

CONSCIENCE, COMMON GOOD, AND CIVILISATIONAL CONSTITUTIONALISM: A CRITICAL APPRAISAL OF INDIA'S CONTESTED TRANSFORMATION THROUGH THE LENS OF COMMON GOOD CONSTITUTIONALISM

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Abstract

India's contemporary civilisational moment is defined by a contested triangulation among social conscience, cultural critique, and transformative nationalism. The rise of civilisational discourse—most prominently articulated through Hindutva ideology and its vision of India as a Rashtra rooted in ancient cultural memory—has generated profound tensions with the pluralist, rights-based commitments embedded in the Indian Constitution. This chapter argues that Adrian Vermeule's Common Good Constitutionalism (CGC) provides a productive, if critically deployable, hermeneutic for evaluating this contested transformation.

CGC departs from liberal constitutionalism's insistence on procedural neutrality and individual autonomy, positing instead that law must orient itself toward substantive human flourishing grounded in classical natural law tradition. Paradoxically, this makes CGC simultaneously a potential interlocutor and a critical corrective to Indian civilisational nationalism: both reject liberal neutrality, yet CGC's commitment to the common good—encompassing minority protection, institutional rationality, and the subordination of majority will to genuinely shared flourishing—directly challenges the majoritarian impulses embedded in contemporary Hindutva constitutionalism.

Drawing on Vermeule’s framework alongside Indian constitutional jurisprudence and sociological analysis of social thought and cultural change, this chapter examines three dimensions: first, whether India’s constitutional secularism can be reconstructed through a CGC lens as a form of institutionalised common good; second, how CGC’s concept of institutional reason offers a critique of populist-driven legal reform; and third, whether conscience—understood not as individual moral intuition but as socially embedded practical reason (phronesis)—can serve as a normative foundation for evaluating India’s civilisational trajectory.

Keywords: Common Good Constitutionalism, civilisational nationalism, Indian constitutionalism, social conscience, Hindutva

I. Introduction: The Civilisational Turn and Its Constitutionalist Implications

Contemporary India presents one of the most intellectually arresting laboratories for comparative constitutional theory. Since the early 1990s, and with accelerating intensity since 2014, the Indian state has undergone a discursive and institutional reorientation toward what its proponents describe as civilisational authenticity. Organisations such as the Rashtriya Swayamsevak Sangh (RSS) and the Bharatiya Janata Party (BJP) have articulated a vision of India not merely as a multi-religious democracy constrained by liberal proceduralism, but as a Rashtra—a civilisational organism whose political form should reflect its deep cultural substrate. The ideological architecture underlying this vision is Hindutva, a term coined by V.D. Savarkar to denote Hindu-ness as a unified cultural identity transcending narrow religious affiliation.¹

¹ V.D. Savarkar, *Hindutva: Who is a Hindu?* p. 43 (Veer Savarkar Prakashan, Bombay, 1969).

This civilisational turn generates a profound constitutional paradox. The Indian Constitution, adopted in 1950 after a long anti-colonial struggle, is widely regarded as a transformative document—one that simultaneously embeds fundamental rights, mandates redistributive social policy, and articulates a secular, pluralist framework for managing religious diversity in a deeply heterogeneous society.²³

This chapter approaches this question through the analytical lens of Adrian Vermeule's Common Good Constitutionalism (CGC). CGC departs from both originalism and living constitutionalism to argue that constitutional interpretation should be oriented toward substantive human flourishing, grounded in the classical natural law tradition from Aquinas through to contemporary Catholic social thought.⁴⁵⁶

This chapter proceeds in four substantive parts. Part II reconstructs the theoretical architecture of CGC and situates it in relation to the Indian constitutional tradition. Part III examines whether India's constitutional secularism can be understood through CGC as a form of institutionalised common good. Part IV deploys CGC's concept of institutional reason as a critical tool for evaluating populist legal reform. Part V develops an account of conscience as a normative foundation for assessing India's civilisational trajectory.

II. Common Good Constitutionalism: Architecture and Application

² Granville Austin, *The Indian Constitution: Cornerstone of a Nation* p. 9 (Oxford University Press, New Delhi, 1966).

³ Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* p. 1 (HarperCollins, New Delhi, 2019).

⁴ Adrian Vermeule, *Common Good Constitutionalism* p. 3 (Polity Press, Cambridge, 2022).

