

REVIEW ESSAY

Religious Reason and Secular Sentiment: A Review Essay.

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The two monographs under review develop new interpretive frames for understanding secularism in colonial India and postcolonial South Asia. In *Slandering the Sacred: Blasphemy Law and Religious Affect in Colonial India*, J. Barton Scott, a scholar of religious studies, analyzes Section 295A of the Indian Penal Code, promulgated through a 1927 British law, which criminalized the “outraging of religious feelings” of any group in colonial India. In contrast, historian Neeti Nair’s *Hurt Sentiments: Secularism and Belonging in South Asia* is a comparative analysis of the changing meanings of secularism in post-Partition South Asia, from 1947 to the present day. Both works grapple with the tensions between the mobilization of feelings and sentiments and the rationality of politics and law, yet both are distinct in their conceptual frameworks.

J. Barton Scott. *Slandering the Sacred: Blasphemy Law and Religious Affect in Colonial India*. University of Chicago Press, 2023. 272 pages. Cloth, \$99.00; paperback, \$30.00; eBook, \$29.99.

Neeti Nair. *Hurt Sentiments: Secularism and Belonging in South Asia*. Harvard University Press, 2023. x + 333 pages. Hardcover, \$45.00.

On November 15, 1948, K. T. Shah, a renowned economist and political thinker, proposed an amendment in the Indian Constituent Assembly to define the new Indian republic as a “Secular, Federal, Socialist Union of States.” It was important to emphasize “the secularity of the state,” he argued, not just because of the recent “unhappy experiences” of Partition and communal violence. Defining the character of the state as such would ensure that:

No extraneous considerations or authority will be allowed to interfere, so that the relations [between citizens and the Government] . . . may not be influenced by those other considerations which will result in injustice or inequality as between the several citizens that constitute the people of India. (*Constituent Assembly Debates* 7.53.24, 7.53.31)

Shah encountered a rude shock when the assembly rejected all three terms in his amendment. The Indian National Congress leadership, who held a majority in the assembly, was keen on a centralized state, and therefore suspicious of a secular, socialist, and federal framework, which had the possibility of empowering regions and communities against the center. Yet, in his attempt to introduce the term “secular” in the constitution of independent India, Shah saw secularism as a new configuration of the

relationship between citizens and their government. In a pivotal moment of transition from a colonial empire to an independent nation-state, secularism, for him, was both a rational tool of governance and a way to reassure citizens against injustice and inequality.

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Subjecthood and Sentiment in Empire

Slandering the Sacred aims to destabilize the boundary between blasphemy and secularism by pointing out, first and foremost, that Article 295A was neither a blasphemy law nor was it strictly aimed against secular governance. “Rather,” Scott notes, “it is precisely a secularization of the British Common Law of blasphemy” (2). Article 295A deals not with offenses against religion per se, but with offenses against the “religious feelings of any class”—a legal sanction, ultimately, that protects humanity rather than divinity. In the introduction, Scott summarizes the multiple strands of blasphemy in English common law, showing that even in England, blasphemy laws underwent a long process of secularization in the post-Reformation era. Yet, secularism had a different meaning in the colony: in British India, noninterference with the religious beliefs of subjects was a question of governmentality and of avoiding violence, since colonial subjects were thought to be oversensitive regarding their religious feelings. Article 295A, Scott argues, criminalized offending “religious feelings” of subjects (rather than being a crime against God, church, or religion) due to a form of colonial governmentality that saw subjects as fundamentally driven by religious affect. Following the paradigm established by Talal Asad and Saba Mahmood in the study of religion, the book aims to shift our understanding away from frameworks that comfortably dissociate the “secular” and the “religious.”

The first part of the book focuses on the well-known controversy around an anonymously published pamphlet originally written in Urdu titled *Rangeela Rasool* (*raṅgīlā rasūl*)—the *Merry Prophet* in English, which is replete with offensive comments about the Prophet Muhammad, which led to violence in

