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I am beholden to the U.S. authorities for selecting me for this year's Distinguished Service Award—especially since, as I understand it, I am the first non-American to receive it. It is indeed a great honor for me and for my country.

The place of religion in contemporary legal systems across the globe has long been one of my major areas of interest. America's deep interest in promoting religious freedom worldwide is praiseworthy. I too have been playing my own humble role in this noble mission, which I know my friends here appreciate. This is the third time I have participated in BYU's annual symposium on the subject. The first time I came, I spoke at one of the concurrent regional sessions, the next year at a plenary, and now at the inaugural session. Thanking the organizers for this gradual upgrade of my job, I will share a few thoughts with my coparticipants of this conference.

Religion and law have been two intertwined social-control mechanisms in all phases of human history and remain so across the globe, even in the present third millennium. Antireligious ideologies that have periodically emerged in certain parts of the world have miserably failed, and religiosity continues to be the order of the day in some form or another in all parts of the world. The paradigms of interrelation between religion, law, and state have, of course, constantly changed. Centuries have intervened between the old times when religion fully controlled the law and the present new age, where the two social-control mechanisms have exchanged their positions. Religion now has to operate everywhere in the world within the parameters set by international human rights documents, national constitutions, domestic laws, and judicial interpretations of these various legal sources.

The place of religion in contemporary legal systems differs from

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region to region and country to country, ranging from the French doctrine of *laïcité*, to the U.S. Constitution's Establishment Clause, to the proclamation of a particular religion as the state or otherwise privileged religion in numerous countries of Asia and Africa. A study of the wide varieties of the relations between and interaction of religion and law is indeed no less fascinating than it is complicated.

International human rights instruments, which have poured down since 1948, mention religious freedom as an essential ingredient of the code of human rights. The Universal Declaration of Human Rights and its two attending International Covenants of 1966 outlaw religious discrimination of all sorts in the enjoyment of human rights. Religious nondiscrimination clauses are also found in the special U.N. Conventions of women and children's rights proclaimed in the decade between 1979 and 1989. The 1981 U.N. Declaration against Religious Discrimination and Intolerance and the 1992 Declaration on the Rights of Minorities specifically enjoin nations of the world to protect and facilitate the religious freedom of their respective citizens.

The responses of nation-states to the calls of international human rights instruments have been varied. The two so-called superpower nations of recent years provide good examples. In years past, the Soviet Union adopted a unique concept of secularism, banishing religion from all walks of public life. On the other hand, the U.S. Constitution, along with its Establishment Clause, ensured state neutrality to religion and noninterference in people's religious affairs and rights. I am reminded here of how my late father used to denounce the Soviet Union for the irreligion demonstrated by its cosmonauts, who proclaimed they did not find God. He then praised the United States for its space travelers stepping onto the moon and thanking God for their achievement. His reaction was representative of the proreligious attitude of billions of the earth's inhabitants. Expectedly, human history soon watched the wiping out of the antireligious political ideology and revival of religious freedom in the erstwhile communist regimes. Among these are the Muslim-majority republics of Central Asia, separated from the erstwhile Soviet Union, and the Muslim-dominated European nation of Albania, where former President Anwar Hoxa had once boasted of having the only atheist country of the world. He claimed: "[W]e have conducted God out of our borders thanking him for His provisional services." China and Vietnam have also, in recent years, enacted new laws on religious freedom, mitigating the rigidities of their past laws on the subject. Seeing all this, Comrade Lenin, Chairman Mao, and the like

must be turning in their graves.

Coming to the practice of state allegiance to particular faith traditions, the tradition that is accorded the status of state religion in the largest number of modern-day nations is Islam. In as many as sixty nation-states situated on the continents of Asia, Africa, and Europe, followers of Islam are in a majority. Constitutional documents in twenty-four of these countries, scattered from North and West Africa to South and Southeast Asia, proclaim Islam to be their state religion, some of them including the epithet "Islamic" in the name or prefatory description of the country in the local legal instruments. Additionally, most Arab countries, as well as some non-Arab Muslim-majority states, proclaim *Shari'ah*—the traditional law of Islam—to be their "principal source of legislation." The national constitutions of Saudi Arabia and Pakistan, the two most typically Islamic nations of our times, are jam-packed with religious provisions. Six of the so-called Islamic states have retained the traditional criminal law of Islam in its original or slightly altered form. The Islamic family and succession laws, classical or revisited, are in force in almost all Muslim-majority countries, as well as in numerous Muslim-minority countries with large Muslim populations. Notably, Indonesia, the largest Muslim country in the world, neither proclaims Islam as the state religion nor makes any reference to *Shari'ah*, and the classical Islamic family law is not in force there in its Puritan form. The same is also true of Turkey, where Islamic laws were replaced long ago with adaptations of the Italian Penal Code and the Swiss Civil Code. Indonesia has, however, enacted a blasphemy law that has abundant potential for misuse by unscrupulous elements, while the 1973 blasphemy laws in Pakistan have actually been misused to promote communal hatred and even to settle personal scores.

