

Hearings on Religious Freedom in India and Pakistan: Prof. Sumit Ganguly Oral Testimony

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PROFESSOR GANGULY: Thank you, Mr. Chairman and members of the Commission.

I consider it an honor and a privilege to be asked to testify before this Commission today. The subject that is before us is of obviously no minor significance, and it indeed deserves very careful discussion and analysis. I shall basically address three issues in my prepared remarks and then answer any questions that might arise.

First, I shall talk about what the governments of India and Pakistan could do to improve the protection of religious freedom and the conditions of religious minorities in their respective countries. Second, I'll dwell upon the possible measures that the United States can take to improve the conditions of religious minorities in these two countries; and finally, as I've been asked by the Commission, I shall address the question of American policy options towards the ongoing crisis in Kashmir.

At the very outset, I think it's important to underscore that polemical commentaries to the contrary notwithstanding, the conditions of religious freedom in India and Pakistan are indeed markedly different. Both states, in their existing constitutional apparatus, guarantee religious freedoms. However, this apparent similarity quickly falls apart under closer scrutiny.

Pakistan started its independent history as a homeland for the Muslims of South Asia and is now an avowedly Islamic republic. India, on the other hand, made an explicit commitment to secularism at the time of its independence and remains, as Marshall Bouton has underscored, a constitutionally mandated secular state.

Under Pakistan's 1985 constitution, which is currently in abeyance owing to the military coup, it notionally guarantees freedom of religion. Religious freedom, however, according to the constitution is deemed to be, quote, "subject to law, public order and morality." Actions or speech derogatory to Islam or its Prophet, for example, are not protected. In 1994, Prime Minister Benazir Bhutto unsuccessfully made an attempt to amend the blasphemy law. More recently, General Musharraf, the military ruler, also made a similar attempt but very quickly was forced to back down in the face of Islamist opposition.

The consequences of this law are indeed far-reaching, because it carries a mandatory death sentence. Tragically, this law has been exploited to settle economic grievances or professional rivalries or to target non-Muslims at the behest sometimes of local clerics.

In India, despite a vigorous challenge to the secular state and ironically from both ends of the political spectrum, the legal dispensation of secularism, as Marshall has underscored, remains intact. Even the most ardent critics of secularism argue that they're merely attacking what they consider to be pseudo-secularism. Since the late 1980s, however, religious intolerance has indeed grown in India. It reached its apogee in December 1992, when members of the Bajrandal [ph], a group loosely associated with the dominant party in Parliament currently, the Bharatiya Janata Party, attacked and destroyed a mosque, the Babri Mosque, in the most populous state of India, Uttar Pradesh.

This edifice had been putatively built on the ruins of a Hindu temple consecrating the birthplace of Lord Rahm [ph], one of the principal members of the Hindu pantheon.

The responses of key elements of Indian society and government to these loathsome acts have deferred markedly, and I would like to underscore that the free press in India makes a vital difference. The English language press in India particularly has done an exemplary job of reporting on these incidents, and a number of Indian human rights organizations have also vigorously condemned them.

Sadly, in my view, the national government, particularly this government, has failed to demonstrate similar concern or alacrity about this kind of recrudescence of violent religious intolerance. Instead, on occasion, its spokespersons have suggested that these acts are merely isolated incidents, the inevitable backlash against the excessive proselytizing zeal of missionaries or the work of perfidious, Pakistani-sponsored terrorists intent on fomenting communal hatred in India.

There is some element of truth to the last issue, but I would hardly attribute the entire state of religious violence to the evil designs of the Pakistani state.

What could the national governments do to curb the rise of these forms of religious intolerance? I'll talk first about Pakistan, and then, I'll talk about India. In the Pakistani case, the tasks are indeed manifold. To begin with, the Pakistani Government should be urged to dispense with one of the most obvious elements of religious discrimination, namely, the imprinting of religious affiliation on national identity cards.

The government of General Musharraf should also be pressed to dispense with the blasphemy law and its most draconian form of punishment. This law has already been subjected to much abuse. It is in Pakistan's interest, frankly, to promptly repeal it.

Finally, the Musharraf regime should be strongly urged to bring the minority Ahmadiyya community within the fold of Islam. A state that putatively was created to be the homeland of the Muslims of South Asia can ill afford to treat fellow Muslims as apostates.

CHAIRMAN ABRAMS: Please; go right ahead. That's--

PROFESSOR GANGULY: Thank you.

CHAIRMAN ABRAMS: --irrelevant.

PROFESSOR GANGULY: Thank you.

Pakistan will eventually have to pursue fundamentally institutional reforms to address the problem of minority rights. However, even if it undertakes the few steps that I've outlined above, it will have made significant progress towards preventing the further abuse of its religious minorities.