the Punjab (chapter 2), and the legislation of Article 295A in 1927, largely in response to this controversy (chapter 3).¹ Scott interprets the *raṅgīlā rasūl* or “merry prophet” controversy as “a crisis of the public” in late colonial India, where Muslims in particular were treated by the colonial state not as a rational, deliberative public, but as a “biopolitical population”—crowds prone to emotional outbursts of violence (43, 52). Drawing heavily on Foucauldian frameworks, and on the works Partha Chatterjee and Nicholas Dirks from the 1990s, he argues that the colonial privileging of “affect” in shaping blasphemy laws was born, fundamentally, out of an approach toward controlling and governing restive colonial populations. This colonial governmentality of secularism was given legislative imprimatur by elite Indian legislators when meeting in Shimla in 1927, who also saw Article 295A primarily as a tool of crowd management. Scott privileges the interpretation of some legislators, notably Hari Singh Gour, who seemed most in tune with this colonial view. But the brief section on an alternative approach to secularism as “respect for all prophets” (67)—pioneered, among others, by Sarojini Naidu—hints at a rather different notion of secularism based on mutual respect between communities.

In part 2, the book takes a turn to the nineteenth century to explore the origins of Article 295A, given that the legal provision was first formulated by Thomas Babbington Macaulay in the 1830s. This section largely focuses on the principles of pleasure and pain that were developed by Utilitarian philosophers and lawmakers in the early nineteenth century. The individual chapters discuss the circulation of Utilitarian legal knowledge between London and Calcutta, particularly through Jeremy Bentham and Macaulay (chapter 4). Along the way, there is a curious detour into Macaulay’s private life, whereby Scott suggests a connection between private and public control of emotions (chapter 5). The discussion then turns to the changes in libel law in the public and private domains (chapter 6). The methodology of linking colony and metropole echoes Scott’s earlier work on reformist critiques of priestcraft (Scott 2016), although the chapters in part 2 are largely derived from extant scholarship, such as Stokes (1959), Ahmed (2009), and Hall (2012). Scott’s larger aim to emphasize the private and bodily aspects of lawmaking—beyond the abstraction of rationality—has value, but the relevance of this detour to the book’s argument about colonial India is not quite clear. Part 3 returns to investigating the roots of the *raṅgīlā rasūl* controversy, focusing on the Hindu revivalist movement Arya Samaj, which was held responsible for the pamphlet. Analyzing pamphlets and visual cultures, Scott explores the role of insult in Arya publications (chapter 7), the

¹ Scott uses the translation *The Merry Prophet* for the book title, while Ishita Pande (2017) translates *raṅgīlā rasūl* as “colourful prophet.” For the Hindi version of the text in question, see Camūpati (1924).

Arya mobilization of law to settle personal relations (chapter 8), and the context of pamphlets about multiple religious figures in which the *raṅgīlā rasūl* pamphlet was published (chapter 9).

By innovatively focusing on the political and legal history of the category of “religious affect,” *Slandering the Sacred* exposes the colonial beliefs regarding the bodies and minds of the colonized that underpinned Article 295A. As Scott notes in the conclusion, the obsession with offended religious sentiments is not an autochthonous growth of Indian traditions but a product of colonial governmentality, “hypermediated global affects, fully imbricated with empire in its mobile forms” (228). The book brilliantly tears apart commonplace assumptions regarding the rationality of secular law and religious affect, showing that both categories, ultimately, were produced through colonial entanglements. These achievements, along with the author’s command over a wide range of theoretical concepts and vernacular archival material, makes the work a valuable contribution to religion and law in modern South Asia.

Yet, Scott’s single-minded focus on affect, in my judgement, serves to restrict the meaning and scope of secularism in *Slandering the Sacred*. Indeed, he is so focused on secularism as the *colonial* governance of religious feelings that he does not explore how *Indians* used secularism as a form of political reason. This is clearest in the fact that the book pays insufficient attention to the political context of Punjab in the 1920s that shaped the *raṅgīlā rasūl* controversy. The Non-Cooperation and Khilafat movements, in which Gandhi had succeeded in mobilizing Hindus and Muslims, had failed by 1923, and their aftermath was a period of communal bigotry in Punjab and North India. It was this reactionary moment, when Hindus and Muslims were both trying to consolidate their numbers, which shaped the controversy (for this political context of the Punjab in the 1920s, see Jalal 2000, 187–320 and Stephens 2018, 132–54). Scott encounters the key figures associated with this moment—Gandhi, Sarojini Naidu, Swami Shraddhanand, Jinnah, and the Ali brothers—but is largely uninterested in their political roles. Naidu’s “respect for all prophets” approach, for instance, is explained away as a matter of comparative prophetology (203), when it was, in fact, a rational political calculus to forge alliances with Muslims—a typical Gandhian mobilization by bringing together reason and religion, to borrow a phrase from Sugata Bose (Bose 1998). Treating Indians as political actors—and not just recipients of colonial governance—would have created a more balanced account of the context in which Article 295A was crafted.