Travelling beyond the Muslim world, one finds that the mountain state of Nepal in Asia has proclaimed Hinduism to be its official religion and ensures its hegemony by banning conversion to other religions. There are also special provisions relating to the majority Hindu faith in the constitution of secular India. Some Indian states have enacted laws to control religious conversions, which, though generic in their text, have been applied only to conversion from Hinduism to Christianity or Islam. Several Buddhist-dominated countries on the Asian continent—Thailand, Sri Lanka, and Bhutan among them—accord an official status to Buddhism. Also, the special legal position of the Jewish faith in the State of Israel is well known, and there are special references to one form of Christianity or another in the legal instruments of some Christian-

majority countries of the East. Several European nations, including the United Kingdom, Greece, Denmark, Malta, and Cyprus, have state churches, and abortive efforts have been repeatedly made to mention Christianity in the constitution of the European Union.

Constitutional documents in all countries of the world, both those that accord a special status to one or another faith tradition and those that do not, to varying extents give legal guarantees to all their citizens for freedom of religion. Those giving a special place to a particular faith seemingly do not find any conflict between official adherence to a particular religious ideology and religious freedom for all, while those swearing by secularism make compromises with religious aspirations of particular communities or the population in general. In the Christian-dominated, secular Philippines, the U.S.-type nonestablishment clause of the constitution has been generally subjected by the judiciary to a proreligion interpretation, and Islamic family and succession laws applicable to Muslim citizens have been the subject of massive state codification. In secular India, the dimensions of a proreligion interpretation of secularism have been much more extensive. A sixty-year-old court case regarding ownership of disputed land in a holy North Indian city, where a 500-year-old mosque stood before being demolished in 1992 in a mob frenzy, has just been decided, remarkably, by a Muslim judge by way of a partition decree that tilts in favor of the majority community.

What is indeed disturbing is that despite such reconciliations, concessions, and compromises, religious conflicts and tensions still exist in all countries of the world. Legal assurances of a state's neutrality in religious matters and statutory guarantees of equality of all citizens with respect to religious rights are generally not reflected in reality. Adoption or nonadoption of an officially sponsored religion seems to make no substantial difference in this matter—in almost every instance the majority religion silently attains a privileged position. International law documents say that a "minority" is "a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics differing from the rest of the population." Statutory professions aside, in the case of religious minorities, this "numerical inferiority" often turns into social and political inferiority, and the numerically "non-dominant position" gets translated into the hegemony of the religious majority. This results in a denial of civil rights to religious minorities, in open violation of international human rights instruments and domestic constitutions.

The discrepancies between the theory and the practice of religious freedom result from the fact that whatever the law may say, local majorities fail to act accordingly. Owing allegiance only to their particular faith, they regard minority faiths as alien or even false. According to a recent global survey, an overwhelming majority of the over six billion inhabitants of the earth are exclusive in their regard for religion. Ranking the countries for exclusivity, the survey puts two Asian nations on the top in this respect—the Christian-dominated Philippines, and the Hindu-dominated India. Notably, both these countries are secular by the dictates of their respective constitutions, which lends ample evidence that the official assumption of secularism does not change the public mindset.

Public stereotyping of religious minorities is a leading source of religious tension everywhere. People are unable, and often unwilling, to obtain the accurate information required to make fair judgments. Established stereotypes allow them to fill in the blanks, and society goes on perpetuating this state of affairs. The roots of stereotype formation are embedded in what people read in books and magazines, see in movies or television, or hear from friends and family. Prejudice is thus passed on from generation to generation, and this process results in the majority's hidden dislike for religious minorities. Prejudice is also spread by the use of propaganda and inflamed by demagogues. Slang is freely used to dehumanize members of minority groups. In a vicious circle, the minorities also develop stereotypes for the local majorities. Indulgence in misgivings thus becomes a two-way street and acts as the precursor of identity conflicts, hegemony claims, discrimination, isolation, and violence.

