

Brazil and India

Attempts at Comparisons Regarding the Relation Between the State, Religion and Society

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This text's point of departure is a configuration that makes it extremely difficult, if not impossible, to compare the situations of India and Brazil in terms of their relations between religion and politics. Their realities offer fields of study that are of interest in themselves. However, the aim of this study is to overcome two obstacles that arise from the manner in which these realities are usually discussed. According to these perspectives, Brazil and India, are often analyzed as realities that tend to generate self-referenced interpretations whose centre of gravity are certain "national dilemmas". Thus, in the case of Brazil, these dilemmas are posed by the challenges of nation building itself, and involve finding an escape route that would allow us to break with the condition of a colonized country and discover our "tradition". India's dilemma, on the other hand, is how to break with colonization, while at the same time recovering a "tradition" that corresponds to the past of a "great civilization". The contrast certainly reveals elements that structure the two nationalities, but is also problematic in that it pre-establishes the results of a comparison, given that it tends to dominate all issues.

Whereas Brazil and India tend to be regarded, in terms of "national realities", as self-referenced universes, when religion and politics are at issue the reference, curiously, is sought in an external field. Indeed, it is the scenario and trajectory of countries from Western Europe and North America, who are regarded as the heart of "modernity", that predominate as an empirical and conceptual parameter in these discussions. A proof of this is that the construction of narratives and definitions that involve the laicization of the State, the secularization of society and pluralization of the religious field, take into account the history and the imagination (indeed, much more the imagination than the whole of history) of these countries. This is why countries

like Brazil and India tend to be placed in the position of either rather lazy apprentices of these models or of exceptions or counter examples. This procedure may even be confused with the recognition of a specificity, but is rather the crystallization of oppositions that replicate – that is, reproduce without being able to question – the division between centers and peripheries.

The aim of confronting Brazil and India in the way suggested by this text is to open up fresh comparative possibilities and through them, generate instigating interpretations of these national situations.¹ In Brazilian anthropology, India has been accessed through the seminal work of Louis Dumont (1992) and the analyses that draw on it to formulate interpretations of Brazil. The path followed here to compare Brazil and India is a different one. An attempt is made to discover similarities that enable us to reposition these differences in other terms and choose analytical planes that project these similarities and differences onto a backdrop that is not reduced to - though not ignoring - the national dilemmas indicated above. But the comparison also involves the questioning of a single model of modernity, based on studies that seek to show that even in the “center” there were various trajectories, configurations and narratives of modernity (Velho 1995b; Benavides 1997). The main consequence is that Brazil and India can also be treated as part of this plural modernity and, thus, reveal its principles and dilemmas. My hypothesis is that, by modifying our understanding of what constitutes “modernity”, we also transform its relation with “tradition” – and one knows just how much the need and tensions involved in conciliating “modernity” and “tradition” are part of the “national dilemmas” of Brazil and India.

1. Modernities

What Brazil and India have in common in the way they are conceived and reflected upon is their inescapable relation with the West. However, at the same time it is the modality of these relations that explains the difficulties involved in analyzing them jointly. In Brazil, we hold the view that we are part of the West (we identify with its civilization) even though almost always

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agreeing that this is not sufficient to define us. India, on the other hand, is seen, historically and geographically, as a stranger to the West, although it became independent from a Western power much more recently than most American countries. According to M. Peirano (1992), these modalities of relation with the West are somewhat inverted but the contrast remains. Concentrating on intellectual profiles, she suggests that the Indians were able to internalize the West, producing their own version of universalism, while the Brazilians' view of universalism contemplated only the European kind, which they unceasingly sought to copy. Amongst the Western notions that Brazilians prize and adopt, is that of the "nation-state as project"; in the Indian case the same project comes up against the obstacle constituted by the social strength of "communalism" which divides the various religious communities (Peirano 1992:195-197).

In order to develop other ways of analyzing Brazil and India on a comparative basis we begin by putting these contrasts into perspective. A good way of doing this is to highlight some reflections by Indian intellectuals, such as Dipesh Chakrabarty:

Faced with the task of analyzing developments or social practices in modern India, few if any Indian social scientists or social scientists of India would argue seriously with, say, the thirteenth-century logician Gangesa or with the grammarian and linguistic philosopher Bartrihari (fifth to sixth centuries), or with the tenth- or eleventh-century aesthetician Abhinavagupta (2000: 5).

Chakrabarty completes his argument by comparing the treatment given to intellectual traditions that used Sanskrit, Persian or Arabic – relegated to history - with that afforded to Western references:

And yet past European thinkers and their categories are never quite dead for us in the same way. South Asian(ist) social scientists would argue passionately with a Marx or a Weber without feeling any need to historicize them or to place them in their European intellectual contexts (:6).²

The way found by Chakrabarty to forge an alternative to this relation is based on the idea - which constitutes the title of his book and is, according to

² We find similar considerations in V. Das (1995), when he criticizes Louis Dumont's analysis of India for obliging the Indian intellectual to "leave behind" his own tradition. The implication is that only the Western anthropologist can transcend his own ideology without needing to leave it.

the author, rooted in the experience of political modernity in a country like India – of “provincializing Europe”.

