable is a truth. By taking part in this process of myth creation governmental reason will now foster attachment to it as truth, and in this process government will continue and survive. This will be the necessary principle of political rationality.

Religious Sanctions, Killings, Secular Conscience

On 15 October 2002, five dalit men were brutally killed on the main road outside the Dulina police post, near Jhajar town, Haryana (a state in India) in the presence of, and possibly by, a large and violent mob in front of the police and several senior district officials. All five were believed by the mob to have been engaged in cow-slaughter at the time. According to the families of the victims, five men had left Badshahpur village that day at 2.30 p.m. in a hired truck. Kailash was a leather trader who had come to Badshahpur to purchase raw hides from Virender and Dayachand who had the official contract to skin the dead cattle in the area. Totaram was the driver and Raju the helper of the truck which was transporting the hides to Karnal to be sold the next day in the *mandi* held there every

Wednesday. According to Narender Singh, the Deputy Superintendent of Police, Jhajjar, the five victims were transporting 238 hides to Karnal and apparently reached the Dulina police post on Gurgaon-Jhajjar road at about 6 p.m. They stopped at a deserted spot near the place to skin a dead cow, as they would be able to sell the hide for Rs.1500 at the *mandi*. About 15-20 people who were returning by jeep along the same road from Dussehra celebrations in Jhajjar town saw the men skinning the cow and assumed that they had killed it first. They started abusing the five men and then took them to the nearby Dulina police post. They put pressure on the police officer-in-charge, SHO (Station House Officer) Hoshier Singh to book them under the Act against cow slaughter. An FIR was filed against the victims accusing them of *gaukasbi* (cow-slaughter). The victims denied the accusation and claimed to have bought the cow for Rs.200 from one Fakir Chand of Farukhnagar (Gurgaon).

The police sent one of their forces along with four complainants to Farukhnagar; they also took with them Totaram (one of the five deceased) to verify the story. At Farukhnagar they were informed that the cow was already dead when the five men had taken it. Meanwhile, the police claimed, rumours of “cow slaughter by Muslims” had built up and people returning from Dussehra celebrations in Jhajjar started collecting at the police post in large number. According to the DSP (Deputy Superintendent of Police), when the group returned to Dulina from Farukhnagar at about 7.45 p.m., the SHO Hoshier Singh informed the crowd that the victims were not Muslims and they had not slaughtered a cow. However, as per the police version, the angry crowd refused to believe the police and the victims’ claims. The DSP reached the spot at around 8.45 p.m. and according to him by that time the policemen were outnumbered by “1 to 100” and the mob was demanding the handing over of the five men. The City Magistrate, the BDO and the tehsildar also reached the Dulina police post. The DSP ordered a lathi-charge to disperse the mob, but it was too large and violent for the handful of policemen present. As per his version given later, the police were rendered helpless as the crowd snatched away the police weapons and then attacked the Dulina police post, surrounding the five men and beating them to death on the main road, even as officials looked on, in the DSP’s words, “helplessly”. The mob also set the tempo van loaded with skins on fire.

At about 3 a.m. (morning of 16 Oct) the policemen at Badshahpur contacted the families of the victims and told them to go to see their sons at the Jhajjar Civil Hospital as they had met with an “accident”. When they reached the hospital, the government officials present there told them to collect the dead bodies and leave soon, as people’s sentiments were inflamed. The officials warned them that a mob (including those who had lynched the victims) could even attack the corpses of the ‘*gau-batyaras*’ (‘cow-slaughterers’) and kill the family members too. On the same day, the Vishwa Hindu Parishad (VHP) and Shiv Sena (two fanatic Hindu communal organisations) held a demonstration in Jhajjar submitting a memorandum to the Deputy Commissioner demanding that no action be taken in the incident. The killers of the five dalits were glorified as heroes who had avenged the murder of a cow— “our mother.” The first response of the district administration was to order a post-mortem of the cow on 17 October to verify the accusations of cow slaughter being levelled by the Gurukul, the Gauraksha Samiti, VHP, and the Bajrang Dal. The same day the family members of the victims and other dalits in and around Badshahpur met at the Ravidas Mandir in Badshahpur to plan future action. They formed the Dulina Nyay Samiti at this Panchayat. Haryana Mazdoor Kisan Sabha president Ranjit Yadav also attended this meeting. At his suggestion, a Maha Panchayat (a meeting of representatives of all castes and groups) was held at Ambedkar Sabha in Gurgaon on 17 October. People from all castes and 16 organisations participated.

The Divisional Commissioner of Rohtak, R.R. Banswal was directed to conduct the mandatory magisterial inquiry into the lynching. On 19 October the Dulina Nyay Samiti met again at

a BAMCEF (Backward and Minorities Communities Employees Federation) organised gathering of about 4,000 people at Gurgaon and presented a memorandum to the Deputy Commissioner. This was followed by the holding of an all-caste Maha Panchayat in Badshahpur village on 20 October. People from 36 castes and 100 villages participated. They gave the administration 15 days to take action against the killers of the Dalit youths, and demanded that the guilty be charged under Section 302 IPC, the FIR of cow-slaughter against the victims be retracted, a compensation of Rs.10 lakhs be given to the families of each of the victims together with a government job for one family member.