The context of religious tolerance in India or intolerance, as I've already talked about, is a far cry from the conditions that

prevail in Pakistan. At the outset, it needs to be highlighted that the prevalence and indeed the deepening of electoral democracy in India prevents parties which are insensitive to the concerns of religious minorities from pursuing their wantonly callous behavior simply because they do not wish to lose at the ballot box.

At an institutional level, also, the existence of an independent judiciary, albeit slow and elephantine on occasion, also provides the possibility of legal redress for the grievances of minorities, and indeed, it has acted on occasion in that fashion.

Finally, the existence of an election commission has also sought to prevent political parties from making blatantly sectarian appeals.

What other steps can national governments do to curb this infelicitous trend that we see both in India and Pakistan? Let me now turn to India. This process of addressing the grievances of religious minorities and the intolerance shown towards religious minorities really has to begin at the highest levels of political authority in the land. To this end, the principal party of the coalition government, the BJP, should eschew its propensity to scapegoat minorities, particularly Muslims, for India's myriad social and economic ills, especially in electoral contexts.

Simultaneously, its leaders can make clear through public speeches, internal political directives and a vigorous implementation of existing laws that acts of violent religious intolerance will not go unpunished, regardless of who engages in them.

What can the United States do, turning to my second question, to improve religious freedom in India and Pakistan? I think first of all, any American policy that seeks to improve the conditions of religious freedom in India and Pakistan must unequivocally condemn all acts of religious violence, regardless of which group or sect is involved in such violence. This inconsistency in the expression of concern has led to justifiable charges, I would argue, of double standards and hypocrisy.

Second, public hectoring, as Marshall correctly pointed out, of either India or Pakistan could actually generate a jingoistic response and undermine the effectiveness of American condemnation. Instead, the United States should rely on existing diplomatic channels in Islamabad and New Delhi to express its displeasure about acts of religious hatred and intolerance.

Third, I would argue that the U.S. needs to pursue a very differentiated policy towards India and Pakistan. I can well imagine many taking exception to this argument. However, I do believe and will strenuously argue that my position is eminently defensible. India does have a working judiciary, a free press and a variety of domestic human rights watchdog organizations. The situation in Pakistan is indeed different. The judiciary is pliant; the scope of the free press limited; its norms weak or nonexistent; and independent human rights organizations few and far between. Most importantly, Pakistan is again in the throes of military rule.

Fourth, I would argue that the U.S. needs to allocate some funds to public diplomacy and foreign assistance programs for the promotion of secular education in both India and Pakistan. Such efforts are especially important in Pakistan, where low levels of literacy and educational attainment simply compound problems of sectarian conflict.

Finally, to turn to the most contentious issue, namely, American policy towards Kashmir, and I am going to be downright heretical on this issue. Being a tenured full professor enables you to do these kinds of things, particularly in a democratic society. This is one of the great joys of tenure in America.

The American policy, to the best of my understanding, holds that India and Pakistan should settle the Kashmir dispute peacefully while taking into account the wishes of the Kashmiri people. This policy, bluntly put, is both unimaginative at best and disingenuous at worst. It is unimaginative because obviously, the U.S. would be loathe to see the problem settled through the use of force.

It is also disingenuous because the Kashmiri people are not confined to the aggrieved Sunni Muslims of the Kashmiri valley but also include the Buddhists of Ladhar [ph]; the Hindus of Jamrhu [ph] and the Shias of the Himalayan region of Kargil [ph].

Mr. Chairman, I will promptly wrap up.

Given the conditions that currently obtain in Kashmir, where basically, the pristine quality of the insurgency of 1989, which represented a popular uprising, has been lost, and today, basically, you have a bunch of condotierris running a protection racket, one needs to pursue a very different set of policies towards the Kashmir issue.

To begin with, I think it should--the United States should call on India to forthrightly address allegations of human rights abuses on the part of its security forces in Kashmir; to maintain its offer to negotiate with any insurgent group while continuing necessary counterinsurgency operations; to renew the stalled dialogue with Pakistan; and to seriously consider returning Kashmir, the portion of Kashmir that it controls, to the autonomous status that it once enjoyed in 1953.

Simultaneously, this new policy would make clear to Pakistan that continued support for terrorism in Kashmir would inexorably lead to its being placed on the list of states deemed to be supporting terrorism. Pakistan has narrowly escaped this designation on several occasions in the past. It may not be as fortunate in the future.

The final policy recommendation will be greeted with some delight in New Delhi and much dismay in Pakistan. These expressions of delight and dismay, however, could be tempered if the U.S. could successfully induce both sides to adopt the other measures that I have already outlined. The measures enumerated represent important concessions for both India in Pakistan on the Kashmir question. Consequently, their adoption would entail significant costs both for New Delhi and Islamabad. Neither side should feel unduly aggrieved as the Kashmir conflict then slouches toward a solution.

Thank you.