⁵ Adrian Vermeule, *Common Good Constitutionalism* p. 15 (Polity Press, Cambridge, 2022).

⁶ Adrian Vermeule, *Common Good Constitutionalism* p. 55 (Polity Press, Cambridge, 2022).

A. The Theoretical Framework

Vermeule's CGC rests on three foundational commitments. First, it insists on the substantive character of law: law is not a neutral instrument of preference satisfaction but an authoritative ordering of reason toward ends that are genuinely good for human beings.⁷

This draws directly on Aquinas's definition of law as "an ordinance of reason for the common good, made by whoever has care of the community, and promulgated."⁸

Second, CGC insists on the political character of authority: legitimate political power is not merely delegated individual right but an expression of the community's collective capacity for rational self-governance oriented toward shared ends.⁹

Third, CGC identifies the common good—the ensemble of conditions that enable individual and communal flourishing—as the proper telos of legal and constitutional order.¹⁰

These three commitments mark a sharp departure from the dominant strands of liberal constitutionalism. Rawlsian liberalism holds that a just constitutional order must be neutral among comprehensive doctrines, grounding itself only in an overlapping consensus among citizens who hold divergent conceptions of the good.¹¹

⁷ Adrian Vermeule, *Common Good Constitutionalism* p. 7 (Polity Press, Cambridge, 2022).

⁸ Thomas Aquinas, *Summa Theologica* I-II, Q. 90, Art. 2 (Fathers of the English Dominican Province tr., Benziger Bros., New York, 1947).

⁹ Adrian Vermeule, *Common Good Constitutionalism* p. 21 (Polity Press, Cambridge, 2022).

¹⁰ Adrian Vermeule, *Common Good Constitutionalism* p. 44 (Polity Press, Cambridge, 2022).

¹¹ John Rawls, *Political Liberalism* p. 217 (Columbia University Press, New York, 1993).

Dworkin's rights-as-trumps thesis similarly insists that individual rights constrain rather than serve collective goals.¹²

CGC rejects both positions. Against Rawls, it argues that neutrality is both practically impossible and theoretically incoherent: all legal ordering inevitably embeds substantive commitments about human flourishing.¹³

Against Dworkin, CGC insists that rights must be understood as specifications of the common good rather than external constraints on collective action.¹⁴

B. CGC and the Indian Constitutional Tradition

India's constitutional tradition exhibits features that both resonate with and complicate CGC. The Directive Principles of State Policy (DPSPs), though not judicially enforceable, articulate a comprehensive vision of social justice, economic redistribution, and community welfare that closely parallels CGC's orientation toward shared flourishing.¹⁵

The Supreme Court's development of the basic structure doctrine in *Kesavananda Bharati v. State of Kerala*—holding that certain fundamental features of the Constitution are immune from amendment—reflects a similar commitment to substantive constitutional values that transcend the will of parliamentary majorities.¹⁶

¹² Ronald Dworkin, *Law's Empire* p. 225 (Harvard University Press, Cambridge, 1986).

¹³ Adrian Vermeule, *Common Good Constitutionalism* p. 30 (Polity Press, Cambridge, 2022).

¹⁴ Adrian Vermeule, *Common Good Constitutionalism* p. 55 (Polity Press, Cambridge, 2022).

¹⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* p. 9 (Oxford University Press, New Delhi, 1966).

¹⁶ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

The Directive Principles were further elevated in *Minerva Mills Ltd. v. Union of India*, where the Supreme Court held that Part IV must be read harmoniously with Part III, such that the realisation of social and economic rights is itself a constitutional imperative rather than a mere aspiration.¹⁷

This interpretive move—treating the DPSPs as substantive constitutional mandates rather than political guidelines—is structurally analogous to CGC’s insistence that constitutional law must be oriented toward substantive human flourishing rather than merely procedural correctness.¹⁸

The complication, however, lies in India’s deep religious and cultural pluralism. CGC as developed by Vermeule draws on a specifically Catholic natural law tradition whose account of the common good may not translate directly to a society characterised by Hindu, Muslim, Christian, Sikh, Jain, and Buddhist populations.¹⁹

Vermeule himself acknowledges that the natural law tradition does not require religious commitment as a prerequisite for its rational recognition—the basic requirements of human flourishing are accessible to natural reason independently of revelation.²⁰

Martha Nussbaum’s capabilities approach demonstrates that substantive accounts of human flourishing can be articulated in ways compatible with religious pluralism.²¹

¹⁷ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹⁸ Adrian Vermeule, *Common Good Constitutionalism* p. 60 (Polity Press, Cambridge, 2022).

