THE SECULAR STATE

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The question of the secular state has become prominent in India from the last ten years. If we take a brief glance at the history of India, we find that a secular conception of a state had been a more or less accepted principle.

A definition of a secular state is not easy. For in a definition of the secular state, its negative aspect is likely to get prominence. Nevertheless, it has a vital positive aspect. The essence of a secular state is the fact that it does not accord to any religion a privileged status. ‘Secularism’ says H. M. Jha ‘may be defined as a kind of utilitarian social ethics which seeks human welfare without reference to religion. A secular state accordingly is one that aims at the attainment of peace, prosperity and progress of the people by means of human reason alone, with the help of science and social organization’. As the secular state does not accord any special place to any particular religion, it does not have a divine sanction behind it. It implies a state independent of the idea of the existence of God and Religion. The fear of God is no longer used as a political weapon. The love of humanity is considered to be a greater incentive to political organization. This does not imply that a secular state is antireligious. All that the concept of a secular state implies is that it is not the concern of the state to favour or to propagate any religious creed or dogma. It positively implies a spirit of toleration towards all religions.

There are two views regarding the necessity of a state being absolutely secular. There are people who say that the state should not be secular and they point out the various advantages of religion in uniting the people. There are others who say that the state should not associate itself with any particular religion, and the state should be essentially secular. Let us examine both the views.

Let us examine the view, where religion confers great advantages in the historic part it has played in uniting the people. In almost all the primitive societies the priest was the head of the state. He issued orders in the name of God. He was considered to be the representative of God on earth. When the monarchical form of government was gradually evolved, it may be noted, that in the early days the monarch’s power over the people was derived from the religious source. True, in India, the King had to govern the people in accordance with the principles of Dharma, and the King was also governed by the principles of Dharma. The King is often spoken as a Demi God. Religion had a great cohesive force. In the words of H. M. Jha ‘through its common Gods and sacred places of pilgrimage, Hinduism has served as a cementing link to bind together the teeming millions of this vast subcontinent’. 

The Egyptian people were divided into castes. But they were held together by their common reverence for Osiris. Islam brought together the warring tribes of Arabia and today Pakistan appeals to the unity of the nation in the name of Islam. Thus the cohesive force of religion becomes evident in the political history of many countries.

Religion has further played a prominent part in the integration of social life. Religion in essence, seeks the promotion of happy life for all. Religion has helped the state, by curbing the anti-social and selfish tendencies. Religion has inculcated the principles of love, charity and forgiveness. They go a long way in curbing the egotistic tendencies in man. Man raises himself above the narrow individualistic outlook. Religion turns the attention of man to nobler and higher ends. The religious institutions have been great places of learning. The church was the main instrument of learning in the Medieval Europe. Religion has been the main source of inspiration to many philanthropic and educational activities. It has been asserted, quite often, that India as a nation has survived in spite of many political conquests, mainly on account of the great force of Hinduism. The prominent place which India is having in the international politics, in the promotion of peace is mainly due to her great spiritual tradition and moral vitality. Therefore it is stated by many that the state should associate itself with religion which is a great promoter of culture and harmony among the people.

Let us consider the school of thought which advocates secularism in politics. History reveals that the separation of church and the state or secularism of the state, began to gain prominence as scientific knowledge advanced. This is quite evident in the history of the West where secularism gained strength after Renaissance. The great scientific discoveries in the various branches of knowledge decreased the hold of religion. People began to interpret experience in terms of reason and Law, and not in terms of supernatural forces. Religion began to lose its hold on the common man. The gradual triumph of reason over faith promoted a secular outlook. Moreover a glance at the history of religion reveals, that the worst crimes have been perpetuated in the name of religion. Though Islam brought unity in Arabia, it brought considerable misery. It was obligatory on the Caliph to make Holy War (Jihad) against the heretics and to kill them unless they repent and join Islam. The ancient Jewish theocracy also carried on a systematic offensive against the rival cults of Palestine, Syria, Assyria and Babylonia. Everywhere theocracy, which is defined as 'Tribe or State that claims to be governed by God or Gods', reveals religious discrimination. The Laws of the theocratic state are unquestionable as they are of divine origin. A theocratic state suspects the people who differ from the religion of the state. The temporal power of the State is subordinated to the spiritual power. In fact the Popes of Medieval Europe were 'temporal princes with territorial ambitions'. In Catholic theocracy,
the heretics were punished cruelly. The Holy Inquisition frequently became an engine of cruelty. The crusades are a sad commentary on the history of religion. Hence it is urged that a state should not associate itself with any religion.