Unfortunately, globalization of the human world is now affecting stereotypes, too. Religious stereotypes are created by the trend to regard a chosen faith as the only true, or at least the most superior, religion, and to look down on all other faith traditions. Patriotism is identified everywhere with the religion and culture of the majority. Jesus was born in the Middle East, not in Europe or America, and yet the Middle East looks at Christianity as a foreign religion. On the other hand, neither Christianity nor Islam had its origin in the West, but the West regards Christianity as its natural religion and Islam as alien to its culture. In my country of India, 2000 and 1400 years of existence of Christianity and Islam, respectively, have not changed the Hindu perception of these faiths as being foreign to India's religio-social ethos.

All the world religions have much in common and teach respect for

individual differences. Followers of Judaism, Christianity, and Islam have more similarities than differences in their mythologies and religious beliefs, and yet they are at war with each other. Since Moses and Christ stand on a high pedestal in Islamic theology, the Muslims do not have the audacity to ridicule them. But for historical reasons, Muhammad is not and could not have been mentioned in Judeo-Christian mythology. Thus, Jews and Christians do not hesitate to subject Muhammad to all sorts of denigration. In my country, all religious communities are more similar than different in religio-cultural practices and equally share the nation's social ethos. But they stress their differences rather than focusing on their similarities. For the Muslims, on the other hand, the favorite way to stereotype other faith communities is to regard them as *kafir* or *mushrik*, in total disregard for the historical context in which the Islamic scripture had used these Arabic expressions 1400 years ago. The Prophet Muhammad struggled hard to include and assimilate nonbelieving communities into Islam, while the modern-day Muslims struggle to exclude and dissimilate nonbelievers from the fold of Islam. Their attitude to the Baha'i and Qadiayani faiths amply demonstrate this reality. This worldwide insensitivity to commonness and witch-hunting leads to social unrest that often erupts into religious violence.

The modern man has not yet thrown religious conflicts, hate speech and crimes, and even open persecution of religious minorities into the dustbin of history. Even today, religion appears to be a terrible Satan in its decadence when people plunge into spiritual illiteracy; miss the divine essence of the lessons of the sages, prophets, and seers; and kiss the holy nonsense of "my religion is right or wrong" and "my religionists alone to me belong." In this vulgar barbarous degeneracy, humanism dies and values of tolerance and compassion perish. In the perverse reversal of higher meanings, the man on earth becomes the blind ammunition of divine rivals in the skies. No longer confined to the so-called transitional and developing societies, the canker has now spread to fully developed nations.

There is only one way to resolve this imbroglio, and that is an unconditional acceptance of all religious faiths of the world as the common heritage of mankind, the protection of which should be the solemn obligation, joint and several, of all nations and all inhabitants of the human world. Whatever our faith may be, what we think of religions other than our own, and how we behave towards their followers cannot be attributed to the teachings of our respective faiths. Islam adopted the Arabic word for "peace" as its name, tells its adherents that God is "Most

Compassionate and Most Merciful," and teaches them to greet fellow human beings with "peace be upon you." Christianity asks its followers to tell themselves "I as a guilty sinner have been pardoned by a loving God and I in turn need to forgive others." Hinduism speaks of "*sarva dharma sambhava*" (commonality of all faiths), and Buddhism teaches the principle of absolute *ahinsa* (nonviolence). But is the behavior of present-day followers of any of these faiths in accord with its teachings? Unless these noble teachings are practiced in the day-to-day behavior of the followers of the respective religions, any number of laws meant to regulate religious conduct and enforce religious tolerance, equality, and nondiscrimination will not succeed in their purpose anywhere in the world. Neither official allegiance to a particular religion's proclamations of state neutrality to religions nor legal guarantees of religious equalities and nondiscrimination can obliterate inequalities, injustices, and inhumanities from human society. A change of hearts, of minds, and of attitudes is required for this purpose. Common teachings of all our great religions provide a basis for attaining such change.

The modern world's legal theory, which guarantees to all inhabitants of the earth social equality, religious tolerance, and nondiscrimination, is indeed superb in its text. In actual practice, however, it is persistently being hit by naked violations and monumental aberrations. Why is this so? What has gone wrong, and where? Why in this twenty-first century are civilized nations of the world openly negating the universal human rights to which they committed themselves over six decades ago? Checking this reverse trend is indeed the most crucial and pressing need of the hour. Be that as it may, the diversity of religions cannot be wished away or wiped out. Every plural society having religious diversity must be humanized and weaned from cannibalistic habits. Comity of denominations, rather than a zoo of savage faiths, must be the governing code of religious pluralism in the human world. The ways and means by which our international human rights instruments, national constitutions, and domestic laws can help in this noble mission will hopefully be explored by the participants of this conference.