¹⁹ Upendra Baxi, *The Future of Human Rights* p. 12 (Oxford University Press, New Delhi, 2002).

²⁰ Adrian Vermeule, *Common Good Constitutionalism* p. 73 (Polity Press, Cambridge, 2022).

²¹ Martha Nussbaum, *Women and Human Development: The Capabilities Approach* p. 70 (Cambridge University Press, Cambridge, 2000).

III. Constitutional Secularism as Institutionalised Common Good

A. The Architecture of Indian Secularism

India's constitutional approach to religion involves the state maintaining a posture of neutrality among religions while simultaneously engaging each religion to promote reform, equality, and the protection of individual rights within religious communities.²²

In *S.R. Bommai v. Union of India*, the Court held that secularism is a basic feature of the Constitution—a structural commitment that cannot be abrogated even by constitutional amendment.²³

This ruling confirmed that Indian secularism is not merely a policy preference but a constitutive feature of the constitutional order.²⁴

B. CGC and Secular Pluralism

Can Indian constitutional secularism be reconstructed through a CGC lens as a form of institutionalised common good? CGC does not require theocracy or the institutional privileging of any particular religious tradition. It requires, rather, that constitutional law be oriented toward substantive human flourishing—and, crucially, that this flourishing be genuinely common, encompassing all members of the political community.²⁵

²² M.P. Singh, “Secularism in India: Problems and Prospects” 8 *Heidelberg Papers in South Asian and Comparative Politics* 1 (2002).

²³ *S.R. Bommai v. Union of India*, AIR 1994 SC 1918.

²⁴ *S.R. Bommai v. Union of India*, AIR 1994 SC 1918.

²⁵ Adrian Vermeule, *Common Good Constitutionalism* p. 97 (Polity Press, Cambridge, 2022).

The constitutional guarantee of religious freedom is not merely a negative liberty but a positive commitment to the conditions under which diverse religious communities can flourish together.²⁶

The state's role in regulating religious practice to eliminate discrimination and protect individual rights within communities is a specification of what genuine religious flourishing requires: freedom from domination, from caste-based exclusion, and from practices that deny the equal dignity of all persons.²⁷

The Hindutva project conceives of India's civilisational identity in explicitly majoritarian terms.²⁸

Even where it nominally accommodates minority religions, it does so on the condition that they acknowledge the primacy of Hindu cultural heritage.²⁹

On CGC grounds, a constitutional order that structurally subordinates religious minorities cannot be oriented toward the genuine flourishing of all its members.³⁰

C. The Challenge of Civilisational Self-Understanding

Kaviraj has argued that the Indian political imagination is shaped by a distinctive social ontology—one that conceives of collective life in terms of embedded communities constituted by shared practices and narratives.³¹

²⁶ Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* p. 34 (Cambridge University Press, Cambridge, 2001).

²⁷ Philip Pettit, *Republicanism: A Theory of Freedom and Government* p. 51 (Oxford University Press, Oxford, 1997).

²⁸ V.D. Savarkar, *Hindutva: Who is a Hindu?* p. 43 (Veer Savarkar Prakashan, Bombay, 1969).

²⁹ Christophe Jaffrelot, *The Hindu Nationalist Movement and Indian Politics* p. 11 (Hurst & Company, London, 1996).

³⁰ Adrian Vermeule, *Common Good Constitutionalism* p. 110 (Polity Press, Cambridge, 2022).

