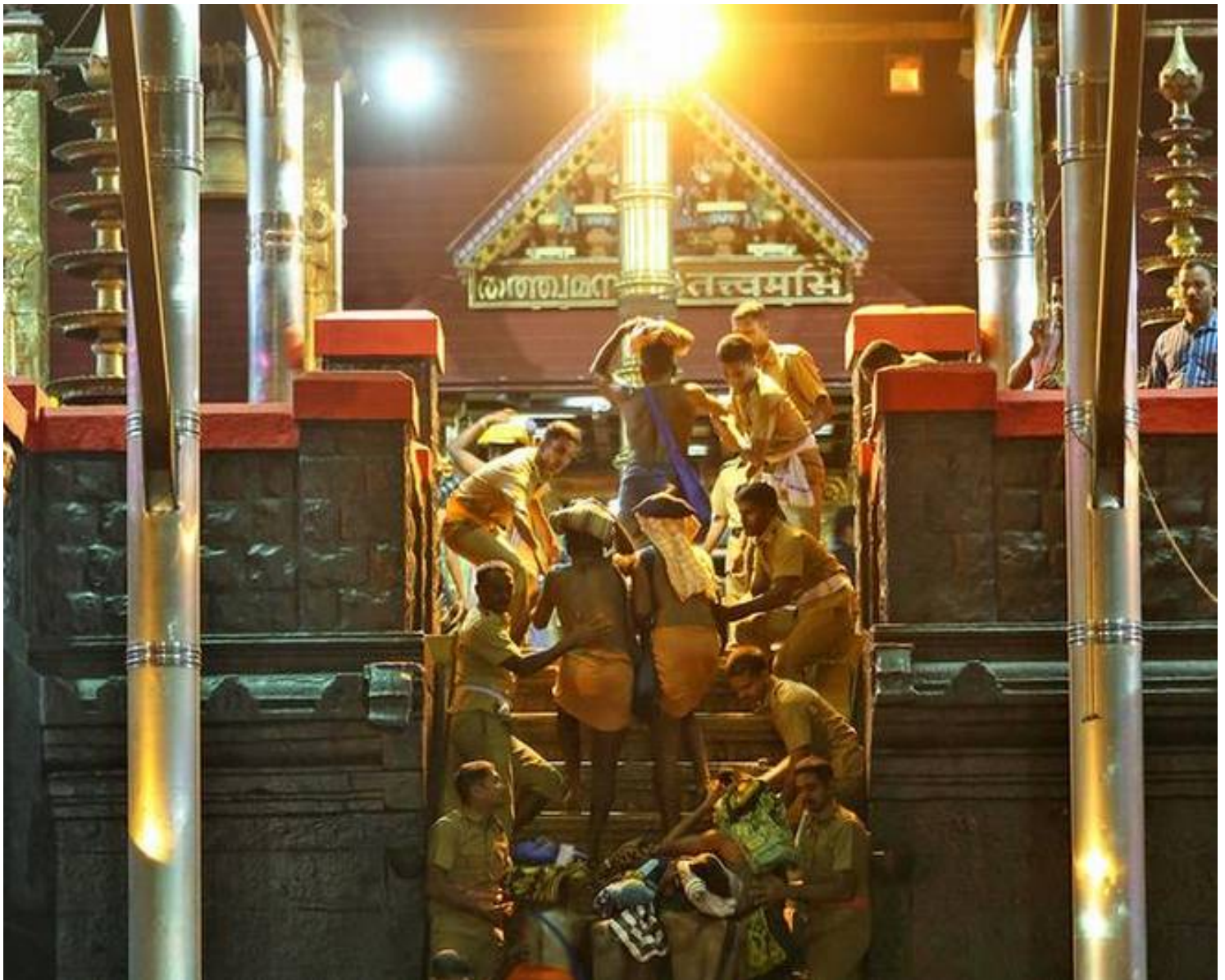


COMMENT

God cannot be privatised



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THE  HINDU

Examining the implications of the observation in the Sabarimala case that a temple is not a private space

A recent observation by the Chief Justice of India (CJI), Dipak Misra, while hearing the case relating to the ban on women aged 10 to 50 from entering the Sabarimala temple in Kerala, comes at an appropriate time, soon after the release of the contentious list of Institutions of Eminence by the government. Interestingly, many issues relating to access to temples are also relevant to a debate on the excessive privatisation of education. It will be useful to understand the implications of the claim that temples cannot be private places.