Chakrabarty, together with Partha Chatterjee, is a contributor to the intellectual movement called *Subaltern Studies*. Its participants are engaged in re-evaluating the historical narratives that articulate the West with its peripheries, taking into account the specific fashion in which modernity is experienced in countries like India. In a conference illustrated by undertakings such as the teaching of medicine in Bengali in 19th century Calcutta and the institutionalization on Western lines of Ayurvedic medicine in India, Chatterjee shows how Indians are wary of adhering to a universalist discourse:

My argument is that because of the way the history of our modernity was intertwined with the history of colonialism, we were never able to believe that there was a universal domain of free expression free from distinctions of race or nationality (2004:57). This is why “to produce a distinctively national modernity” has constituted the project of an Indian nationalism (:61).

Mentioned by Peirano in relation to Brazil, the “national project” now reappears on the Indian side. Indeed, it is possible to affirm that the preoccupation, even the obsession, with a “national project” can be found, with their specificities maintained, in various moments of the history of both countries. This obsession involves not only history, but the various ways the country conceives of and represents itself. The social sciences are a privileged loci of these conceptions and representations and are where the way the “national” changes from being a part of the problem to part of the solution can be seen most clearly (Velho 2005, 2006). Hence, one may affirm that the idea of “nation” underscores Brazil and India’s relation with the West. In one case it is the national that distinguishes a western country from the West and in the other it is the national that draws an essentially eastern tradition closer to the West. Thus, but still in terms of contrasting characteristics, Brazil and India now meet again in a game of distortions, that, once again, makes an effective comparison impossible. The crux of the problem is how to conceive Brazil and India according to categories whose development is relegated to this “West” that they, at once, draw close to and distance themselves from. This being so, any kind of alterity tends to take on the ways of an “orientalism” and produce its opposite – that is, a kind of “Occidentalism”, through which the “West” (whether on the inside or the outside) is essentialized.

How to escape from this trap which freezes alterity and essentializes difference? The related studies of Indian historian Gauri Viswanathan (1998) and the Dutch anthropologist Peter Van der Veer (2001) provide us with interesting clues that are similar to suggestions developed by Velho (2003). Viswanathan proposes “a genealogical account of the construction of the English tolerant State from its colonial provenance” (:3), highlighting issues, especially those related to the conversion, that have the same mobilizing power in Great Britain and India. Van der Veer, for his part, analyzes the simultaneous and joint constitution of two nationalisms - the British and Indian ones – during the 19th century. His study seeks to show how, in both cases, religion, race, science, gender and linguistic issues are crucial for understanding nationalist mobilizations. He denies the existence of “irreducible cultural differences between India and Europe” and proposes that “modern India and modern Britain are products of a shared colonial experience. Key concepts of modernity, like secularity, liberty, and equality are created and re-created in the interaction between colony and metropole” (:7). Announcing an “interactional” historical perspective, his intention is to overcome the limitations of both an imperial history (constructed from a western viewpoint) and a national history (and its essentialization of the native). It is not by chance that the notion of modernity occupies a central position in the studies by Chakrabarty, Chatterjee, Viswanathan and Van der Veer mentioned above. For, considering it from a certain perspective and above all operationalizing it in a certain fashion will permit us - having reconfigured their relations with the West - to find common ground between Brazil and India. In fact, the discussion of modernity is inherently controversial and it would not be appropriate here to evaluate this vast debate. Instead, we target the central point which is thematized in a text by Appadurai and Breckenridge (1995), in which they propose that modernity be seen nowadays as a global and varied experience:

Most societies today possess the means for the local production of modernity, and, as their members move around the world, these experiences inform and inflect one another, thus making even the paradigmatic modernity of the United States and Western Europe (itself not an unproblematic assumption) no more pristine. (:1)

Hence the idea that modernity should be studied on the same terms in its multiple sites, where specific historical processes join up with global

processes that articulate these sites, leading to the concept of prismatic modernities:

Prismatic modernities are local, but they are fundamentally interactive with other such structures, which taken together constitute not a network of localities, as in traditional central-place models or dependency theory, but a global structure for the continuous (and potentially infinite) flow of images and ideologies through particular sites (15).

In this redefinition of how to conceive modernity, the de-centering effort should not be confused with a flattening procedure. Modernity, to cite Appadurai and Breckenridge once again, “is not only everywhere, it is also in a series of somewheres” (2). That is, modernity does not produce itself or spread through a process of homogenization. Participating in modernity does not make the trajectories less specific nor does it eliminate the inequalities that are objectivized in geopolitical situations. A way of perceiving this appears in Chatterjee’s (2004) comment on Indian modernity, but which seems to be perfectly applicable to Brazilian modernity. According to him, Indians (and Brazilians) do not experience modernity as a triumph but as one marked by the ambiguous signs of suspicion and predicament. One can thus speak of alternative modernities (Velho 1976, 1995a, 1995b, 2005, 2007). In so doing, the aim is to show that suspicion should serve not only to maintain specificities (without making them irreducible), but also enrich, from another point of view, the understanding of modernity in general (including how it unfolds at the heart of the West itself).

