Hearings on Religious Freedom in India and Pakistan: Professor Emeritus Ainslie Embree Oral Testimony

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PROFESSOR EMBREE: Thank you very much, Mr. Abrams.

There is an error--if those of you who have my paper--I put UN Commission. It should, of course, be U.S. Commission on Religious Freedom. It's, I think, perhaps cruel and unusual punishment to expect an elderly professor to speak for 10 minutes, but I will try.

[Laughter.]

PROFESSOR EMBREE: I'm very grateful for the opportunity to speak on a subject that's of enormous importance to India and Pakistan and, indeed, to the whole world. There are many issues involved in this. There's the obvious question of the freedom of religion; the place of religion in public policy; the protection government offers to its citizens; the government attitude towards religious organizations. One that I'm going to touch on perhaps most fully is the question of religious nationalism and specifically what we now call Hindu nationalism and its bearing on these issues of religious freedom and the place of religion in public policy.

When I speak of religion in India and Pakistan, I'm going to speak of what's sometimes called lived religion. I'm not going to make any reference to doctrinal and theological matters, all of which are important, but I'm going to confine myself to the religious situation as it exists in India and Pakistan. And I'm going to speak mainly about India and only briefly about Pakistan for the simple reason that there's been an extraordinary public discussion of these issues in India. India is a vibrant democracy with a free press. There has been much less discussion in Pakistan, not that it's less important. The Census of India confirms that India is a religiously pluralistic country, not, however, more religiously pluralistic than other large countries. It is no more religiously pluralistic

than this country. Where it differs is in the enormous size of the different religious groups. According to the 1991 Census, 600 million people identified themselves as Hindus; over 100 million identified themselves as Muslims; 20 million as Christians. So one is dealing with very large numbers when one speaks of the diversity of religious groups.

Now, what I'm going to try to mention very quickly which is part of my own background and specialization is that at the end of the 19th Century, the Indian nationalist movement tried to define what Indian nationalism would be as they struggled for freedom, and what all the leaders in those early years agreed was that religion would not be a defining factor in Indian nationalism. This is one of the most important points, I think, to keep in mind in looking at the religious situation.

When they said that religion would not be a defining factor in Indian nationalism, as it had been in most other countries, including this one, the reason was that religion was too divisive a subject to include it in the national freedom agenda. People like Nehru looked at the West and saw or thought he saw that for scientific advancement and prosperity, India would have to give religion a very secondary place. He was convinced that the West had prospered because it had given religion a secondary place. Nehru was speaking as, in a sense, a 19th Century liberal, although he was living in the 20th Century.

The telling rejoinder to Nehru's argument that religion should play no part in the development of the new India came from another visionary, Mahatma Gandhi, who said when people say that religion has no place in politics, they're only showing they know nothing of either religion or politics, and that's something one has to keep in mind as one looks at the situation.

Religious freedom in India is defined in the constitution very clearly, and no question, this came out of the wish of people like Nehru, Ambedker [ph] and other liberal democrats. There are a number of definitions, but the important article reads all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate. I was living in India at the time when this was being discussed, in 1948.

Nobody objected to freedom to profess and practice religion. There was enormous objection in 1948 to the provision for the right to propagate religion, and that is still a very lively issue in India and is back, indeed, of much of what we call religious persecution. Now, the people who demanded the right to propagate religion were the Muslims and the Christians, who argued that as part of professing and practicing their

religion, the right to propagate must also be included, and they argued that both religions, Christianity and Islam, that their religions had a divine mandate for them to not just practice their religion in private but to propagate.

I may say this idea of the right to propagate is repellant to Hindu leaders at the present time, who argue that Hinduism doesn't propagate its religion to other people. This, I happen to believe, is not true; there's plenty of evidence in this country and elsewhere that Hindus propagate their religion. But within India itself, it was argued very vigorously against the right to propagate a religion.

The argument for this question was that propagating religion, Islam and Christianity, threatened the social fabric of India. Now, the argument here is quite simple. The argument that Hinduism--I'm sorry; the argument that Islam and Christianity are foreign religions. This is what one hears constantly in India at the present time. Islam has been in India since the Eighth Century, almost as soon as it was anywhere in the world. Christianity has been in India since the Third or Fourth Century; Indian Christians claim since the First Century, so that historically speaking, neither Islam nor Christianity are foreign religions. But this is the charge made against them.