Pressure mounted on the Haryana government to take action after the National Human Rights Commission on 21 October sent a notice to the state government to file a report on the incident within a week. Though a government job was promised by the government to the next of kin of each of the deceased, the Dulina Nyay Samiti's demand for a judicial inquiry was turned down. On 25 October the IGP Rohtak Resham Singh told the press that the police had identified 28 local residents as having been part of the mob. This identification of suspects coincided with the submission of the post mortem report of the cow, which revealed that the cow had died the previous day. It was only then that the FIR of cow slaughter against the victims was quashed. The VHP and the Arya Samaj Ashram responded on 26 October by calling for a Maha Panchayat of 180 Gaushala Sabhas in defence of the murderers. A Sangharsh Samiti headed by Pandit Nityanand of the Jhajjar Gurukul was formed on this occasion.

Following the arrests of the accused on 13 November, the VHP and Bajrang Dal activists took to the streets calling for a bandh resulting in the closure of schools, colleges and shops. Agitating villagers blocked all major roads leading to Jhajjar district from Delhi, Rewari, and Gurgaon. They resorted to stone pelting and attacked the police. Four policemen including a DSP and SHO Bahadurgarh were injured. The grand council of the upper castes now served an ultimatum to the state government to unconditionally release those arrested or face a state-wide agitation and "chakka jam" (road blockade) beginning on 20 November. The Sarv Khap Panchayat also reminded policemen of their shared (Jat) identity with the peasants whose sons were now in jail.

The Haryana police and the state administration emerged as highly culpable in this incident of the lynching of dalits as well as in its aftermath. Explanations given by the DSP that the police forces were outnumbered, that their weapons were snatched from them, and that they feared for their lives begged the question whether it was not the duty of policemen to risk their lives to save the lives of citizens, especially those in their custody. Given that the police had powers to arrest, lathi-charge, and fire for the protection of citizens; the concomitant responsibility was to risk their lives for protection of citizens. Subsequent to the killings too, the police came across as heavily compromised. Surprisingly no arrests took place till a month after the incident even though the police had identified the guilty (the eventual arrests too were finally based on the statements of policemen). The collusion of the district administration also with the guilty was apparent in various acts of omission and commission. The presence of the district officials like the City Magistrate Rajpal Singh at the spot, and his failure to react or even begin to deal with the situation was damning. The immediate action or ordering a post-mortem of the cow suggested that they held that the safety of the dalits was contingent on the supposed criminality of the killings, in other words on whether the cow had been slaughtered or not. The Sessions Court granted anticipatory bail to the accused in January.

What was also most noticeable is the manner in which a seamless common story was woven—the policemen were outnumbered; the lynching was an accident, and the mob was not to blame as they were inspired by religious sentiment for the cow with the victims mistaken for Muslims. In the process, the state had lent itself to projecting that Hindu sentiment was above rule of

law; that it was acceptable to kill Muslims; if others like the five dalits suffered, it was a “collateral” damage. Even the Scheduled Castes and Scheduled Tribes Commission rationalised the lynching as an understandable response to cow slaughter.

Meanwhile politicians, police officers, high bureaucrats all in the wake of the event visited the place of murder and the victims’ houses, offered condolences, expressed anger, appeared indignant, and issued statements to various effects, and competed with each other in offering compensation.¹³

I have narrated the event at some length because incidents like this tell us the actual ways in which power works, and put to question the neat distinctions we construct in our conceptual exercises. One can ask in this case: What do we make out of this infamous event? Were they massacred because they were thought to be Muslims? Or, was it because they were dalits who occupied in the eyes of the Hindu caste majority the same position in society as of the Muslims? Were they murdered for cow slaughter? Clearly, notwithstanding the scholarly works on beef eating in ancient India, dalits found with the skin of a dead cow was the sign of a grave offence, and therefore their murder was understandable given the passions of the majority community. Was this then due to religious cause, or caste prejudice, or governmental compromise, or all three? Caste, religion, and secular modes of politics had crisscrossed their paths in this case. Each displaced the other in the way power worked. And each contributed in the process to the formation of the theological-secular bind.