So far, modernity has been discussed without defining it. Other concepts would undoubtedly be possible but insisting on modernity to refer to Brazil and India possesses the advantage of emphasizing its contemporaneity with the paradigmatic sites at the heart of the West mentioned above. In any case, modernity is very difficult to define. Fortunately, when religion is at issue, the point of departure is more secure. In this case, modernity is characterized by the processes involving the “separation” between the State and religion and the latter’s association with a domain in which one enjoys “freedom”. These requirements always take the form of a break with the past and with an environment in which a determined religion plays an important role in public space, to the detriment of the others. Once modernity had been attained, this relation between religion and public space becomes illegitimate,

accused of impeding the peaceful and egalitarian co-existence between citizens. The ideas of “separation” between the State and religion and “religious freedom” were first put into effect in Western Europe and the United States and then spread throughout the world, where they were adopted to a greater or lesser degree in different contexts.

What kind of approach is most appropriate when modernity is problematized, focusing on its relation with religion? On the one hand, one can analyze the case of Western Europe and the United States. Has the presence of religion as a public dimension always caused the turmoil that modernity accuses it of? Considering the different national situations, was the demand for separation put into effect and freedom guaranteed in a uniform manner? Did the separation sever all links between religion and public culture and promote a full isonomy between the various denominations? Are the recent crises faced by some countries³ in the relations between the State and religion only due to present circumstances which do not question the definitions established during a more or less remote past? Is it possible to link these “present circumstances” to global processes that involve the relations of these “central” countries with the “rest” of the world? To raise such questions is to suggest a kind of itinerary for the development of another vision of paradigmatic modernities. On the other hand, one may look at other places of this “rest” in an attempt to show how other modernities were and are experienced there.

It is the second route that will be followed here. The analysis is developed in two sections. The first examines how the separation between the State and religion was put into effect in Brazil and India in legal terms, beginning with constitutional definitions and followed by the manner in which the State treated religion and religious collectives in the two countries. In the second section, an analysis is presented of two historical situations that occurred during key moments of the constitution of Indian nationalism and Brazilian republicanism. The aim is to show how a link was established between public culture and particular religious references – Hindu in the Indian case and Catholic in Brazil. In both cases, the relation with modernity is reiterated by these two countries’ different way of defining “religious” space.

³ The observation applies above all to France, whose ideal of “laicity” is the most complete embodiment of modern requirement of the separation between the State and religion and is now facing serious challenges posed by Islam’s growth and the controversy regarding the so-called “cults” [sectes]. See Giumbelli (2002).

The contrasts between both countries will still predominate in the course of the discussion, but a contrast that does not presuppose essential differences and which is structured on themes and issues that could include countries with paradigmatic modernities. Hence the emphasis on contrasts may lead to the perception that there are similarities in the way modernity was adopted and experienced in these two situations. Therefore there is also no reason why the articulations between Brazil and India, instead of the contrasts, should not be explored on another occasion. After all, one must not forget that both continents took part in the Portuguese colonial venture.⁴ Furthermore, there are certainly, in Appadurai and Breckenridge's terms (1995), images and ideologies that flow continuously between sites that include Brazil and India. Indeed, in recent years, we have been witnessing a rapprochement between Brazil and India, in a movement involving the diplomatic, economic and political spheres. The aim of this text is to contribute to this rapprochement on an intellectual and academic plane.⁵

2. The State and religion in the Constitution

Considering the proposal to compare Brazil and India in terms of their relation with religion in the context of modernity, we begin with their more general legal frameworks. In the case of India the most important for our purposes is the Constitution drawn up straight after independence in 1947, adopted in 1949 and which is in force to this day. Brazil has had several Constitutions since independence in 1822, thus complicating the choice. However, as we are dealing with religious issues, there are two strong reasons for choosing the 1891 Constitution. First of all, by consolidating the rupture with the model in force during the monarchical period, it establishes a kind of agenda of points that will remain, in a more or less modified form, in subsequent Constitutions. Secondly, that rupture is characterized precisely by the adhesion to principles that are clearly associated with modernity. The same can be perceived in the Indian Constitution. However, as a first step, the aim is to show that the general legal frameworks adopted

⁴ Moreover, the word "caste" and its variants in European languages, used as a translation of the sanskrit word *jati*, was first created in Portuguese.

⁵ Besides the works of Peirano, the compilation edited by Loundo and Misse (2003) contributed to this rapprochement in a similar direction.

in recent times by Brazil and India to regulate religious issues are clearly anchored in modern demands.

Brazil, 1890. After the proclamation of the Republic, one of the Provisional Government's first steps was to decree the separation between the State and religions, extinguishing the prior regime in which Catholicism was the official religion. Liberals and Positivists subsequently disputed the authorship of this decree. What is certain is that both currents joined forces to confirm the change in the 1891 Constitution. Beginning with a preamble that does not make any reference to God, this constitutional text enshrines secularizing principles and seeks to guarantee "equality" and "freedom" in the organization of religious institutions and devotions (Scampini 1978; Giumbelli 2002). Schematically, we had the following articles:

- (a) Arts.11§2 e 72§7: separation between the State and religion, enunciated in negative terms (the State should neither hinder nor establish religion);
- (b) Art.72§3: freedom of worship and religious association as a fundamental right;
- (c) Art.72§28 e 29: non-validity of religious criteria for the exercise of civil and political rights;
- (d) Art.72§4: civil marriage;
- (e) Art.72§6: secularization of public cemeteries;
- (f) Art.72§7: lay teaching.