CGC can engage productively with this more sophisticated civilisational argument. Vermeule's framework does not require the imposition of a single model of constitutional governance on all societies; it requires rather that whatever constitutional arrangements are adopted serve the genuine common good of the particular community in question.³²

IV. Institutional Reason and the Critique of Populist Legal Reform

A. Vermeule's Account of Institutional Reason

One of the most distinctive features of CGC is its account of institutional reason—the idea that legitimate constitutional governance operates through established institutions, expert deliberation, and accumulated legal tradition rather than through the direct expression of popular will.³³

Populist expressions of the popular will are subject to distortion through misinformation, short-term preference satisfaction, and the manipulation of cultural anxieties.³⁴

Institutional reason—the accumulated wisdom of courts, bureaucracies, and expert bodies operating within a framework of constitutional constraint—is more likely to track the genuine common good than immediate popular sentiment.³⁵

B. Populism and the Indian Judiciary

³¹ Sudipta Kaviraj, "The Imaginary Institution of India" in Kaviraj & Khilnani (eds.), *Civil Society: History and Possibilities* p. 198 (Cambridge University Press, Cambridge, 2001).

³² Adrian Vermeule, *Common Good Constitutionalism* p. 119 (Polity Press, Cambridge, 2022).

³³ Adrian Vermeule, *Common Good Constitutionalism* p. 128 (Polity Press, Cambridge, 2022).

³⁴ Adrian Vermeule, *Common Good Constitutionalism* p. 140 (Polity Press, Cambridge, 2022).

³⁵ Adrian Vermeule, *Common Good Constitutionalism* p. 55 (Polity Press, Cambridge, 2022).

The Supreme Court of India has, at various points in its history, demonstrated both the potential and the limits of institutional reason as a counterweight to populist pressure.³⁶

The Court's robust development of the basic structure doctrine, its expansion of fundamental rights through creative interpretation, and its interventionist public interest litigation (PIL) jurisprudence all exemplify the kind of institutionally embedded reason-giving that CGC endorses.³⁷

The Emergency period of 1975–1977, however, provides a cautionary counter-example. In *Indira Nehru Gandhi v. Raj Narain*, the Supreme Court was confronted with a direct challenge to the constitutional amendment that had retrospectively validated the Prime Minister's election while simultaneously curtailing judicial review.³⁸

The Court's partial capitulation to executive pressure illustrates the vulnerability of institutional reason to political manipulation when the institutional culture lacks sufficient autonomy from the executive.³⁹

Contemporary scholarship has raised similar concerns about the Indian judiciary's relationship to the BJP government. A number of constitutional law scholars have argued that the Supreme Court has become increasingly deferential to the executive on matters of national security, religious law, and fundamental rights.⁴⁰

³⁶ T.R. Andhyarujina, "Judicial Activism and Constitutional Democracy in India" 37 *Journal of the Indian Law Institute* 1 (1995).

³⁷ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

³⁸ *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299.

³⁹ Aditya Sondhi, "Institutional Integrity and the Crisis of Indian Constitutionalism" 11 *NUJS Law Review* 45 (2018).

⁴⁰ Arvind Datar, *Commentary on the Constitution of India* p. 432 (LexisNexis, New Delhi, 2007).

Cases such as the treatment of the abrogation of Article 370 and the Citizenship Amendment Act 2019 have drawn criticism for what commentators describe as the abdication of institutional reason in the face of populist pressure.⁴¹

C. CGC as Critical Standard

CGC provides a normatively precise standard for evaluating these developments. On Vermeule's account, institutional deference to the executive is legitimate only where the executive is operating within the framework of the common good.⁴²

CGC does not oppose state action oriented toward substantive cultural or social ends—on the contrary, it endorses such action where it genuinely serves the common good. What it opposes is the instrumentalisation of constitutional institutions to serve a particular community's cultural hegemony.⁴³

V. Conscience as Practical Reason: A CGC Account

A. From Individual Conscience to Social Phronesis

In liberal theory, conscience is typically understood as an irreducibly individual faculty—the voice of moral reason speaking to the individual from within, generating claims of exemption from generally applicable laws.⁴⁴

CGC, drawing on the Aristotelian-Thomistic tradition, develops a richer and more socially embedded account. Conscience, on this account, is not merely

⁴¹ Rajeev Dhavan, "Publish and Be Damned" in Sorabjee (ed.), *Law and Justice: An Anthology* p. 88 (Universal Law Publishing, Delhi, 2003).

⁴² Adrian Vermeule, *Common Good Constitutionalism* p. 155 (Polity Press, Cambridge, 2022).

⁴³ Adrian Vermeule, *Common Good Constitutionalism* p. 88 (Polity Press, Cambridge, 2022).