Scott, in other words, focuses largely on the colonial legal tradition of governing religious affect, instead of the politics that have created the context of deploying such laws, particularly in present-day South Asia. Indeed, the merit of his work is precisely to caution against any neat separation of “the political” and “the religious.” Even with that distinction in mind, however, the

political role of Indians in forging secularism needs to be given its due. The *raṅgīlā rasūl* controversy, after all, played out in the Punjab, which, two decades later, endured a bloody Partition defined by the politics of religious majority and minority, and Partition has since been critical to the history of secularism in law and politics in South Asia. The continued use of blasphemy laws in present-day South Asia is therefore more than a continuation of colonial modes of governing restive peoples: it is a key political tool to negotiate citizenship and religion in post-Partition nation-states.

Citizenship and Religion in the Post-Partition Nation-State

Not surprisingly, Partition represents the point of departure for *Hurt Sentiments*. As Nair shows, India, Pakistan, and Bangladesh have all grappled with the question of secularism and minority rights from their very origins. Developing out of her earlier work on Hindu communalism in colonial Punjab (Nair 2011) and on Article 295A (Nair 2013), Nair's book adopts a comparative approach that looks beyond the temporal threshold of 1947. In fact, the book opens with the widespread protests against India's religion-based Citizenship Amendment Act of 2019, asking why protesters evoked the vision of constitutional secularism to counter Hindu majoritarianism. But after beginning in the present, much of the work focuses on critical moments in post-1947 South Asia—Gandhi's assassination in 1948, the Bangladesh War of 1971, and the demolition of the Babri Masjid in 1992—in a project to map the changing meanings of secularism in all three nation-states.

Analyzing the defense statement of Nathuram Godse, the Hindu right-wing ideologue who killed Gandhi, chapter 1 shows that it was not so much Partition as the aftermath of Gandhi's assassination that led to the lack of safeguards for Muslim minorities in the Indian Constitution. Even though it used laws like Article 295A to combat hatred against Muslims, the Congress did not make any provisions to ensure political representation of Muslims. Nair's revisionist reading of the Constituent Assembly debates (62–70)—one of the most valuable aspects of the book—shows that the Congress, in fact, accepted Godse's charge of Muslim appeasement and backtracked from the inclusive Gandhian approach of reassuring post-Partition minorities of equality. "The substance of Indian secularism in this founding moment," Nair contends, "appeared closer to 'Muslim abandonment' than to the common right-wing charge of 'Muslim appeasement'" (75). Chapter 2 shows that Indira Gandhi's role in the 1971 war helped change popular opinion in favor of secularism in India, given that the breakup of Pakistan was seen in India as the end of the two-nation theory. But despite the addition of the word "secular" to the preamble of the constitution during Indira Gandhi's Emergency in 1976, the Congress's faith in secularism steadily waned through the 1980s. By the time of the aftermath of the demolition of the Babri Masjid in 1993, the Congress was more concerned with retreating in the face of the charge of "Hindu hurt" than in a robust defense of secularism.

The remainder of the book deals with questions of Islam and the state in Pakistan, and, after 1971, Bangladesh. Despite Jinnah's initial stance of religious neutrality, the "Objectives Resolution" in the Pakistan Constituent Assembly, with its hotly debated "Islamic clauses," opened the door for hardliners like Maulana Maudoodi to call for an Islamic state. Questions of separate electorates for minorities and the naming of Pakistan as an "Islamic republic" continued to structure debates through the 1950s and early 1960s in Pakistan (chapter 3). Yet, Pakistan's earliest lawmakers attempted to include non-Muslims in this debate, and, as Nair shows, both Hindus and Muslims from East Bengal, including Dharendra Nath Dutta and Sheikh Mujibur Rahman, found common cause in protesting against the use of Islam to impose centralized, Urdu-hegemonic rule on the Bengalis (160–66). Indeed, the embrace of secularism by Bangladesh in its early years was not "against religion," but against the use of Islam as a political weapon, as West Pakistan did during the 1971 war. In Islamabad, however, the lessons of 1971, strangely, did not lead to any rethinking on the role of Islam as a state ideology. The Bhutto and Zia regimes put in place the draconian "Blasphemy Laws"—in a sharp turn from some liberal jurisprudence of earlier decades (chapter 4). The book concludes with a view of South Asian secularism as neither anti-God nor anti-religion but based on a respect for all religions and the right for religious minorities to be equal and fearless citizens.