India, 1947. The end of colonial domination coincided with Partition and the traumatic events that saw the exodus of vast masses to Pakistan.⁶ In the Indian case, the main protagonist of the independence movement, together with Gandhi, was the National Congress, a political group led, amongst others, by J. Nehru. Nehru, who was also Prime Minister between 1947 and 1964, had strong Enlightenment and socialist references, and although the importance he attributed to religion in the dynamics of society varied during the course of his life, his conception of the State was always based on the ideas of separation and guarantee of religious freedom. The constitutional text reflects the Congress Party's, and especially Nehru's, secularizing ideas (Madan 1997; Mitra 1991). Religious freedom was supported by the following articles:

⁶ Five and a half million Muslims crossed the border into Pakistan; a slightly smaller number of Hindus and Sikhs did the opposite; the conflicts claimed between 400 and 500 thousand lives and between 40 and 50 thousand women were abducted (Metcalf and Metcalf 2002).

- (a) Art. 25§1: personal freedom of consciousness and the right to profess, practice and propagate religion;
- (b) Art. 26: collective freedom of religion through the establishment of religious institutions.

Separation was enshrined in these other articles:

- (c) Arts. 15, 16 and 29: citizenship rights independent of religion and equality of access to educational institutions maintained by the State;
- (d) Art. 27: prohibition on the establishment of taxes whose revenue would be destined to specific religions;
- (e) Art. 28: no religious instruction should be provided in any educational institution wholly maintained by state funds.

It is also important to record that, in 1976, the preamble to the Indian Constitution, which had never made reference to religious entities, received an amendment that reiterated the “secular” character of the Republic.

Having demonstrated this link with modern demands regarding religious issues, it is necessary to broaden the scope of observation to perceive how the State treated religion in the course of the republican history of both countries. This requires some comments on the religious field itself, given that interactions are established between its protagonists and forms of State regulation. One will see that religion did not cease to hold an important place in society and in the preoccupations of the State. Would it be possible that here lies the proof that Brazil and India cultivated a façade of modernity restricted to the irrelevant declarations of its constitutional provisions? This does not seem to be the case. Firstly, because subsequent developments do not directly negate constitutional provisions, but involve certain interpretations and re-significations of these provisions, amongst other actions. Secondly because the need to regulate religion is recognized by modernity itself when it presupposes the existence of a specific sphere that corresponds to the “religious”. Thus, what must be examined, is the way this regulation was put into effect, a quest that is justified in any situation that is referenced by modern concerns.

In the case of Brazil there was an attempt, immediately after the promulgation of the Constitution, to regulate Article 72§3, that dealt with religious associations. The attempt resulted in Law 173, of 1893. However, during its passage through congress, the regulation proposal ended up with a wider purview. Law 173 dealt not only with religious associations, but also those with “moral, scientific, artistic, political or merely recreational” aims. This

transformation had important implications. The law that had been intended specifically to govern associations with religious aims ended up conferring an undifferentiated legal status on associations of various kinds. This lack of a differentiated legal status interfered with the principle of separation: as there was no mechanism to distinguish between the “religious” and other associative aims, the relation with the State that was forbidden in the first case could be established using other channels. The first Civil Code, which came into force in 1917, enshrined the same solution, making no distinction between religious associations and other non-profit institutions. Although some subsequent regulations (in the associative and especially taxation domains) established certain differentiations, the general pattern of legal indistinction was maintained (Giumbelli 2002).

Another general characteristic of state treatment is that it is rarely directed at specific denominations or universes. This contrasts clearly with the way the religious field was configured during most of the 20th century. This field became pluralized but each of its segments maintained differentiated relations with Brazilian society and the State. The Catholic Church, though deplored the separation, took advantage of religious freedom to strengthen and unite its network of institutions. Moreover, it sought to mobilize its institutions to reinforce its influence on the population. Spiritualist and Afro-Brazilian groups, although occupying a consolidated position in the field, found it extremely difficult to conquer legitimacy, due to their association with “witchcraft” and/or “lack of civilization”. Indeed, some laws, breaking with the pattern indicated above, were aimed specifically at these groups or their practices. Finally, the Protestant churches conquered a progressive independence in relation to foreign missionary work and organized themselves in various denominational configurations. With the exception of some projects in the social area (especially in the educational field), they concentrated their efforts on congregational activities and on their followers’ demand for religious commitment. The image of a “Catholic country”, in this context, acquired a certain plausibility, although the State had only the category of “religion” to relate to this society.

We now pass on to India and return to the Constitution to highlight two points that did not appear in the first analysis. In it, alongside references to religion in general, there is a specific reference to Hinduism when religious freedom is defined: the latter should not prevent the State from interfering in

Hindu institutions in the interests of “social reform” and to guarantee the access of “all Hindu classes and sections”. Furthermore, two articles recognize the interests of groups or minorities: Art. 29 confers on “groups that possess a distinct language, writing or culture” the right to preserve them and Art. 30 guarantees the right of “religious minorities” to establish educational institutions. Some authors (such as Madan 1997 and Rudolph and Rudolph 2000) call attention to a tension between these two provisions and those presented previously. It is true that the two groups are governed by different principles. But only a narrow idea of what should be the relation between a modern State and society would make them inherently contradictory. A proof of this is the contemporary debate between “liberals” and “communitarians” in political philosophy (Kymlicka 1989) and the ease with which one can recognize that the tension between individual and collective rights is not recent in many modern legal arrangements.