The Affective Subject of Politics

However, within the history of this theological-secular combination we can find another history—history of a different model—of governing mode that bypasses the binary of religion/secularism and bases itself on a certain kind of affect, a certain attitude to binding oneself to truth, of affinitive ties characteristic of coalition and a dialogic spirit, whose link with democracy has weakened severely over the centuries. At one level, we can say that while secular politics in India was always the mark of the Left, Left’s own political practice was never confined to a dry, statist version of secularism. While it was perfectly secular, yet this perfectly secular practice evoked something characteristic of political subjectivity, namely its power to produce excess, the excess, which pointed to a void in our spirituality, and which had the capacity to visit other messages, discourses, styles, and forms. If this speaks of large-scale transfer of loyalty and affinity of the subjects from one kind of political force to another, this is true of religious history as well. Richard Eaton in his renowned study on Islam in Bengal investigated the encounter between Islam and Bengal, and showed why in the entire region of South Asia, Bengal became the most receptive to Islam. As we know, the area today (the two Bengals combined) has world’s second-largest Muslim population in the world. How did such a large Muslim population emerge in Bengal? What was the dynamics of the transfer of large sections of population from one faith to another? How did a religion suited to town, bazaar, and the trader, become appropriate for village, land and the peasant? Eaton deployed archaeological evidence, narrative histories, literary material, and administrative documents to trace the long historical shift between 1204 AD (the year of conquest by Turks and Persians) to 1760 AD, when the British East India Company finally became the dominant power in Bengal.¹⁴ There may be disputes over certain lines of his argument, but the mass of evidence leaves no doubt that a set of governmental factors relating to matter and soul was responsible for the shift. Conversion of believers from one faith to another was neither purely theological nor completely material. The middle ages took long to produce such

change; today however with the protocols of mass democracy in place political conversions take place rapidly. Crucial here again is the nature of governing styles and modes.

In post-colonial context we witness at times a revival or a rediscovery of a certain specific historical model of the past, which at some moment had established through certain affective mechanisms the reciprocal bonds of the leaders and the people, between the travelling, itinerant campaigner and the far-flung areas of the land, and which have been now forgotten and violated. We do not know if this type of affective politics forged through an itinerant style, symbolised for instance by Maulana Bhasani (1881-1977) in erstwhile united India and then Bangladesh will revive forcefully. But the attempt to recover such model, even if partially, indicates a process of reconstructing a past model and reviving a basic but forgotten constituency. This may appear as unusual in secular politics, but this is what happens when politics has taken an affective turn, so much so that we can here speak of the presence of not a *post-secular* politics, but *affective* politics. In other words, this new (to some extent a replica of the old) model of governance tells us something very different. It tells us the possibility of bypassing the religious/secular debate that animated social scientists in India nearly two decades back in the context of the dispute around the Babri Masjid (1990-92) and the consequent riots, attacks on minorities, and the large-scale deaths and destruction. I am not for a moment suggesting that that debate had no relevance, or that communalism was not a political issue then. But history is asking today a different question that cannot simply rest with confining itself to certifying a particular government simply on the basis of its self-professed secular credential or certifying the Indian State as secular. This question is: What is the nature of political spirit? What is the truth of political subjectivity? This is the question asked by present history.

If in India the dispute around the Babri Masjid and the accompanying riots all over the country occasioned rethinking among social scientists and policymakers on the issue of secularism, in the global discourse on governance the need to rethink was signalled in the wake of the US invasion of Iraq and then Afghanistan, the rise of political Islam, the “war against terrorism”— all these beginning from the beginning of this century. The fable of a secular age and the discourse of a secular mode of power both clearly were in need of a new gloss or major revision. Charles Taylor in *A Secular Age* (2007) attempted to redraw the entire story— a major revisionist attempt— of secularism and what came to be known as the secular age. He concluded his exercise with these words, “We have to understand religious/spiritual life today in all its different thrusts, resistances, and reactions, e.g. discipline, homogenisation”.¹⁵ It was not an analytical approach to understand the bind, but an attempt to present a different narrative. Trying to be universal and grand in scope, it avoided any analysis of how religion made itself a part of the secular mode of power in the modern age— say in Turkey in the nineteenth century or in East Europe after 1989, or the role of the Pope and Christianity in reinforcing the liberal mode of power in the Trans-Atlantic community after the Second World War. As if, if we had only cared to be more discerning, we would have discovered our history in a better way. We would have become more multi-cultural and tolerant.

Around the same time another revisionist attempt was mounted by Jürgen Habermas who asked the question in an article published in 2008, if the European countries were not already in a post-secular stage. The occasion of rethinking, he admitted, was the large-scale entry in Europe of immigrants with faiths other than Christianity, the US war against terror, and the conflict of secular societies with fundamentalist beliefs. In a thoroughly Euro-centric view of the world by his own admission, he argued,

A “post-secular” society must at some point have been in a “secular” state. The controversial term can therefore only be applied to the affluent societies of Europe or countries such as Canada, Australia and New Zealand, where people’s religious ties have steadily or rather quite dramatically

lapsed in the post-War period. These regions have witnessed a spreading awareness that their citizens are living in a secularised society. In terms of sociological indicators, the religious behaviour and convictions of the local populations have by no means changed to such an extent as to justify labelling these societies “post-secular”. Here, trends towards de-institutionalised and new spiritual forms of religiosity have not offset the tangible losses by the major religious communities.¹⁶