Various Political philosophers have advocated the separation of religion and State. Machiavelli Thomas More, Juan Bodin are some great writers who upheld this view. Grotius taught that the state should be based on natural or rational Law which is deep-rooted in man. The state should not be based on artificial injustice imposed from outside. In other words he upheld the view that the state should be based on Truth and Reason. This reveals the stoic influence on Grotius, in the infallible judgment of reason. The materialistic tendencies of the 18th and 19th Centuries consolidated the belief that secularism humanises the mind. The positivism of Comte, the evolutionism of Darwin and Spencer, the utilitarianism of Bentham and Mill, gave a strong impetus to the spread of the secular attitude. People turned their attention from God and Immortality to Liberty, equality and fraternity. It was firmly believed that man, with the help of reason and science, could achieve great progress and be happy, without thinking about God. Social well-being could be realised without the help of religion. We find that the development of political consciousness tends to make people to view the state as independent of Church. The highest aim of every statesman today is to secure peaceful corporate existence on earth based upon the principle of live and let live.

In India the concept of a secular state has come to the forefront from the last ten years. In a sense it is not new to India. The secular nature of the state has been in vogue from ancient days in India. Hinduism has always tended towards political neutrality, if not complete indifference. Religion no doubt has a strong hold on people. But they never subordinated the state to the Church, or vice versa. The State in India has never associated itself with any religion. The only exception to this principle was the reign of Asoka, when Buddhism was adopted as a state religion. For the propagation of religion the vast resources of the state were utilised. But this did not result in religious persecution, as in the other theocratic states of the world. In one of the Edicts Asoka says ‘The increase of spiritual strength is of many forms. But the one root is the guarding of one’s speech so as to avoid extolling of one’s own religion to the decrying of the religion of another, or speaking lightly of it. . . . It is verily the concord of all religions that is meritorious as persons of other ways of thinking may thereby hear the Dharma and serve its cause’. Even at a time when Aurangazib carried on a policy of religious persecution, Sivaji followed the Hindu tradition of toleration. ‘He rose above the contemporary rulers in our country and kept the tradition of secularism in following a liberal policy of religious harmony, toleration and equality.’ Thus the Hindu policy has always been secular and tolerance marked the main trend of Hindu polity.
The constitution of India has guaranteed to all persons a right to freedom of religion. Articles 25 to 28 deal with the right of Freedom of religion and other correlated rights. The Constitution guarantees the fundamental freedom of conscience, and the right and liberty to profess, to practice, and to propagate any religion to which he may belong. Religious freedom is guaranteed subject to Public order, morality and health. Consequently religion cannot be invoked for protecting oneself against punishment for violating existing Laws. The cloak of religion does not permit any body to commit fraud upon the public. It is quite obvious that India is a secular State, for the Indian Constitution guarantees religious liberty to all its subjects, without associating itself to any particular religion.

A secular state always being to our mind the Constitution of Soviet Russia. The Article 124 of the Stalin Constitution reads thus ‘To the end of assuring freedom of conscience in behalf of citizens, the church is separated from the state, and the school from the church, in the USSR. Freedom for religious cults to function and freedom for anti-religious propaganda are conceded in behalf of citizens’. It is true that state allows anti-religious propaganda to be carried on and it is also true that religious organizations exist only after the approval of the state. The whole atmosphere in the early days of the Soviet regime, was full of suspicion. Religion was condemned as the opium of the people, as it makes them think only of the next world and forget the miseries of the world. It was looked upon as the ‘snare’ of the ‘Haves’ to keep the ‘Have-nots’, under their subjection. Religion is condemned as a Bourgeois instrument of oppression. In the words of Vyshinsky ‘The struggle with religion is carried on, not by administrative repression, but by the socialist refashioning of the entire national economy which eradicates religion, by socialist re-education of the toiling masses, by anti-religious propaganda, by implanting scientific knowledge, and by expanding education’. Today, we find in Russia, a lot of creative activity is encouraged by the state. The state is giving great encouragement to drama, dancing, music and other fine arts. Regional cultures have been given utmost encouragement. Russia has not neglected the spiritual life of the people. The increase of the standard of life of the common man in Russia, shows, that lack of religious enthusiasm, has not in any way hindered them from establishing economic and social justice.