One may affirm that there is a consonance between these two constitutional provisions and the way the Indian State treated religion, that is, focusing on specific and differentiated religious collectives. Since independence, the possibility of instituting a Hindu Code Bill had always been considered. Legislative discussions during the 1950s resulted in four distinct codes that reformed the norms applicable to Hindus in matters covering marriage, divorce, succession, inheritances, adoption, property and the definition of the family. During the 1980s, the government proposed a bill to regulate these matters that became the *Muslim Women Act*, confirming that the rules adopted by Muslims in certain civil domains were valid. This legislation followed a Supreme Court decision that ruled against the application of these traditional rules.⁷ Analyzing this series of actions as a whole, one can see that the Indian State made significant religious distinctions in its treatment of social issues. This is one of the reasons why India does not possess a unified Civil Code, despite the fact that the latter had also been provided for by the Constitution (Art. 44).

Before Partition that also created Pakistan, Muslims constituted nearly 40% of the population of the British colony, a figure that fell soon after to 14%, approximately the same as the present percentage (Mitra 1991). Even so, they are quite numerous in many Indian cities, and are even the majority in some

⁷ The Shah Bano case, cited by many authors (e.g., Rudolph and Rudolph 2000).

regions. This is the case in Kashmir, that has a differentiated status among Indian states – confirming the treatment of religion based on denominational specificities (Madan 1997; Freitag 1996). Other minorities, in numerical terms, are formed by the Sikhs, Buddhists, Jains and Christians. Of these, one should highlight the Sikhs, whose concentration in the Punjab has also influenced state policies towards that region. The development of Hinduism in India is marked by diversity, with its many organizations, devotions that are references of a millenary tradition and the effects of its diffusion throughout a country with more than 1 billion inhabitants, 18 official languages and strong regional traditions are explicit. In any case, the official statistics of the end of the 20th century classify 83% of the population as Hindu (Lopez 1995).⁸ However, considering the legal vocabulary and operations of the Indian State, even the group that constitutes the religious majority can only receive treatment based on the notion of “minority” or “specific group”. In other words, although the legal framework recognized instruments that allowed the State to deal in a specific and differentiated manner with religious collectives, it did so ignoring the differences between majority and minority.

3. Two episodes and their general revelations

We began by selecting two constitutional frameworks, partly because, more than any other reference, they reflect the adoption of the requirements of modernity in the case of religious issues. After examining the nature of the legal practices that governed the state regulation of religion in both countries, it is important to observe that there is a continuity between these legal practices and past situations and that these past situations also engaged in a dialogue with modernity. In the Brazilian case, despite Catholicism's status as the official religion of the Empire, other religions were legally afforded a certain degree of freedom and protection. Thus, there was a place for religious pluralism beyond Catholicism, as evidenced by the legislative use of the category of “a-Catholics”. One notes a continuity between this category and the way the republican State uses the notion of “religion” with both being marked by indifferentiation (Giumbelli 2002). In the Indian case, on the other

⁸ These figures include the outcast groups in the Hindu population, which is a source of controversy in India (Madan 1997).

hand, one should remember that the British government, which was linked to Anglicanism in the metropole, sought to adopt a neutral stance regarding religious issues during most of the colonial period. Even so, many colonial legal practices reiterated “the assumption of separate communities as the fundamental building blocks of Indian society” (Metcalf 1999: 134). Thus, divisions that took religious collectives into account were officialized in electoral systems, census categories, in the codification of Hindu and Islamic family laws and demographic surveys (Madan 1997; Rudolph e Rudolph 2000; Van der Veer 1994; Dirks 2001).

The similarities regarding certain continuities with their respective pasts should not however obfuscate the profound difference between the republican period in Brazil and the post-independence period in India. In India, independence marked both the consolidation of a debate around the notion of secularism and the attempt to resolve the religious problem that had been one of the causes of Partition and conflicts between the natives during the colonial period. This debate is still raging today with a passion that mobilizes energies comparable to those generated by the notion of “laicity” in France. Permeating the many ways of conceiving it, there is a generalized consensus regarding the crisis of secularism (Madan 1997). In Brazil, on the other hand, although certain religious issues participated in the definitions of the nascent Republic, they did not leave a legacy in social thought and debates. Today, there are many who detect the lack of a clear definition regarding religious freedom together with an incomplete separation between the State and religion. But the terms that could define and guide such a discussion have not yet been developed.

