
EXAMINING THE TRADITIONS OF THE SABARIMALA TEMPLE CASE: A COMPARATIVE ANALYSIS WITH PAUL ARMSTRONG AND RONALD DWORKIN'S ANALYSIS

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INTRODUCTION

This reflection piece is based on what Sabrimala's Judgement would be like from the eyes of Paul Armstrong and Ronald Dworkin. Paul Armstrong was a Pluralist, according to him, there should be a middle or neutral ground and discussed interpretation in a wider context. He also discussed that there can be multiple interpretations. One should not stick to a particular opinion and each opinion is dependent on the faith and perspective of that person. Ronald Dworkin, here we will be discussing Textualism, believes that what is written in the text should be it. He believed that there was a right answer for every easy or hard case. He believed in Law to be followed as it is. This caused him to lean further in the direction of textualism because it is evident that getting the correct response is crucial. He was a Textualist as he leaned more towards the plain meaning of the text, and he held to his beliefs for a very long time. Through the lens of these two theorists, we will define and analyse Sabrimala Temple's case, and we will see what it would look like from their eyes.

PAUL ARMSTRONG

First, we will analyse through the lens of Paul Armstrong. He focuses on the heteronomy of the literal texts and states that their identity is not fixed or restricted, but is shaped by the interpreters across time, their perspectives shape them. He criticises the notion that there can be a single, autonomous interpretation of a literal text and he talks about how because of this sole reason, there is a conflict in the interpretation of literal texts. This also reflects that most of the interpreters must belong to a powerful position in an institution, whose perspectives shaped the texts and minds of people in a certain manner, and Armstrong prohibits following them strictly and definitively. In the reading "The Conflict of Interpretations and the Limits of Pluralism", Armstrong asked the question "*Can any interpretation lay a definitive claim to*

correctness?"¹. Armstrong argues that the Sabarimala Judgement should be impartial and have a middle ground that is deemed correct. The court decided that women's exclusion from the Sabarimala temple was unlawful and prejudiced, maintaining the Indian Constitution's gender equality values. However, religious leaders and traditionalists who saw it as a violation of their customs and freedom of religion also criticised the ruling. This demonstrates the conflict between the rights of the person in question as well as the values of the group, and it also highlights the difficulties in balancing multiple perspectives in a society with multiple viewpoints.

Additionally, Armstrong's framework challenges us to think about the power relationships that generate these misunderstandings. Religious organisations, government officials, and members of civil society are engaged in a power struggle in the Sabarimala dispute, each trying to gain control over how religion is interpreted and practised.

Armstrong's thesis emphasises the variety of interpretations that exist within a society, particularly concerning religious practices and beliefs. Regarding Sabarimala, there are different interpretations in play: proponents of gender equality emphasise the significance of working to eradicate prejudiced, exclusive, and discriminatory behaviours, while traditionalists seek to maintain age-old traditions and holy ceremonies.

Armstrong also draws attention to the inevitable disputes that result from these varying opinions, as people and groups with opposing viewpoints try to make their own interpretations of a given idea or custom known. Both sides passionately defended their beliefs, which resulted in rallies, court cases, and social turmoil in the Sabarimala controversy. Armstrong would probably start by looking at the various explanations of faith-based customs that the judges had offered in their opinions. He would examine how each judge deals with the complicated issues of fundamental rights, constitutional values, and beliefs related to religion. Armstrong would likely investigate how judges situate their verdicts within larger cultural as well as legal contexts, given his emphasis on legal reasons and cultural and societal background.

He may examine the parameters of legal interpretation in resolving conflicts between constitutionally protected rights and religious practices, emphasising the value of mutual

¹ Paul B. Armstrong, *The conflict of interpretations and the limits of pluralism*: PMLA Cambridge Core (1983), <https://doi.org/10.2307/462275> (last visited Mar 27, 2024).

tolerance and communication. He could think about how the courts resolve conflicts between religious traditions and constitutional principles, offering a rational solution that protects both personal freedoms and religious liberty.