He then argued that the secularised societies of Europe formed an exceptional phenomenon in the midst of a religiously mobilised world society, and it was erroneous to hold that with modernisation the world would witness in foreseeable future the disappearance of religion. The awareness of living in a secular society was no longer bound up with the certainty that cultural and social modernisation could advance only with diminishing public influence and personal relevance of religion. Religion was gaining influence not only worldwide but also within national public spheres, and churches and religious organisations were increasingly assuming the role of, in his words, “communities of interpretation” in the public arena of secular societies. In this perspective he felt that the separation of church and state called for a filter between these two spheres— a filter through which only “translated”, that is, secular contributions could pass from the confused din of voices in the public sphere into the formal agenda of state institutions. He further argued that the democratic state must not pre-emptively reduce the polyphonic complexity of the diverse public voices, because it was in no position to know whether thereby it was cutting society off from scarce resources for the generation of meanings and the shaping of identities.¹⁷ The political public sphere must be able to meet their religious fellow citizens as equals. Post-secular society, in short, would overcome the limits of secularisation by a rescuing process of translation of the traditional contents of religious language in the public-political language.

There are many aspects of this exposition of the idea of a post-secular society— and possibly of a post-secular politics and the state, though Habermas does not make that part clear— that call for discussion. However, this is not the occasion for that discussion, and we shall not gain much also by undertaking that discussion here. Here the interest is around the question, namely, what kind of subject is envisaged here, who is this post-secular subject? What kind of inter-subjective dialogues are thus being proposed? And, therefore, how consistently can we pursue the project of a religious genealogy of reason? Habermas’s idea of a post-secular society where religious feelings are translated in secular public-political language of demands, rights, policies, claims, duties, obligations, legitimacy, etc. through strictly tolerant and rational means based on mutual accommodation of religious and secular subjects is still based on the notion of a theological-secular divide. It ignores the possibility, and perhaps the overwhelming fact, that the subject may be religious-secular, in other words composite; that the secular modes in a society may not have deep foundations, and many aspects of secular power may be founded on religious grounds. This is true of the so-called secular/Christian societies of Europe, as of elsewhere.

Yet, the fact that the theorist of communicative rationality has to address the issue of religion indicates the presence of the affective subject in politics, with which he has to come to terms. But this is strictly speaking not a new problem. Habermas draws inspiration from Kant, who too wanted to cope with the secular-religious divide and the presence of the affective subject in his distinct way, that is, by a priori assumptions. The idea that man can profess or practise faith not for ultimate gain but as the way of a moral being, and only in this way man could be both religious and rational— though as Kant said that there was no inherent need to be so— was succinctly expressed in the title of his essay, “Religion within the Limits of Reason Alone” (1793). Kant wrote, “Yet an end does arise out of morality; for how the question, what is to result from this right conduct of ours, is to be answered, and towards what, as an end— even granted it may not be wholly subject to our control— we might direct our actions and abstentions so as at least to be in harmony with that end:

these cannot possibly be matters of indifference to reason.”¹⁸ Kant could envisage the presence of religion in the formation of a moral subject, but to him the formation of a rational subject with critical capacity had nothing to do with religion.

It is only in the context of this perpetual dilemma of rational theory of politics that we can make sense of the revolution that Marx brought in our understanding of the affective subject. Marx’s famous words were, “Religious suffering is, at one and the same time, the expression of real suffering and a protest against real suffering. Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people.”¹⁹ Marxists and communists have interpreted these words as criticism of religion, and rightly so. But his view also tells us something of the affective subject. Marx argued in the same *Critique*,

The foundation of irreligious criticism is: Man makes religion, religion does not make man. Religion is, indeed, the self-consciousness and self-esteem of man who has either not yet won through to himself, or has already lost himself again. But man is no abstract being squatting outside the world. Man is the world of man— state, society. This state and this society produce religion, which is an inverted consciousness of the world, because they are an inverted world. Religion is the general theory of this world, its encyclopaedic compendium, its logic in popular form, its spiritual *point d’honneur*, its enthusiasm, its moral sanction, its solemn complement, and its universal basis of consolation and justification. It is the fantastic realisation of the human essence since the human essence has not acquired any true reality. The struggle against religion is, therefore, indirectly the struggle against that world whose spiritual aroma is religion.

Thus not only religion remains affecting politics till the world is cleaned of conditions that produce religion and religious wishes and dreams, but that the subject will be marked by affective elements. Marx’s critique takes a line different from Kant and Habermas on the issue of secularism and secularisation of society. In one the presence of society and economy is overwhelming; in the other they give way to ideal constructions. In one the affective elements are part of this world; in the other they are banished from the court of reason.

The insertion of affective elements of life within a new governmental discourse of power has been possible not on the basis of purely secular notions of development, economy, and industrialisation, but only with the arrival of the notion of *basic masses*. On the other side, confronting this new discourse will be another model of politics, equally old, the right wing communal version of *affect* advanced with deadly effect and establishing hold over the world of instincts. The history of this double confrontation in India begins ironically from around the same time— the beginning of the nineties of the last century, coterminous with the time of the latest round of globalisation, when people all over the world started searching for new models of politics. To the extent we can think of a model of politics that bypasses the developmental and in general the economic model of governmentality, we may say that the discourse of basic masses is indeed a way of codifying what both the right and the left versions of politics in their conventional or accepted terms have considered as social dangers.