In India, the current state of tension between religious collectives is a constant reminder of the role of religion in the nation’s formation; in Brazil, the production of this forgetting is tied up with a vision that finds it difficult to recognize the conflict associated with religion.⁹ The remainder of this text seeks to diminish this contrast by analyzing moments that are part of national origins. We will continue to examine the case of India with the help of a dramatic episode linked to the Cow Protection Movement, that occurred in 1893 and became an important chapter in Indian nationalism’s memory. And we will continue to talk about Brazil by examining an episode that occurred

⁹ On the theme of the forgetting of origins, see Chatterjee (1999).

in 1891 - thus at the dawn of the Republic era - involving a protest against the presence of sacred images in a state location. Significantly, sources of information regarding this event are scarce. Besides diminishing the contrast between the two countries regarding the memory of their origins, the analysis of these two moments will also show how, in both India and Brazil, certain links between the State and specific religious traditions are forged, even though the recognition of such links is not part of the same legal mechanism that usually governs the State's treatment of religion.

The Cow Protection Movement is structured during the 1880s with the creation of many associations linked to the cause in the northern region. The cow occupies an important place in Hindu devotions – symbolizing a certain ideal of motherhood, as it is associated with Krishna, and the consumption and handling of its meat and by-products is endowed with crucial meanings in the caste system. And, at a time when disagreements are occurring between traditionalists and reformists, the movement managed to overcome these divisions. The cow protection associations had ritual concerns, in the sense of keeping certain practices centered on the cow cult alive. Moreover, they submitted petitions to the colonial authorities and engaged in actions – for example, maintaining shelters for cows and threatening those Hindus that did not repurchase the cattle they had sold to butchers with caste excommunication, boycotts and fines. But the event that galvanized the movement was a 1888 provincial high court decision that ruled that the slaughter of cows (and dairy cows in general) was not covered by an article of the Indian Penal Code that protected “objects deemed to be sacred”.

It was in 1893 that the most violent reactions associated with the Cow Protection Movement were recorded. They are concentrated around the period which Muslims dedicate to a festival ('Id) that celebrates Abraham's sacrifice and involves the sacrifice of animals, that may be cows or goats. Thus, as described by the historian Sandria Freitag (1996):

... on the occasion of the 'Id in 1893, crowds as large as five and six thousand people would march for hours to gather in front of a compound, hoping to pressure a Muslim landlord who planned to sacrifice a cow (:218).

Following a similar pattern, various conflicts between Hindus and Muslims resulted in more than a hundred deaths, and spread to regions that included the western provinces, Bihar, Oudh and as far as Rangoon, in Burma.

Other violent episodes took place during the 1910s, but were not as serious as those that had occurred in 1893. The episode's commentators draw attention to the conflict's dissemination over a vast area and the involvement of Hindus in very diverse social and economic situations. Indeed, the cows' cause led to the establishment of wide-ranging networks, due to the creation of specific associations and the involvement of religious traditionalists and reformists. Moreover, the cause articulated an opposition to the colonial authorities who were incapable of recognizing the sacred character of cattle, and a conflict with Muslims, whose religious acts led to the sacrificing of cows. For these reasons, one may affirm, along with Mitra (1991), that "religion became an overarching symbol of new community formation and political struggle to establish separate communal identity and to stake out territorial claims" (:763). During this process, with an emphasis on the association between the animal and maternity (*gau mata*, literally "mother cow"), a powerful image is constructed linking religious symbols, family vocabulary and the imagination of political communities.¹⁰

After this, how can one ignore the significance of the inclusion of a provision in the Constitution, in Article 48, forbidding the slaughter of cows and other kinds of dairy and traction cattle? Supporters of the cow cause could be found among members of the Congress movement (Metcalf and Metcalf 2002). Nehru was not amongst them and it was due to his insistence that a secular reason was added to explain the prohibition (Madan 1997). It is true that the prohibition was not much respected in practice – so much so, that in the 1950s a bill to regulate it was put before parliament, without producing the intended legislation (Mitra 1991) –, but its inclusion in the Constitution demonstrated a certain commitment on the part of the Indian secular State to a cause associated with Hinduism. Other signs appeared when one observes the postures assumed by the Congress Party, the supposed legatee and protector of the Indian State's secularism. Thus, the *Bande Mataram*, a poem with strong Hindu characteristics written by a 19th century Bengali nationalist, was chosen to be the national anthem (Van der Veer 1994: 125). And straight after independence, in the state of Gujarat, a Hindu temple was rebuilt on the site of a former mosque (Van der Veer 1994: 146ss).

¹⁰ On the Cow Protection Movement , see Van der Veer (1994), Freitag (1996) and Metcalf and Metcalf (2002).

When the links between the national Indian project and Hinduism are at issue, it is important to comment on Gandhi's place. We must remember that for Gandhi, cow protection constituted a central characteristic of Hinduism and he regarded it as "a fundamental symbol of harmony in the cosmos, of plenitude in this world and compassion in social life" (Madan 1997: 231). This interpretation, as Van der Veer (1994) suggests, reveals a great deal about Gandhi's positions. The attempt to produce an inclusive spirituality, able to accept and recognize devotions belonging to other religious traditions, does not erase the political marks of Hinduism. Thus: "we cannot fail to notice that Gandhi's pluralist nationalism retains a Hindu character, inasmuch as it emphasizes the spiritual superiority of the protection of one's mother in comparison to her sacrifice" (:95). If the argument presented up to this point makes sense, then the distance that Madan sees between Nehru and Gandhi may not be, as put forward by Van der Veer, so great. It is true that they embody different positions regarding the relation between religion and politics. But, in the case of the relation between religion and the nation, it is as if they indicated both facets of the same option. That is, in the Indian State the ideal of secularism is allied with a commitment to a certain version of Hinduism that claims to be inclusive and tolerant, but whose followers, we must remember, can only be treated legally as a "minority".