Paul Armstrong criticises the monistic attitude displayed in each judge's opinion in this case. There are various ways to interpret the terminology used in the law, and it must be comprehended correctly. Armstrong would split pluralism and monism first to form a perspective regarding the ruling and would give the final conclusion. This historic ruling eliminated the barriers preventing women from entering the Sabarimala Temple. He would contend that rather than adhering to the textualist and monistic aspects of law, judges ought to examine each case with a pluralistic perspective. *“To accept a method of interpretation is to enter into a wager- to gamble, namely that the insights its assumptions make possible will offset the risk of blindness.”*²

By the above-cited statement, he states that there cannot be a strict and definitive interpretation that should choose to. Hence, there would be conflict in understanding the judgement as there will be several opinions. As we can see, all the judges that were involved in this case, *CJI Dipak Misra, speaking on behalf of Khanwilkar J and himself; Justice Rohinton Nariman, Justice D Y Chandrachud, and Justice Indu Malhotra*. Armstrong would first analyse their opinions to make sure whether the judgement is rightfully judged or it is a faulty Opinion.

The traditional custom of the temple to exclude women is unconstitutional, according to a 4:1 majority. It was decided that the custom infringed upon female worshippers' basic right to freedom of religion—Article 25(1). Rule 3(b) of the Kerala Hindu Places of Public Worship Rules, 1965, having permitted the customary segregation of women, was declared illegal by the Bench. Armstrong would say that it is rightfully judged the “exclusion of women” from entering and worshipping in the Sabarimala temple is a Monistic approach. The use of the words “Traditional custom” signifies the monistic opinion of a group of people who influenced a greater amount of the public. This resulted in the exclusion of women aged from 10 years to 50 years (which is regarded as the menstrual age) from entering the Temple and praying.

Article 25(1) comes in the ambit of Fundamental Rights that cannot be violated as it ensures

² Paul B. Armstrong, *The conflict of interpretations and the limits of pluralism*: PMLA Cambridge Core (1983), <https://doi.org/10.2307/462275> (last visited Mar 27, 2024).

that the people have rights that cannot be violated. Armstrong would interpret Article 25(1) and give his opinion by stating that the fundamental rights provide the people the Right to Worship freely, without any restriction. Relying on this Article would mean the safety and rights to the women to worship in temples and enter them freely, without any restrictions.

Rule 3(b) of the Kerala Hindu Places of Public Worship Rules, 1965 would be declared by Armstrong as it promotes a Monistic approach, rather than a pluralistic one. Any place that puts a specific restriction and the rule or law governing is immoral, oppressive and socially evil, just like Sati was, shall be abolished.

Armstrong would criticise the Rule and interpret it in a way that would benefit the people, instead of making it restrictive in nature. Rules and laws governing us shall be liberating and not oppressive just like Rule 3(b) was, making the exclusion of women from entering the temple constitutionally valid, just because they term it as a custom. "Illegality" is born out of interpretation because a group of people decided to interpret it in a way that violated societal values and standards. Thus, illegality would result in unconstitutionality. Similarly, the Sati practice was declared unconstitutional due to its immorality and illegality. Such immoral practices cannot be justified by any theorist or interpreter.

Each opinion given by the **majority** judges is valid here, Armstrong would accept all the opinions. All the interpretations would lead to more inclusivity which would form the majority judgement. Proper analysis of the Articles and Rules is done while deciding the majority judgement in this case. Article 25(1) is a fundamental right that cannot be exploited and people undergo segregation from people who make these regulations that are immoral and oppressive. Any law that goes against the Fundamental Right will be termed as "unconstitutional".

Striking down of Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules of 1965 was a wise decision. Armstrong would consider this Rule to be Monistic in nature and the interpretation would be restrictive and oppressive, opposite of what he stands for. Thus, it would be violative of Pluralism. The principles of autonomy, independence, as well as integrity were perverted by this Rule, which was immoral in character. The morality included in Articles 25 and 26 as Fundamental Rights must not have the consequence of undermining the rights to fundamental liberties that these Articles safeguard. Therefore, it would not be seen as a necessary religious practice for women to be prohibited from accessing

the Sabarimala Temple.

Armstrong would share Justice Chandrachud's perspective on this omission. According to Justice Chandrachud, women's natural physiological traits, such as menstruation, are irrelevant and do not influence the rights that the Constitution guarantees them. A woman's menstrual status shouldn't dictate what she can and cannot do. The Constitution makes no mention of this stigma. It was untouchability and discrimination, both forbidden by Article 17 of the Constitution. The term "untouchability" was also employed here in a literal sense to suggest that any activity, tradition, or custom that is immoral, discriminatory against a certain gender, or that goes against accepted social norms, would be instantly deemed unlawful. When it comes to comparing any law with fundamental rights, radical monism or the monistic approach is not viable. Article 17 is a very powerful fundamental right that is against exclusion of any kind.