Now, in addition to guaranteeing religious freedom, the Indian Constitution in 1976 added a new phrase, that India was a secular country. This is a very important phrase. It's added to the preamble of the constitution. Now, it doesn't mean that India was against religion, but what the people who insisted upon calling India a secular country meant by it that India was to be a just and egalitarian country and that religion, as such, was to play no defining role in creating a just society in India. Now, it is for that reason, I think, that the whole concept of secularism has come under enormous criticism currently in India.

Now, what has happened in India, and I will just go through this here very quickly, is the growth in the last 50 years since independence of what we call Hindu nationalism. Basically, this argument comes from the idea that Indian culture is basically rooted in the great tradition that we call Hindu. Now, this is a complicated word. I have no time to go into it. But it basically argues that India's nationalism should be rooted in the past, in the thousands of years that we now roughly call the Hindu tradition. This doesn't mean just religion. It means art and literature; all the aspects of civilization that we think of in relation to India. Now, what has become very vigorous is that Indian nationalism should be expressed in these terms, and the proponents of Hindu nationalism see Christianity and Islam as enemies of this kind of Hindu nationalism. Now, the main proponents of Hindu nationalism are certain kinds of organizations, the best known of which is the Rashtriya

Swayamsevak Sangh, the RSS; but there are a whole host of organizations that have--that are called in India the RSS family where the cadres have been trained out of this organization, which is not specifically a religious organization but a cultural organization.

Now, the point of all this is that the leaders of the present Government of India were all in their youth and as far as I know continue to be members of the RSS: Mr. Vajpayee, Mr. Advani [ph], all of the leaders of the RSS are members of this organization that is dedicated--and this is in their constitution--to eradicate differences among Hindus and to work for, with selfless devotion for Hindu society as a whole and to build up a well-disciplined, organized corporate life to bring about the regeneration of Hindu society. Now, in itself, one could substitute Christian or almost anything in this phrase, description, but it is this kind of description that strikes fear in the skivvies into those who do not agree with Hindu nationalism, because they see it as profoundly divisive. It cuts out large segments of the population, not just Muslims and Hindus but a very large number of liberal, educated--if you like, Western-educated Hindus, people who have been the leaders of India for many years.

So it's this emphasis on Hindu nationalism that I think one has to take very seriously as one looks at India. It's a genuine expression of nationalism; a genuine expression of the kind of society that many people would like to see created in India.

Now, let me just mention some of the great symbols of what this means. One was the destruction in December 1992 of a Muslim mosque that seemed to many people to symbolize an attack on Islam and on the Muslim community. Another aspect of this Hindu nationalism and of the BJP, the party in power, is their argument that the special provision for Kashmir, Article 370, should be done away with, an article that gave Kashmir a kind of autonomy not enjoyed by any other Indian state. And many people see the desire to do away with 370, giving Kashmir special status, as an attack not just on Muslims in Kashmir but indeed on the Muslim community in general.

Related to this is that all the major religions in India have special provision to follow personal law in regard to marriage, divorce, adoption and so on. This dates from the Nineteenth Century, and it's still true that Muslims and Christians have these special provisions. And the BJP and other groups argue that these special provisions for Christians and Muslims should be done away with, and a universal code be given, and Muslims and Christians tend to argue that this would mean a universal code in one sense but replacing their bulwarks within the society.

In conclusion, I can only say that there is obviously less religious freedom in Pakistan, because unlike Pakistan--unlike India, Pakistan has a religious ideology as its foundation written into the constitution. Technically, there is religious freedom for Hindus and Christians in India--I'm sorry, in Pakistan--but they are very small communities; generally poor communities, and they, as the recent State Department document makes clear, they are not really protected by the government.

Now, I want to conclude by saying that when one speaks of persecution of religion in India, one must be very clear from my point of view. I'm not speaking of persecution by the government but by groups within the society, motivated by what I have called Hindu nationalism. I believe that India remains a vibrant democracy and one in which the different religious groups have an opportunity to struggle for their freedom, and that indeed, they have the support of many elements, liberal, democratic elements, within the Hindu society.

Thank you, sir.