The main character of the episode that brings us back to Brazil was not a movement but an individual, although the reasons for his protest were anything but individual. In May 1891, Miguel Vieira Ferreira, on reporting for jury duty found a crucifix hanging on the wall. of the courtroom located in one of the federal capital's central streets. Finding this state of affairs completely unacceptable, he makes a written request for the object to be withdrawn. In the ensuing months, Ferreira writes articles for newspapers defending his positions, which were later compiled into a book.¹¹ Ferreira was a Protestant pastor who, a few years earlier, had founded the first Brazilian Evangelical church (that is, it was not the offshoot of foreign missionary ventures), of which he was leader. His viewpoints articulated secularist and religious arguments, constituting both a defense of the separation between the State and religion and an attack on "idolatry". However it is not his positions

¹¹ Ferreira (2001). For a detailed analysis of the case, that examines opinions published in several Rio de Janeiro newspapers and the official statements, Giumbelli (2003).

but the reactions to them which are the most relevant for our discussion. They came in the shape of a ministerial warning, a legal opinion and articles published in the national press. Ferreira had no allies in this controversy (with the exception of a certain strand of supporters of Positivism). The opposition to his request revealed the logic of opinions that associated public space with certain religious marks and assented to the public presence of their symbols.

One can recognize three different kinds of arguments in the motives alleged in positions adopted in the press to disparage the request to remove the religious symbol from a state location. The first of them was directed at those who did not believe in the symbol. The crucifix was seen as a mere adornment, a decorative element or art object, so that the image would not disturb them in any way. The second group of arguments was addressed to those who venerated the crucifix and, besides religious reasons, would, if they were judging find in it a symbol of justice, or if they were those being judged, an element of consolation. The last one highlights another dimension that refers to the nature of the nation or of most of its inhabitants: both bear the mark of Catholicism. It is this type of argument that provoked the strongest reactions, such as the one published by the *Jornal do Brasil*, in which it is suggested that the pastor move to another country, “because here (...) in nearly all homes, in many shop windows, and even in the stores of the Turks (Sirian or Lebanese immigrants) one may find the figure that distresses you so much”. Three days later, the same newspaper published an article lauding the spirit of tolerance that permeates national customs. After seeking to justify why the image present in the jury room represents Christ and not some other figure – it is the only one that all can recognize and also serves as a warning to judges –, the article offers a reason of “public order” to keep it there: not to offend “the susceptibilities of many or of nearly all the people who inhabit this Christian and Catholic country”.¹²

Official declarations employed the same arguments as those found in the press. Look at what the Minister of Justice said in his official statement of May 5: “(..) I must tell you that such a request is simply an act of fanatical intolerance, for the presence of that image, which for Catholics is divine and for a-Catholics, is at least, that of the founder of a religion, of an

¹² Apud Ferreira (2001: 106).

extraordinary philosopher, worthy of the respect of all civilized men, does not offend anyone's beliefs".¹³ The prosecutor of the Civil and Criminal Court, in an opinion issued in December of the same year, reminding everyone that it is the role of the State to assure that each citizen respects "the practice and symbols of religions that are different from the one they profess", observes that the pastor's request could also be used by the followers of other religions to protest against a lack of respect for their symbols. Thus, says the prosecutor, as most judges are Catholics, they would demand the maintenance of their symbol. Moreover, for the defendant, removing the crucifix would deprive them "of comfort in their misfortune and the encouragement to hope". Also, taking Ferreira's argument to extremes, religious symbols should be demolished even in cemeteries, which would not be feasible. The text concludes by denying that the image of Christ constitutes a coercion of conscience: "Intrinsically religious virtue can only act in the animus of believers; for others it will only have a salutary esthetic effect (...)"¹⁴

All the arguments presented – by the press, feature writers and authorities – agree in their assessment that Ferreira demands too much. Either because he protests at an object that shouldn't affect him and affecting only others can only constitute something useful, or because he seeks to take an accepted principle to its extreme, not recognizing the fact that he lives in a country whose population, time and space are marked by Catholicism. It is noteworthy that the principle of separation is not denied (in contrast to the behavior of Catholic authorities of the time), but made compatible with the privilege granted to a specific religion, allowing it to maintain its symbols in public or State places. Thus, it was not necessary to wait until the 1930s – the landmark, according to various scholars (eg., Della Cava 1975), of a neo-Christianity – for this privilege to be recognized. Such a recognition allows one to understand the measures adopted since the 1934 Constitution that have constituted a breach in the principle of separation (the permission for "cooperation" on specific issues between the State and churches, the civil validation of religious marriage, religious classes in state schools, the institution of religious holidays) as being based on the presupposition that they were destined or applied, if not exclusively, at least on a priority basis, to Catholicism.

¹³ Notification from the Ministry of Justice, 05.05.1891, *apud* Ferreira (2001: 56).

¹⁴ Legal opinion by Antonio Pitanga, 21.12.1891, *apud* O Apóstolo 06.01.1892.