Therefore the question will be with its natural intelligibility also. This natural intelligibility will be at once both an explanation of the circumstances of the emergence of the new model, as well as a new history of the past, and a desired resolution of the old Left/Right debate. This natural intelligibility would also explain how against dominant patterns of politics, people try to be autonomous. We can foresee already a new dialectic here, because such reasoning will have already laid out the path of a new round of struggle around issues of governing. The constantly unrealised prospect of politics as life-form keeps on animating popular politics.

Kinship as a Problem for Modern Governance

Let us once more recall the incident at Dulina. We shall see the operation of the principle of kinship besides the others we have referred to in that section. While concluding this essay we need to revert back to the issue kinship as a problem for modern governance in the context of the mixed origin of our modern political practices and the persistence of the affective elements in politics.

Richard Fox published *Kin, Clan, Raja, and Ruler* in 1971 as a commentary on state-hinterland relations in pre-industrial India. The next major work on the ethno-history of kinship was written by Nicholas Dirks, *The Hollow Crown* (1987), in which he argued that comparative sociology had systematically denied the importance of the Indian state by treating caste as essentially a religious phenomenon. Along this line came Margaret Frenz's *From Contact to Conquest* (2003) in which she described the role of kinship in the transition to British rule in Malabar between 1790 and 1805. These ethno-histories because of their method could contest a scripture-centric view of caste and by implication clan, and were able present before us the phenomenon of kinship as a resource of power. Yet we have to recall, they did not problematise the question of kinship, in short present kinship as a problem for power, by which we mean the modern form— the governmental form of power. They failed to bring out the *borders of kinship*, in other words treating kinship not only as resource of politics but problem too for governance.

Kinship drawing on religious sanctions is as old as a problem of governance as the business of government itself. Those who govern our societies also have to ensure that affinitive ties are conducted in accordance to the norms and priorities of rule and governance. Recall *Mahabharata*, where kin ties had to be re-negotiated and re-interpreted according to the necessities of rule and administration of kingdom.

In India, we know, colonial rule had intervened with several legislations in the sovereign operations of kinship ties, which brought out the crucial position of women – the woman – in the affinitive arithmetic sometimes known as the grammar of caste ties, tribal ties, village ties, family/marital ties, clan ties, etc. As a result, kinship was perhaps for the first time brought face to face with the reality of modern administration, whose social aim was to bring the modern nuclear family at the centre of a re-organised society. The nuclear family later gave its pride of place to the nuclear individual. But since management of property relations remained the critical factor, as histories of merchant networks in South Asia show,²⁰ kinship ties readjusted themselves to survive in the changing times. Kinship became not the obstacle to what Marx and Engels had called “money relation”, but a tool to further it. Blood ties and imagined blood ties became crucial in politics from village to capital level. Politics, in these conditions, always meant politics of “life”, reinventing kinship on a perpetual basis. The enactments on personal law, alimony, property management, and measures on common property resource, conversion, inter-faith relations, and several other associated issues show kinship became the object of reinvention for a money-led society. In all these remained less noticed the role of religions, faith based institutions, new brotherhoods symbolising new ties based in these institutions, and the way private property was managed through these reorganised ties. In post-independent India for the first three four decades civil legislations starting with the Hindu Marriage Act (1955) were active in bringing old kinship ties in tune with modern governmental rule. Thus, for instance, while explaining how the role of blood was restricted in defining relations, the Act said in Article 3 (c), “‘full blood’ and ‘half blood’— two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives”; and then in Article 3 (d), “‘Uterine blood’— two persons are said to be related to each other by uterine blood when they are

descended from a common ancestress but by different husbands.” This strategy continued up to the Shah Bano case²¹ in course of which the duty of the community to serve modern social needs was emphasised. Yet this governmental strategy did not rule out blood as a factor in secular politics. All kinds of blood ties (including the most fictive) have influenced politics (at times directly as in the case of political parties, at times indirectly when clan leaders became the crucial pillars of political power, vote mobilisation, etc. as in the Jat lands of Western Uttar Pradesh or the heartland of the Haryana and Panjab).

In this dynamics of blood/civility, the situation changed in favour of blood ties with injection of money power in the villages, where we now see a resurgence of kinship ties. Also we see all kinds of arguments based on fictive blood ties being aired with defiance, marking an extreme right wing version of bio-politics. Endogamy is being sought to be strictly enforced. In other cases endogamy is being interpreted in new ways, where a girl cannot be married within the supposed clan, and at times the village being interpreted as the clan, and hence within the same village. We can refer to recent panchayat rulings in Haryana, strictures on various marital ties crossing fictive divides including religious and caste divides, leading to killings, torture, and expulsion of women particularly belonging to dalit groups. Now we shall have caste enumerations also on a wider scale reinforcing new boundaries. In their trail we shall witness new combinations of caste, clan, and geography. Typically thus new social boundaries of exclusion are being drawn. For instance, a cluster of villages peopled by Jats is claimed to be united by caste and geography. The main rule is that all boys and girls within this cluster are considered siblings. The panchayat governs the cluster (khap) formed by same gotra (clan) families from several neighbouring villages. Those living in this cluster are not allowed to marry in the same clan or even in any clan from the same village. Many young boys and girls were killed in the past defying khap rules. The *panchayat* imposes its writ through social boycotts and fines and in cases of defiance sometimes end up by either killing or forcing the victims to commit suicide. All this is done on the grounds of honour and brotherhood. The few men constituting the *panchayat* settle disputes and control the lives of the young. Young girls are routinely threatened, abused and killed under the verdicts of these so-called clan councils.