⁴⁴ John Rawls, *Political Liberalism* p. 217 (Columbia University Press, New York, 1993).

subjective moral intuition but practical reason (phronesis) operating within the context of a community's shared moral tradition.⁴⁵

Practical reason is not a faculty of the isolated individual but is shaped by social relationships, institutionalised practices, and the accumulated moral wisdom of a community.⁴⁶

Hindutva ideologues frequently appeal to a notion of collective conscience—the awakened self-awareness of the Hindu nation recognising its civilisational heritage.⁴⁷

This appeal has genuine resonance: it speaks to the experience of cultural marginalisation felt by segments of Hindu society who experienced colonial modernity as a disruption of their social and moral world.⁴⁸

B. Vulnerability and the Margins of Civilisational Conscience

Martha Fineman's vulnerability theory provides a useful complement to CGC's account of conscience. Fineman argues that vulnerability—the universal human condition of embodied dependence on social relationships and institutions—is a more appropriate foundation for constitutional rights than liberal autonomy.⁴⁹

Applied to India's civilisational turn, this vulnerability framework identifies those who bear the heaviest costs of the current transformation: religious minorities

⁴⁵ Aristotle, *Nicomachean Ethics* VI.5, 1140a24–b12 (W.D. Ross tr., Oxford University Press, Oxford, 1925).

⁴⁶ Thomas Aquinas, *Summa Theologica* I-II, Q. 90, Art. 2 (Fathers of the English Dominican Province tr., Benziger Bros., New York, 1947).

⁴⁷ V.D. Savarkar, *Hindutva: Who is a Hindu?* p. 43 (Veer Savarkar Prakashan, Bombay, 1969).

⁴⁸ Charles Taylor, *A Secular Age* p. 3 (Harvard University Press, Cambridge, 2007).

⁴⁹ Martha Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition" 20 *Yale Journal of Law & Feminism* 1 (2008).

experiencing heightened insecurity, Dalit communities whose social and economic vulnerability is exacerbated by Hindu nationalist consolidation, and women whose equal status is threatened by regressive interpretations of personal law.⁵⁰

Conscience, understood as social phronesis, must be responsive to the voices of these vulnerable communities—not merely the majoritarian conscience of the Hindu nation.⁵¹

The landmark judgment in *Navtej Singh Johar v. Union of India*—decriminalising consensual same-sex relations between adults—exemplifies the Court’s capacity to deploy substantive constitutional values against majoritarian social norms.⁵²

Similarly, the Court’s recognition of the right to privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* represents an assertion of institutional reason against the surveillance aspirations of a majoritarian state.⁵³

C. Conscience, Ambedkar, and the Democratic Deficit

Ambedkar’s analysis of caste as a graded system of institutionalised inequality raises the question of whether any appeal to collective conscience can escape the distortions of structural advantage.⁵⁴

His argument in *Annihilation of Caste* that Hindu society as constituted cannot achieve genuine equality without the radical transformation of its religious

⁵⁰ B.R. Ambedkar, *Annihilation of Caste* p. 26 (Navayana, New Delhi, 2014).

⁵¹ Adrian Vermeule, *Common Good Constitutionalism* p. 162 (Polity Press, Cambridge, 2022).

⁵² *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁵³ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

⁵⁴ B.R. Ambedkar, *Annihilation of Caste* p. 26 (Navayana, New Delhi, 2014).

foundations constitutes a fundamental challenge to civilisational nationalism's claim to speak for India's collective conscience.⁵⁵

CGC can engage with this Ambedkarite challenge by insisting on the critical dimension of the common good. The common good is not the aggregated preferences of the dominant group but the genuine conditions of flourishing for all members of the community, including its most marginalised.⁵⁶

Ambedkar's programme of constitutional reform—affirmative action, anti-discrimination law, the constitutional abolition of untouchability—is, on CGC grounds, an expression of the common good precisely because it seeks to include the previously excluded in the conditions of flourishing.⁵⁷

VI. Toward a CGC Critique of Indian Civilisational Constitutionalism

A. What CGC Endorses

A CGC analysis of India's civilisational turn is neither wholesale endorsement nor wholesale rejection. The rejection of liberal proceduralism's insistence on value neutrality, the affirmation that constitutional governance must be animated by substantive moral commitments, the recognition that India's constitutional identity cannot be detached from its cultural context—these positions find support in the CGC framework.⁵⁸

The Gandhian emphasis on *sarvodaya*—the welfare of all—is structurally analogous to CGC's common good. The Ambedkarite insistence on social equality

⁵⁵ Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* p. 17 (University of California Press, Berkeley, 1984).