Thus, there was no need to deny the secularism of the State nor abandon the generic (non-specified) use of the category of “religion”.

4. Final considerations

Therefore, Brazil and India have something more in common than the presence of religion in decisive moments of their nation building. There is also a certain alignment of the State with the religion of the majority, without rejecting the principles of separation and the more general legal mechanisms of the state regulation of religion. There is even more, given that Hinduism and Catholicism, in the respective contexts of India and Brazil, are associated with the notion and even the promotion of “tolerance”. A historical co-existence with diversity, high capacity to absorb differences and a strongly syncretic profile – constitute recurring representations of Indian Hinduism and Brazilian Catholicism and which, in terms of political analyses and projects, would qualify them for the role of structurers of a kind of national ethnicity. Thus, it is interesting to perceive how various commentators seek to specify this tolerance, linking it to certain historical processes and pointing to the view of pluralism that accompanies it. According to these commentators, Hindu and Catholic tolerance is committed to an assimilationist and hierarchical perspective, enabling it to co-exist with diversity and even derive nourishment from it, as long as it maintains its position as the system's ordering principle and the only one able to represent it fully.¹⁵

As these are historical processes, what was happening at the end of the 19th century in relation to this picture? It can be affirmed that, in both countries, there are movements that challenge the arrangements we have been describing. In India, certain mobilizations linked to Hinduism and committed to political projects accused governments of practicing “minoritism”, that is, according to this view, favoring minorities (especially the Muslims) and refusing to accept that Hindus constitute the “majority” of the Indian nation. These mobilizations cultivate a version of Hinduism that is at variance with the one developed by Gandhi, as they are less committed to tolerance and inclusivism. In Brazil, a similar hardening of positions can be noted in

¹⁵ For India, see Madan (1997), Van der Veer (1994), Pandey (1999) and Jaffrelot (1996); for Brazil, see Soares (1993), Sanchis (1997), Burity (1997) and Birman (2003).

the Protestant universe. One of the characteristics of this mobilization is the readiness to dispute, using several means, including politics, the spaces and meanings which are deemed to be the generic domain of “religion”. In evangelical churches and on the part of their leadership, the denunciation of images is not limited to words, as in the case of Ferreira, but encourages actions that affect adversaries directly. Thus, in both Brazil and India, the question is: is an alternative to the assimilationist and hierarchizing pattern being developed under the sponsorship of fundamentalist movements?

This issue deserves a separate analysis, beginning with an investigation of the category “fundamentalism”, in the context of its formation (that is, the United States during the first decades of the 20th century), and of its relation with modernity.¹⁶ But I believe that the basic perspective has been sufficiently outlined in this article. One can summarize it as follows: the specificities that characterize the situations of Brazil and India are not a consequence of their exclusion from modernity, but are due to the way they have incorporated and developed it. In relation to the issue of religion, the importance and scale it acquires in both countries should not then serve as an indicator of modernity’s absence. On the contrary, the link between the State and religion, involving Catholicism in one case and Hinduism in the other, can foster the broadest kind of reflections on the proficuous relation between national formation and religious references (Van der Veer e Lehmann 1999). In another dimension, the configurations produced in Brazil and India can be associated with the forms and dilemmas of regulation of the religious in modernity. In Brazil, the religious was defined legally as a generic domain, whereas in India, the reference to norms and collectives that are specific to a tradition occupied an important place. In India, the link between religion and social conflicts is foundational; in Brazil, religion tends to be seen as an integrating force. And these alternatives result from interpretations and experiences of modernity, that, on the one hand, recognize its principles and on the other, derive forms of development that are different from those generated in other modernities.

Given the complexity of the issues and realities they address, the analyses presented here are merely tentative ones. They are the result of a gaze that is limited by the current possibilities of a comparative study of Brazil

¹⁶ In Giumbelli (2007), I present this analysis, albeit very briefly in the case of India, as the text focuses on understanding Brazilian reality.

and India. It would be very useful if they could be developed with the help of fieldwork in both countries. But as a first step it seems to be crucial to create the conditions for a renewed contact between Brazil and India. The distance between the two countries, evidenced in the case of this article by the adoption of a bibliographical strategy, takes various forms. It is not only geographical but is above all epistemological. That is, what is at issue is not only the difficulties of obtaining access to India from Brazil – difficulties that include the availability of bibliographical material in libraries. What is a stake is the constitution of a possibility of knowledge, in order to make this rapprochement between Brazil and India conceivable and productive – not only to generate interpretations of each country's situation, but to seek new perspectives on a modernity that is necessarily multi-faceted.

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Abstract

The aim of this text is to produce a rapprochement between Brazil and India that takes the idea of multiple modernities as its reference. The terrain chosen is that of the relations between the State, religion and society. The first part of the analysis examines how the separation between the State and religion was put into effect in Brazil and India in legal terms, beginning with constitutional definitions. In the second part, an analysis is presented of two historical situations that occurred during key moments of the constitution of Indian nationalism and Brazilian republicanism. The point is to show how a link was established between public culture and particular religious references – Hindu in the Indian case and Catholic in Brazil. In both cases the relation with modernity is reiterated by these two countries' different ways of defining "religious" space.

Keywords: nation, modernity, religion

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