West Bengal of course presents a different picture (but only to some extent), mainly due to the factors such as the infamous Bengal Famine, partition, continuing migration of all kinds, and unusual mobility of persons belonging to particular caste groups to towns and outside West Bengal—all of which weakened kinship. We have accounts of famines— starting from the Famine of 1770 and ending with that of 1943 and in between the account of the famine of 1873— which tell us of scenes of animal existence of humankind and massive migrations in search of security of life. Life in these accounts is the life of the beast, and kinship can provide no security, as Hunter described in *Annals of Rural Bengal*, quoting John Shore,

Still fresh in memory’s eye the scene I view,
The shrivelled limbs, sunk eyes, and lifeless hue;
Still hear the mother’s shrieks and infant’s moans,
Cries of despair and agonising groans
In wild confusion dead and dying lie; —
Hark to the jackal’s yell and vulture’s cry,
The dog’s fell howl, as midst the glare of day
They riot unmolested on their prey!
Dire scenes of horror, which no pen can trace,
Nor rolling years from memory’s page efface.²²

Yet here too in Bengal, even after the devastation of famines, power at the village level operates along kinship lines, particularly among the muscle-flexing men of substance in the countryside. Dominant castes and families operate along kin lines. Caste and kinship intermingle. Likewise, jotedars are acutely conscious of kinship factor, and when they give or switch loyalty, they do so massively, as kin groups... Add to these the recent history of the withering or weakening of several traditional institutions in West Bengal under the thirty three years of party rule, which has instituted new power structures, and has enabled new forms of network and clientele by governmentalising kinship as an element of social life. The problem of kinship for governance is handled in a new way.

On another note, even in the dry and forest areas of the land, where a new *bahujan samaj* is emerging, we find the conditional relevance of kin-ties in politics and governance. Oriya Brahmins are isolated from this *bahujan*, while santhal, munda, sabar, oraon, mahato, mandal, kaibarta, kurmi, dom, kahal, teli, kamar, bauri, hari, mal, sardar, bhumij, and several other groups are part of this emerging *bahujan samaj* poised to confront what passes on as developmental governance. Recall the instance of opposing caste assemblages in the wake of the murder of dalits in Dulina. We have one more illustration of this in North Bengal where the Kamtapuri movement again reminds us of the past – when in Naxalbari peasant revolt the rajbanshis, santhals, oraons, bagdis, Nepali speaking indigenous groups, and others had formed another *bahujan samaj*.

We can therefore note two ways in which kinship re-emerges as a critical factor in politics, and thus as a problem for governance. The first way is through the operation of money, market, and modern governmental power which makes kinship relevant today. The second way tells us of a particular kind of resistance to the aforesaid operation of money, market, and modern governmental power. It is based on a re-configuration of the kin ties and creates the *bahujan samaj*, which is an alliance on the basis of the principle of “fold”, singularities with a singularity, called the *samaj*. This *samaj* accommodates kin ties on the basis of a reality that no group has monopoly of access to property and resources. While on the basis of all these we can say that kinship constitutes the link between the pre-modern religious regimes and the modern secular state, it is also possible to view the continued existence of kinship under modern conditions of governance at the limit of what Hegel had called the “ethical order”. Hegel in *The Phenomenology of Spirit* said that the clash between the ethical order and the order of the state is inevitable and tragic. He said that it represents the relationship of self-awareness to other, which constitutes the new relation between them. The ethical law is in his words, when true is “unwritten, inerrant, unalterable divine law. It is not anything that an individual can hope either to criticise or justify, and certainly not in terms of mere self-consistency”. (Para 437) Further, “ethical spirit is the immediate unity of the substance with self-consciousness” (Para. 459). Then he says, ethical consciousness is more complete and its guilt in opposing law is more inexcusable, and its act of opposing law shows that the ethical must be actualised, the “ethical must be actual” for the “realisation of the purpose is the purpose of the action”.(Para 470).²³

Is kinship then an enabling linguistic structure, or as Hegel thought, it is a relation of blood, not of norms, but which by virtue of belonging to nature, now faces the social, or is it clan ties sanctioned by religion? Whatever be the answer, in post-colonial societies, kinship remains an aberrant transgression for governance, while the money society in the way it has evolved in our part of the world has accommodated this transgression as normal and therefore it is no longer a transgression. Hence we find the government unwilling to come down heavily on the *kehap panchayats* and the murders committed by them, and the softness with which it deals the issue of honour killings (including the revival of sati).

