

Hearings on Religious Freedom in India and Pakistan Dr. Marshall Bouton Oral Testimony

September 18, 2000

DR. BOUTON: Thank you, Mr. Chairman, members of the Commission. Let me first apologize for the constraint of time. It was thrown upon me last week and was just inexorable. But I'm delighted to be here. I appreciate the opportunity you've given me. It's a great privilege to appear before this Commission and to share with you my views on what I think is a very important topic that you're now addressing, and that is religious freedom in South Asia, in India and Pakistan and how the United States can best support it.

The Commission's findings and recommendations will be very influential, I believe, in how the U.S. Government and American public opinion view and respond to the situation in that region. With the Commission's permission, I will focus my remarks entirely on India. This is a matter of convenience as well as having to do with my own background. I am more familiar presently with the situation in India than I am in Pakistan.

I also believe that the two situations are so very different that given the time constraints, I would prefer not to try to bracket them, and my colleagues on this panel, I think, will make up for my lack of attention to Pakistan.

As you have requested, I will also focus on the implications for U.S. policy of the status of religious freedom in India. I'm aware that you've heard extensive testimony this morning on the situation from a variety of very well-informed individuals. But in order to present to you my thoughts with regard to U.S. policy, I would like to ask you to allow me to share with you briefly my overall assessment of India's national commitment to and exercise of religious freedom.

First, I believe that India's commitment to and record of religious freedom must be viewed in the context of its extraordinary national circumstances. As you know, India is one of the most socially diverse nations in the world. Its ethnic, religious and linguistic

diversity is comparable to that of all of Europe. Unlike in the United States, many of India's social differences are also territorially based, which makes them more politically salient and sometimes difficult.

Second, India is a relatively new nation seeking to contain these differences within a single state following a long period of colonial rule in which the colonial power magnified and exploited these differences for its own purposes.

Third, unlike Europe and the United States, India does not enjoy, as we all know, standards of living of the levels of the developed countries, which tend to make the easing of social, including religious tensions, less difficult. In India, in particular, severe economic pressures often, in fact, are the real causes for conflicts which break out along religious, ethnic and linguistic fault lines.

Mr. Chairman, against this background, India's commitment to religious freedom and its practice of it, while far from perfect, I think, is quite remarkable. In fact, the founders of modern India understood that freedom from state interference in religious life, or, as it is usually termed in India, secularism is not only in itself desirable but, in fact, is essential to the success of the Indian national experiment.

It is my view that there is no systematic, regular, widespread, state-sponsored infringement of religious freedom in India. To the contrary, as I have just mentioned, secularism is one of the key principles of the modern Indian state. It is enshrined in the Indian Constitution, and for the most part and at most times, observed in the policies and actions of its government.

Periodically, the central, state and local administrations of India have not acted quickly or effectively to prevent, to probe, or to prosecute infringements of religious freedom or, more generally, to promote religious tolerance. But these lapses represent for the most part, I believe, failures of implementation, not of commitment. They must not, of course, go unnoticed or uncorrected, but they are the exception rather than the rule.

Some of the recent attacks against Christians in various parts of India which have aroused a great deal of concern in this country sadly fall into this category. They are reprehensible and must be condemned by all Indian political and religious leaders. It is particularly important that the ruling political party and its leaders which hold high government office forcefully and clearly condemn and punish such attacks through the regular legal channels and seek to

prevent new ones, because--precisely because--of its real and perceived association with groups known for their intolerance.

Although deeply troubling, however, these attacks on Christians do not, in my view, reflect a movement of the Indian state away from its commitment to religious freedom or a systematic or intentional neglect of that commitment. In my view, the greatest challenge to religious freedom in India is societal. Given the country's size, diversity and economic conditions, India has problems of discrimination and persecution based on religion that are greater in degree--though not fundamentally different in character, I would argue--from those of other democratic countries.

These problems include social discrimination and ostracism, primarily by majority community Hindus against Muslims and Christians; discrimination in access to education, employment and services in both the public and private sectors. The impact of discrimination is felt especially--has been felt especially--by the Muslim community, especially in those areas of India where Muslims are a more numerous minority. It is evident in the lower educational attainments, incomes and wealth of Muslims in most parts of the country and must be corrected over time.

Communal violence directed against Muslims, Christians and sometimes Hindus often breaks out spontaneously in reaction to an incident of real or perceived insult or discrimination. But it is also often regrettably fomented and manipulated by community and political leaders seeking personal and political advantage. When the existing tensions are high, the provocations especially great or the leaders especially unscrupulous, the violence can occur suddenly, escalate rapidly and spread widely.

As challenging as these problems are, India has the institutions and the instruments to deal with them. These include the constitutional and, for the most part, effective legal provisions of rights against religious discrimination and persecution. India also has an accessible and independent judiciary, though it functions all too slowly and inefficiently. India's now deeply rooted and increasingly participatory democracy provides a channel for grievances and a vehicle for political mobilization by groups protesting religiously-based wrongs.

Over time, India's democracy is a means of holding political parties and leaders accountable, as India's voters did in repudiating the Bharatiya Janata Party for its complicity in the destruction of the Babri Mosque in the state elections which followed three or four months later.

Third, India has a free and vigorous media which penetrates the entire country and reports and seeks out the facts of incidents such as those I've described. India also has tens of thousands of nongovernmental organizations, many of which represent disadvantaged groups and seek resolution of conflicts.

While these institutions and processes do not guarantee religious freedom and its exercise and certainly do not always function effectively to prevent or alleviate discrimination, together, they constitute a formidable mechanism for societal repair and improvement which has the support of the great majority of the Indian people. Given this situation, what should and can the United States do to support the commitment to and exercise of religious freedom in India, and what should it not do?

Most generally, in my view, and most importantly for the long term, the United States should seek a broad engagement with India, a relationship which differs significantly in its breadth and depth from that which we've had for most of the past five decades.

Mr. Chairman, may I have your permission to proceed?

This is desirable to take advantage of converging U.S. and Indian interests in a number of spheres, including, importantly, cooperation in advancing human rights internationally. The values, institutions and processes of the two societies and nations are largely congruent. This engagement will allow the two governments to have more open channels of communication and avenues of mutual influence on a number of bilateral issues, including, when necessary, concerns about religious freedom.

Second, when necessary and appropriate, the United States should utilize quiet diplomacy to raise concerns about extraordinary infringements of religious freedom or discrimination or abuse based on religious affiliation. For instance, U.S. officials have spoken privately with Indian leaders about attacks on Christians in which elements associated with the ruling party have been implicated.

U.S. leaders should of course, themselves, be open to similar representations by Indian officials concerning treatment of minorities in our own country.

Third, the United States should encourage and facilitate

private sector exchanges between Indian and American religious and civic groups and NGOs concerned with issues of religious freedom. International human rights organizations in the U.S. should continue to monitor and inform policy makers and the public about abuses of religious freedom, but wherever possible, they should work in close cooperation with and support of Indian nongovernmental organizations seeking the same ends.

Mr. Chairman, in my view, it is neither necessary nor appropriate for the United States to consider applying pressure through sanctions or threats of sanctions to affect the development of religious freedom in India. The problems, in my view, are not of a magnitude or intensity that would justify such action. Second, such actions or policies on our part would, in my view, be counterproductive. They would fuel nationalist reactions and would undercut the efforts of India's own institutions, including its NGOs.

In summary, I believe that the situation of religious freedom in India and the shared values of the United States and India argue for a U.S. stance which recognizes India's commitment to religious freedom through open, respectful and discreet communication.

Thank you, Mr. Chairman.