⁵⁶ Adrian Vermeule, *Common Good Constitutionalism* p. 190 (Polity Press, Cambridge, 2022).

⁵⁷ *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

⁵⁸ Adrian Vermeule, *Common Good Constitutionalism* p. 175 (Polity Press, Cambridge, 2022).

as a precondition for genuine constitutional democracy resonates with CGC's critique of proceduralism.⁵⁹

The Nehruvian commitment to what Austin called the "conscience of the nation" expresses a vision of shared flourishing compatible with CGC.⁶⁰

B. What CGC Rejects

What CGC rejects is the majoritarian capture of the common good—the identification of the Hindu civilisational inheritance with the constitutional order in a way that structurally marginalises minority communities. Vermeule is explicit that the common good must be genuinely common: it cannot be reduced to the goods of one segment of the community, however historically and culturally prominent.⁶¹

The abrogation of Article 370, the Citizenship Amendment Act, the proposed Uniform Civil Code in its current political framing—their compatibility with CGC depends on a fundamental question: whether they are genuinely oriented toward the common good of all India's citizens, or whether they serve a narrower civilisational-majoritarian agenda.⁶²

C. CGC as a Framework for Constitutional Deliberation

⁵⁹ Sunil Khilnani, *The Idea of India* p. 38 (Farrar, Straus and Giroux, New York, 1997).

⁶⁰ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* p. 56 (Oxford University Press, New Delhi, 1966).

⁶¹ Adrian Vermeule, *Common Good Constitutionalism* p. 60 (Polity Press, Cambridge, 2022).

⁶² Pratap Bhanu Mehta, "What is Constitutional Morality?" 2010(3) *Economic and Political Weekly* 10 (2010).

By insisting that constitutional argument must engage with questions of substantive human flourishing, CGC demands a level of normative seriousness that populist constitutionalism tends to avoid.⁶³

Habermas has argued that the legitimacy of constitutional orders depends on their capacity to generate inclusive deliberation in which all affected parties can participate as equal contributors. CGC adds to this procedural requirement a substantive one: such deliberation must be oriented not merely toward procedurally valid outcomes but toward outcomes that genuinely promote the common flourishing of all.⁶⁴

VII. Conclusion

This chapter has argued that Adrian Vermeule's Common Good Constitutionalism provides a productive and critical framework for evaluating India's contested civilisational transformation. By insisting on the substantive character of constitutional law, the institutional foundations of legitimate governance, and the inclusive scope of the common good, CGC offers analytical resources that transcend the conventional binary between liberal proceduralism and majoritarian civilisationalism.⁶⁵

Three substantive conclusions emerge from the analysis. First, India's constitutional secularism can be reconstructed through a CGC lens as an institutionalisation of the common good. Second, CGC's account of institutional reason provides a normatively grounded critique of populist legal reform. Third,

⁶³ Upendra Baxi, "The 'Rule of Law' in India" 6 *Sur International Journal on Human Rights* 7 (2007).

⁶⁴ Jürgen Habermas, *Between Facts and Norms* p. 110 (William Rehg tr., MIT Press, Cambridge, 1996).

⁶⁵ Adrian Vermeule, *Common Good Constitutionalism* p. 3 (Polity Press, Cambridge, 2022).

conscience—understood as social phronesis rather than individual moral intuition—must be responsive to the voices of the most vulnerable members of the political community.

The chapter does not conclude that CGC provides a ready-made solution to India's constitutional challenges. CGC's roots in the Catholic natural law tradition require careful qualification before it can be applied to a society characterised by profound religious and cultural pluralism. Its account of institutional authority must be qualified by an awareness of the ways in which Indian institutions have been, and continue to be, vulnerable to capture by majoritarian interests.⁶⁶

What CGC offers, properly qualified, is something more modest but nonetheless significant: a framework for evaluating India's civilisational claims by asking whether they are genuinely oriented toward the common good—the conditions of flourishing for all of India's citizens—or whether they represent, at bottom, the majoritarian appropriation of constitutional language for the advantage of one community.⁶⁷

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⁶⁶ Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* p. 58 (HarperCollins, New Delhi, 2019).

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