This brings us to the most critical of issues relating to the combination of kinship, religion, and modern secular regime— that of patriarchy and kinship. These blood ties, invariably located in the figure of the mother, result both in forcing the woman to be constantly on the margin of kinship ties, to be secured, guaranteed, exchanged, gifted, and murdered, and in these ways made the tool of maintaining the honour of the clan and purity of blood, and in killings or the least excommunication of the deviant males. Through all these sacrifices bio-power is maintained. In the background of this new form of power and governing, the secular claims of modern governance sound hollow.

Clearly only individual rights cannot be the answer, as the failure of reforms in Pakistan in particular testifies. What is the new ethics we can imagine that will better negotiate the tension between government of society and the government of the self? What are the new ethical ideals that law will actualise? Are there possibilities of legal pluralism here moving away from the model of legal centralism? Perhaps we have some clue to all these urgent queries in the ethical orders implicit in the history of the repeated attempts by lower sects in this sub-continent to create a *babujan samaj*. But that is not going to be enough, till it addresses the crucial test: Where do the women stand in these reconfigured ties of affinity? Likewise, the dalits, people belonging to indigenous communities, and bands of migrant labour, to whom often the world of kin ties has no meaning apart from that of the imperatives of the labouring world. In this overlapping world of religion-secularism governmental rationality is too happy with ensuring public equality only— for example declaring public discrimination as illegal— while allowing caste and clan-based power buttressed by religious sanctions, and discriminating practices in the “non-public” sphere, which does not necessarily mean private sphere. It is here where we find the particularities of post-colonial governmentality. These particularities also suggest a new mode of power that subsumes in it both theological and secular forms, because this mode of power aims to cover the entire life. As a result politics becomes “politics of life itself”— life that has both theological and secular elements.

If “kinship is the pre-condition of the human”, *babujan samaj* is one such possible new field of the human. Wherever there has been attempt to create such *samaj*, it has been treated as a crime— for violating caste, clan, property, gender, and the existing communication structure. But the fatality and the aberration— both are promising, and they require new ideas of governing the self and the society. Perhaps we can name this new mode of political existence by invoking a phrase of Michel Foucault, namely, *political spirituality*.

Notes

¹ “Mamata drags President Pranab into FDI muddle”, *Zeenews.com*, 19 September 2012 – http://zeenews.india.com/news/nation/mamata-drags-president-pranab-into-fdi-muddle_800726.html (accessed on 27 October 2012)

² “Notification on FDI in retail shocking – Mamata” , *Zeenews.com*, 20 September 2012 – http://zeenews.india.com/news/nation/notification-on-fdi-in-retail-shocking-mamata_800833.html (accessed on 27 October 2012)

³ All excerpts are from William Blackstone, *Commentaries on the Laws of England*, Book 1, Chapter 2 “Of the Parliament” - <http://www.lonang.com/exlibris/blackstone/bla-102.htm> (accessed on 28 October 2012); see also - http://avalon.law.yale.edu/18th_century/blackstone_bk1ch2.asp (accessed on 29 October 2012); see also in this regard, the path breaking essays by Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, N.J.: Princeton University Press, 1970)

⁴ Carl Schmitt wrote of this situation in his typical blunt way, “For the foundations of the parliamentary legislative state and its system of legality as a whole, it is thoroughly trivial when the substantive principles of the Constitution’s principal part are designated all the more emphatically and solemnly as holy, non-infringeable

and ‘dictator-proof.’ – *Legality and Legitimacy*, trans. Jeffrey Seitzer (Durham: Duke University Press, 2004), p. 76

⁵ Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 2007), pp. 25-26

⁶ Asutosh Kumar, “Imaginations and Manifestos of the Political Parties on Ideals of Developmental Governance” in Ranabir Samaddar and Suhit Sen (eds.), *Political Transition and Development Imperatives in India* (London and New Delhi: Routledge, 2012), pp. 121-158

⁷ Giorgio Agamben, *The Sacrament of Language – An Archaeology of the Oath*, trans. Adam Kotsko (Stanford, California: Stanford University Press, 2011), pp. 40-41

⁸ *Ibid.* p. 41

⁹ Jawaharlal Nehru, *The Discovery of India* (1946, New Delhi: Penguin Books, 2004), pp. 41-42