Hurt Sentiments stands out in the literature on Indian secularism by virtue of its comparative approach and historical sophistication. Despite the title of the book, Nair's approach differs significantly from Scott's—secularism, for her, is fundamentally a question of political reason rather than the governance of sentiments. The book is also an optimistic and timely defense of secularism as an ideology—a world apart from, say, Nivedita Menon's (2024) recent indictment of Indian secularism as a "misdirection" that overemphasizes state power. Nair's readings of specific historical moments—particularly the importance of Gandhi's assassination for India's constitution-making and the relationship between Islam and regional autonomy in Pakistan—are fresh and valuable historiographical interventions. Her comparative framework across the borders of 1947, reminiscent of Ayesha Jalal's study of democracy and authoritarianism in South Asia (1995), illuminates similarities and entanglements beyond the hackneyed labels of "secular" India and "Islamic" Pakistan. Nair notes these similarities across the book, from the epigraph, featuring Fahmida Riaz's poem "You Turned Out Exactly Like Us," to the epilogue, evoking "the threads that continue to bind the heirs of partition in a tight, even suffocating embrace" (247).

There is, however, one difference worth highlighting. Secularism, in Nehru's and Indira Gandhi's India, was an ideology to buttress centralized state power—a tool wielded as a justification, among other things, to quell regional-communitarian aspirations, notably in Punjab and, of course, Kashmir. One may even claim that, as far as the assertion of central force was concerned,

secularism once played much the same ideological role in India as Islam did in Pakistan, and Hindutva now does in India. While Nair analyzes the relationship between Islam, centralization, and regional autonomy in Pakistan with sophistication, her analysis of Indian secularism, unfortunately, remains confined to the relationship between the Indian National Congress and the Hindu Right at the center. The comparative aspect of the book would have been stronger had it moved beyond the political calculus in Delhi and addressed the role of secularist ideology in deciding India's regional and federal questions. The secularism pronounced by the Indian state, indeed, would then appear to be rather different, particularly in relation to the repression of political aspirations in Punjab and Kashmir, or, for that matter, the fraught relationship between Delhi and the politics of Dravidianism.

Has secularism, then, served to hurt political sentiments in India while assuring to heal religious ones? The question is worth asking, even with the caveat that the political and the religious cannot always be neatly separated. It is helpful here to return to K. T. Shah, who, in 1948, saw no conflict between a secular, a socialist, and a federal India. At the critical moment of India's transition from the colonial state to a sovereign republic, Shah understood that the meaning of secularism needed to be detached from its colonial roots and reinterpreted as a promise of equality of all citizens. His bid failed at the time, and the word "federal" never found a place in the Indian Constitution. But the words "secular" and "socialist," as we know, were added to the Preamble of the Indian Constitution only during Indira Gandhi's Emergency in 1976—a brute assertion of centralized power. On the one hand, therefore, this mobilization of secularism as force affirms Scott's point about secularism continuing as a form of governmentality in the postcolonial state. On the other hand, the "governmental" view of secularism has never been the sole, or even necessarily the hegemonic, one in South Asia. A parallel strand of secularism as political reason—be it Sarojini Naidu's "respect for all prophets" approach or Nair's definition of South Asian secularism as one that "respects all religions" (242–52)—has stood the test of time as an ethical and political principle.

In some ways, it is this fundamental tension—as a tool of centralized state power and as a principle of equality—that has defined the ideology and practice of secularism in South Asia. Scholarly conversations on secularism will continue to grapple with this tension, and the multiple configurations of power that produce it. Both Scott and Nair achieve much in this direction, particularly by destabilizing the old and tired boundaries between the religious and the secular and reason and sentiment. Their works make it abundantly clear that just as the governance of sentiment can be an essential part of secular law, the role of reason can be as effective in forging alliances across religious differences. And the history of secularism in modern South Asia, for both its critics and champions, remains a valuable lens to understand the entanglements between religious reason and secular sentiment.

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