The CJI observed that the temple draws funds from the Consolidated Fund, is a “public place of worship” and that there is “no concept of private mandirs”. Justice D.Y. Chandrachud said that the “right to freely profess, practise and propagate religion” is a constitutional right. Although the final judgment has not yet been delivered, these observations are extremely important for a public discourse on this contentious topic.

Private and public

In what sense is a temple not a private space? The argument that the temple takes public funds should be understood more broadly. There are many public institutions, including major scientific institutions and government buildings such as the legislatures, which subsist on public funds but do not allow everybody the right of entry into their premises. Moreover, there are temples (and other religious places of worship) which do not take government money. Can they claim that they are private?

I do not think so, for two reasons. One, they are allowed to collect money from the public; and two, more importantly, they collect money in the name of various gods. Unlike a business transaction, which can be protected as private, this privilege cannot be extended to a place of worship primarily because the divine is not a commodity which can be transacted in any exclusive manner. Any demand for the right to privacy in a place of worship will ultimately imply the privatisation of god.

The observations above link the right to worship to the right to enter a physical space. Why should this be the case for prayer but not for other public institutions? In the case of the Sabarimala temple, it is not just the link between the right to pray and the right to enter the temple space because the restriction is only applicable to menstruating women. Thus, the right is primarily the right of (possibly) menstruating women to enter the temple. This is not the same as the right to worship or even the right to enter a temple. It is more about not differentiating between menstruating and non-menstruating women in a public space and for a public activity.

However, the interesting observation here is that temples are not private spaces. Just this remark alone is not enough since there are many public spaces which have restrictions on who can enter. So, what really is the implication of the claim that a temple is not a private space?

Land ownership and use

This claim decouples the accepted norms of private land ownership from the use of that land. Let's suppose that an individual buys a plot of land as a private property and then builds a temple within that property which is open to the public. How do the private rights of that individual get erased the moment a temple is built there? What is the conflicting relationship between the presence of a temple and the doctrines of private ownership?

The clue to this conflict lies in a particular notion of god which is needed to understand the full implications of this relationship between god and privacy. This notion is that god is a public entity, the most public entity. God is the best example of the idea of 'public' since god is, by definition, accessible to all. Praying to god does not require entry permits or a license from anybody. This is only because god is, in principle, available to all on equal terms. God may be 'housed' in a temple (or any other place of worship) but cannot be imprisoned and restricted to that private space alone. It is the omnipresence of, and egalitarian access to, god that this observation rests upon, even if it is not declared in such a manner.

A temple or any place of worship cannot claim a right to the deity who is being worshipped in that place, since the deity by definition is present to all at all other places. God is not an entity who can be privatised and put under the control of certain individuals or communities or some dominant males. Equivalently, god really has no privacy, nor can any human claim 'copyright' over their gods. Even rituals cannot be privatised and copyrighted since they are also done for god, a public being. In the case of the god of Sabarimala, he is worshipped in countless temples outside Sabarimala where women of the proscribed age group can enter. He is also worshipped by women of this age in their houses. Thus, all the arguments about celibacy invoked in this context are attempts to impose concepts of the private on a public being.

Redefining public

Based on this argument, we can redefine 'public' in such a way that it can override the private. We are living at a time in which the private has entered most domains of the

public, and, in doing so, has radically displaced the positive possibilities of the public. My argument that the temple is not a private space because of its dependence on the idea of god as the supreme 'public entity' has an important corollary. Other such public entities that are present within the confines of a private space also have the 'right' to dismantle the privacy of that place. If this is so, what other public entities can negate the privilege of the private?

If there is one important idea similar to god and prayer, it is that of education. Like prayer, the right to basic education is also a constitutional right. It is not an accident that places of learning such as schools, colleges and universities are often referred to as temples of education. Education, like god, should be accessible to all, irrespective of gender, caste, class or any other obstacle. But what we have done is build private temples of education which are all about keeping some people out – the underprivileged. Hopefully, the public discussion around entry into Sabarimala will help open the doors to the temples of education to the millions who are denied that entry on so many counts. And if god should not be privatised, education, water and air, among other public goods, should also not be privatised.

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