¹⁰ *Ibid.*, pp. 627-628

¹¹ The idea of the ‘vanishing mediator’ has a long lineage. Besides Althusser, Fredric Jameson (1973) analysed the concept, which denotes the function of mediating between two opposing ideas, as a transition occurs between them. At the point where one idea has been replaced by the other, and the concept is no longer required, the mediator vanishes. In terms of the idea of dialectics particularly as propounded by Hegel the conflict between the theoretical abstraction and its empirical negation (through trial and error) is resolved by a concretion of the two ideas, representing a theoretical abstraction taking into account the previous contradiction, whereupon the mediator vanishes. In political history we have seen social movements operating in a particular way to influence politics, until these movements are forgotten or they change their purpose. Jameson (1973, p. 78) wrote, ‘... Protestantism assumes its function as a “vanishing mediator.” For what happens here is essentially that once Protestantism has accomplished the task of allowing a rationalisation of inner worldly life to take place, it has no further reason for being and disappears from the historical scene. It is thus in the strictest sense of the word a catalytic agent which permits an exchange of energies between two otherwise mutually exclusive terms; and we may say that with the removal of the brackets, the whole institution of religion itself (or in other words what is here designated as “Protestantism”) serves in its turn as a kind of overall bracket or framework within which change takes place and which can be dismantled and removed when its usefulness is over. This is the point at which to observe that such a picture of historical change-however irreconcilable it may be with vulgar Marxism-is in reality perfectly consistent with genuine Marxist thinking and is, indeed, at one with the model proposed by Marx himself for the revolutions of 1789 and 1848. In the former it was Jacobinism which played the role of the vanishing mediator, functioning as the conscious and almost Calvinistic guardian of revolutionary morality, of bourgeois universalistic and democratic ideals, a guardianship which may be done away with in Thermidor, when the practical victory of the bourgeoisie is assured and an explicitly monetary and market system can come into being. And in that parody of 1789, which is the revolution of 1848, it is similarly under the cloak of the traditions and values of the great revolution, and of the empire which followed it, that the new commercial society of the Second Empire emerges’ – Fredric Jameson, “The Vanishing Mediator – Narrative Structure in Max Weber, *New German Critique*, 1 (winter), 1973, pp. 52-89.

¹² Giorgio Agamben, *The Kingdom and Glory- For a Theological Genealogy of Economy and Government*, trans. Lorenzo Chiesa (Stanford, CA.: Stanford University Press, 2011), p. 4

¹³ The entire report is summarised and taken from a PUDR (People’s Union for Democratic Rights) Report, *Dalit Lynching at Dulina – Cow Protection, Caste, and Communalism*, Delhi, February 2003 and re-published in Ujjwal Kumar Singh (ed.), *Human Rights and Peace – Ideas, Laws, Institutions, and Movements* (New Delhi: Sage, 2009)

¹⁴ Richard Eaton, *The Rise of Islam and the Bengal Frontier, 1204-1760* (Berkeley, CA: University of California Press, 1993)

¹⁵ Charles Taylor, *A Secular Age* (Cambridge, Mass: The Belknap Press of Harvard University Press, 2007), p. 776

¹⁶ Jürgen Habermas, “Notes on a Post-secular Society”, this text was initially written for a lecture which Jürgen Habermas gave on March 15 2007 at the Nexus Institute of the University of Tilberg, Netherlands and the English version was published on the web on 18 June 2008 -

<http://www.signandsight.com/features/1714.html> (accessed on 16 December 2012)

¹⁷ The similarity of the argument of Habermas with Rawls’ idea of “overlapping consensus” is obvious. Habermas himself notes, “This is the key issue for John Rawls when he calls for an overlapping consensus between groups with different world views to accept the normative substance of the constitutional order”. This is a reference to *Political Liberalism* by Rawls (1998).

¹⁸ Immanuel Kant, *Religion within the Limits of Reason Alone*, trans. Theodore M. Greene and Hoyt H. Hudson – <http://www.marxists.org/reference/subject/ethics/kant/religion/religion-within-reason.htm> (accessed on 25 December 2012)

¹⁹ Karl Marx, *Critique of Hegel’s Philosophy of Right* (1843-44), “Introduction”, <http://www.marxists.org/archive/marx/works/1843/critique-hpr/intro.htm> (accessed on 25 December 2013)

²⁰ For instance, Claude Markovits, *Merchants, Traders, Entrepreneurs – Indian Business in the Colonial Period* (London: Palgrave MacMillan, 2008)

²¹ Shah Bano, a 62-year-old Muslim woman of Indore and mother of five was divorced by her husband in 1978 and was subsequently refused alimony. She had no means to support herself and her children. She approached the court for securing maintenance from her husband. When the case reached the Supreme Court after seven years, the Court invoked Section 125 of Code of Criminal Procedure, which applies to everyone regardless of caste, creed, or religion. It ruled that Shah Bano be given maintenance money, similar to alimony. The case created controversy regarding the extent to which the country could have different civil codes for different religions, especially for Muslims in India. The Rajiv Gandhi government passed the Muslim Women (Protection of Rights on Divorce) Act, 1986,, which its opponents argued had diluted the secular judgment of the Supreme Court and, in reality, denied even utterly destitute Muslim divorcées the right to alimony from their former husbands

²² W.W. Hunter, *Annals of Rural Bengal* (Edinburg: Murray and Gicbb and London: Smith, Elder and Co., 1868, publication of HMSO) –

http://archive.org/stream/annalsofruralben00huntuoft/annalsofruralben00huntuoft_djvu.txt (accessed on 5 November 2012)

²³ G.W.F. Hegel, *The Phenomenology of Spirit* <http://www.marxists.org/reference/archive/hegel/index.htm> (accessed on 6 November 2012)

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