Armstrong would not agree with the **dissenting** approach of Justice Indu Malhotra as she violated his first test, which is the test of Inclusiveness. He stated that the wider the interpretation tends to be, the more accepting and legitimate the opinion or the interpretation will be, but the more narrow the interpretation is, that interpretation would be considered wrong. The same was done by Justice Indu Malhotra. She stated that Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules of 1965 should not be struck down as it does not violate Article 25(1) of the Constitution. She stated that the people who belong to the religion get to and have the right to decide the internal affairs of that religion and nobody should interrupt, it does not matter if their practices are rational or not. Her case was of specifically "Radical Pluralism" that even Armstrong rejected this claim. Here, the interpretation has no middle ground or neutrality but it has more radicalism, which also points towards Radical Monism. Armstrong would make a unison in this judgement by giving the majority judgement more neutrally and not tilting towards Radical Monism and Pluralism.

THREE TESTS

At Last, Armstrong would use his three tests to understand the judgement better.

The Inclusiveness Test is the first one applied to assess the breadth and complexity of the text. In summary, the author argues that a wider interpretation is certainly correct and that the more encompassing reading is a more trustworthy, legitimate and appropriate interpretation will be there. The narrower the interpretation, the chances are more, that the opinion would either be

considered as a dissenting opinion or it would not be accepted by a larger group of people. These standards would be applied to all the decisions made by the judges because they all gave the matter significant thought and provided reliable judgements or interpretations. In this instance, Justice Indu Malhotra's restricted interpretation would not hold since it was dissenting and different from the others.

The second test is the Inter-subjectivity Test, which says that the interpretation is a method of believing and that it gains credibility the more individuals who agree with it. The majority of the judges voiced their viewpoints in unison, maintaining that women should be permitted to join the country at any age between ten and fifty and that this case was illegal. (which is regarded as the menstrual age.) This test would make the concept of the majority and minority opinions more applicable. This test will make it feasible to prevent such discriminatory and repressive choices from being taken in error.

The Test of Efficacy is the final test in the series, and it mostly represents the pragmatic conclusion drawn from the first two tests. This test asks readers to analyse the written material in a way that promotes ongoing understanding and fresh perspectives. Many theorists, jurists, and interpreters were kept quite busy debating this ruling as a result of it. With every interpretation, it would result in multiple new discoveries. Regardless of the similarity of the opinions may be, fresh information is always revealed.

RONALD DWORKIN

We shall now examine from Ronald Dworkin's perspective, who feels that the law ought to be read literally. He thinks that strict adherence to the letter of the law is necessary. Being a textualist, he holds that only the law should be obeyed and that nothing is beyond it. Similarities between Dworkin and Armstrong include their discussion of the interpretation of the law and their belief that there are various interpretations. While the other theorist believes that a legal text might have several interpretations, one relies on the textual and literal meaning of the law. Textualism would have altered the entire decision if Dworkin's perspective had been applied to this case.

Dworkin would think that the literal wording of the law holds the ultimate authority. Therefore, he would argue that there is only one interpretation of the law, and it should be followed exactly as written. That decision would have been overturned by the majority. The primary view would

be regarded as Justice Indu Malhotra's minority or dissenting opinion. Since the majority of judges seek to invalidate Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorization of Entry) Rules of 1965, none of their interpretations would be regarded as legitimate. Dworkin would not concur with this, but he would accept its application and fail to recognise any problems with the Rule, as Justice Indu Malhotra suggested in her dissenting opinion.

CONCLUSION

The only thing that separates these two theorists is how and what they interpret; they are neither correct nor wrong. Dworkin would view the case in a more textualist, restrictive manner and would place higher importance on the system, whereas Armstrong tends to see Sabarimala's Judgement in a more liberal, accepting, and larger context. In addition, he would consider the text's purpose and intention. Paul Armstrong would likely concur and accept Justice Indu Malhotra's dissenting view, while Dworkin would likely agree with the majority decision of the judges.