Perhaps a few words about the constitution of Pakistan will make us realise the anti-democratic nature of a theocratic state. Pakistan is declared to be ‘Islamic Republic of Pakistan’. The State would be headed by an elected president who must, however, be a Muslim. The Vice-President also should be a Muslim. This violates the Fundamental Human Rights of Man by not allowing a non-Muslim to be the head of the state. Only a Muslim will have all the rights including that of being the President of the Pakistan. Thus citizenship of non-Muslims is ‘at best second class citizenship’.
In spite of repeatedly declaring that it is a democratic state, and that the minorities are safe in Pakistan, the Pakistan government has not infused sufficient confidence in the minds of the Hindu minorities, about the safety of their person and property. This is indeed the latest example of a theocratic state, which is incapable of being democratic in the real sense of the term. The function of a state is to regulate public relations in a manner that would promote the general welfare, without prejudice to the freedom and rights of the individual. Therefore any discrimination based on religion is not only unjust and undemocratic, but in the long run would harm the true objective of the state.

It has been universally accepted that democracy is the best type of government, for it implies the greatest possible association of the rulers and the ruled. It is accepted that the individual can best realise himself in a democracy. The principle of democracy is not compatible with theocracy. Only a secular state can guarantee a democratic government. If a state associates itself with any particular religion, it accepts discrimination, which is the negation of the democratic principle. Only a secular state can best promote the democratic ideal of equality of opportunity and social justice. The aim of the Welfare State is to realise the greatest happiness of all its subjects, where every individual is considered to be of equal value, as an end, and not only as a means. The secular state facilitates the equal treatment of all its subjects. The state should strive to facilitate the realisation of the good life of everyone of its subjects. The welfare state which aims at the realisation of this ideal, should have a secular attitude.

A proper conception of a secular state, clearly shows, that a secular state is not anti-religious. It does not show any disrespect for religion. But it simply means the state does not associate itself with any particular religion. The secular state implies that the best traditions of spiritual life are respected. True religion, like true morality cannot be enforced. Even if a state tries to enforce religion, at best it can only refer to the outer expressions of religion. Only external actions can be enforced. That would not be a religion of a high order. Hence it is in the very interests of true religion that the state should be secular. Moreover the secularism of the state really implies not so much a rejection of or opposition to true religion, as a recognition of the limitations of the power of the state. However the secular the state may be, it is an ethical institution. Its foundations are through and through ethical. The end of the state is the promotion of the creative development of its citizens towards the fullest possible realisation of all the higher values of life. Though India is a secular state, it recognises all the higher values of religious life. In fact the policy of Panchasheela which has given India a high place in the international field is the result of the best spiritual inheritance of our great country.
BIBLIOGRAPHY

1. Augustin Fliche

2. B. Groethuysen
   ... Secularism—Encyclopedia of the Social Sciences.

3. C. Ryder Smith
   ... 'Theocracy'—Encyclopedia Religion and Ethics: Volume 12.

4. Will Durant
   ... The Story of Civilization—Age of Faith.


6. Joseph S. Roucek (Edited by)
   ... 20th Century Political Thought.

7. Humayun Kabir
   ... Science, Democracy and Islam and Other Essays.

8. Vyshinsky, A. V.
   ... The Law of the Soviet State.

9. Aggarwala O. M. Prakash
   ... Fundamental Rights and Constitutional Remedies: Volume 1 (1951).

10. "
    ... " " 2 (1954)

11. Raghavachari, N. R.
    ... The Constitution of India.

12. "
    Proceeding of the 13th Indian Philosophical Congress, Nagpur 1955.

13. "
    Modern Review for February 1956.