

RELIGIOUS SENTIMENT AND NATIONAL SOVEREIGNTY: THE CASE OF THE BAMIIYAN BUDDHAS

Rohini Hensman

The worldwide dismay and outrage caused by Taliban's edict of February 26 ordering the demolition of the Bamiyan Buddhas raise a host of questions of a very fundamental nature. While such extreme defiance of world opinion is characteristic of Taliban, this kind of behaviour - and the reasoning which justifies it - is by no means unique. Indeed, it has been extremely common in South Asia. I would therefore like to take two specific issues raised by this episode and look at the wider questions they pose. The first is that of religious sentiment and what it can or cannot justify; the second is that of national sovereignty.

The justification offered for what most of us would see as an act of religious intolerance and pure vandalism is that these 'graven images' offend the religious sentiments of Taliban. Their supreme leader Mullah Mohammad Omar dismissed criticisms of the plan, saying that Afghan Muslims should be proud of smashing the statues. 'It is a shame for those Afghans who criticise this decree,' he was quoted as saying; 'I ask Afghans and the world's Muslims to use their sound wisdom... Do you prefer to be a breaker of idols or a seller of idols? Is it appropriate to be influenced by the propaganda of the infidels?'

South Asian Atrocities

Unfortunately, their action is not in a class by itself, but in a class all too familiar to us in South Asia. The demolition of the Babri Mosque in 1992, the threat of demolishing other mosques and the burning of the Kuran in India, the torching of Christian churches in India and Sri Lanka, attacks on Hindu temples in Pakistan, Bangladesh and Sri Lanka, attacks on Buddhist, Muslim and Christian religious sites by the LTTE: such acts of vandalism have been common in our countries. Worse still, pogroms and massacres of people belonging to minority religions have routinely been carried out. In India, anti-Muslim pogroms have been endemic since the partition riots at Independence, and more recently, Christians have become the target of violence and murder, as they have been for many years in Pakistan. Hindus have been attacked in Pakistan and Bangladesh. Repeated pogroms in Sri Lanka have been directed against non-Buddhists. The LTTE has massacred

Buddhists and Muslims. There have been slanderous attacks throughout South Asia on historians and archeologists standing up for the truth about a multicultural past, and the burning of Jaffna library with its rare manuscripts in 1981 is one example of the attempts made to erase the evidence of such a past. Of course, no survey is ever carried out to ascertain that all or even the majority of those following the supposedly offended religion approve of the brutal acts carried out in their name. Nonetheless, those who engage in them implicitly take it for granted that their own religious sensibilities provide a justification for physical attacks on structures and people of other religions.

Obnoxious Fanaticism

So what - apart from the publicity it has received and the historical and artistic value of the monuments - makes the attack on the Bamiyan Buddhas any different from innumerable other assaults on religious monuments and places of worship in our countries? The answer is that in principle, there is no difference. The vandals who set fire to a Christian church in Hingurakgoda were, by the same logic which inspired that act, justifying the destruction of the Bamiyan Buddhas. And conversely, the

Taliban clerics, by their action, justify in retrospect the demolition of the Babri Masjid by Hindu vandals. Are they aware that the hatred which inspires their actions can equally well be used against their own religion? Probably not, because those who appeal to religious sentiment generally believe that their own religion and their own sentiments are the only valid ones. They even dismiss other versions of their own religion which are more humanistic and tolerant as being inauthentic.

For those of us who believe in human rights, equality and democracy, what would a logical, consistent position on such questions be? At one extreme is the belief, usually characterised as Marxist though not all Marxists agree with it, that religious belief is ideology or superstition, to be discouraged and discounted. While this is perfectly acceptable as one belief (among others), wherever it results in similar actions to those inspired by religious fanaticism - destruction of religious places of worship and monuments,

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persecution of followers of a religion or religions, etc. - it is equally obnoxious. Like religious intolerance, this amounts to a denial of fundamental human rights to freedom of conscience and freedom of expression.

Liberal Dilemma

At the other extreme is a liberal position, embodied in various different forms. One is the Gandhian-inspired conception of secularism commonly accepted in India, which preaches equal tolerance and respect to all religions, but there are also more recent, even post-modern, forms of the same outlook. Before looking at this position more closely, a small digression on what we mean by 'religion'. A recent issue of *Pravada* (Vol.6 Nos.9 & 10) carries an interesting debate between Qadri Ismail, who alleges that in Michael Ondaatje's novel *Anil's Ghost*, 'Buddhism is denied a role in the politics of Sri Lanka, in the Sinhala oppression of the minorities.. its criminal record in Sri Lanka (is) denied' (p.29), and Radhika Coomaraswamy, who alleges that Ismail 'collapses Buddhist humanism and Buddhist chauvinism into one category' (p.29). In a sense, both are right - or, if they feel their positions are mutually exclusive, both are wrong. Questions about the actual teachings of the founder of a religion, and the extent to which the practices of followers conform to those teachings, are important to pursue. But religion as a social institution includes the practices of all those who profess a certain faith, regardless of whether they conform to or deviate from the teachings of the founder. In this sense, Buddhism as practised in Sri Lanka is *both* a religion of peace and compassion *as well as* a religion of bloodthirsty violence, and it is true that the latter dimension is absent from Ondaatje's novel, making the entire action inexplicable, since there is no way of accounting for the horrific violence of a state avowedly committed to Buddhism.¹

Seen from this perspective, a liberal position of according equal tolerance and respect to all religious beliefs and practices shows itself to be self-contradictory and unviable. It would mean respecting the right of Buddhists to venerate the Bamiyan statues as well as the right of Taliban to demolish them. Supposedly safeguarding freedom of conscience, it would actually do the opposite in many cases. The dominant version of most religions usually involves some degree of violation of the rights of women and girls, ranging from exclusion, discrimination and patriarchal control to sadistic violence such as female genital mutilation, institutionalised sexual abuse of minors (in devadasi and other cults) and the burning alive of 'witches' and widows. Why should anyone - whether followers of those religions or not - tolerate, much less respect, such beliefs and practices? Freedom of conscience in such

cases must surely include the right to denounce and campaign against them! Heroic examples of such defiance are provided in Afghanistan itself, where AFN (the Afghan Women's Network) and RAWA (the Revolutionary Association of the Women of Afghanistan) have been putting up a courageous and inspiring resistance to Taliban's horrific oppression of women. We cannot accord equal respect to these women's organisations and Taliban. We have to choose.

Secular States

Where innocuous beliefs and practices are concerned, toleration is certainly desirable, but not necessarily respect. We might desist from expressing certain opinions in public, but we cannot so easily convince ourselves that such opinions are wrong. If certain religious beliefs or practices appear to someone as superstitious or irrational, that person is surely entitled to hold and even express such an opinion, even if it offends someone else's religious sensibilities. Thus if the Taliban clerics had confined themselves to a philosophical or theological critique of idol-worship, no one could have faulted them. Freedom of expression entitles them to express such opinions, just as the same freedom of expression entitles Salman Rushdie to criticise or even ridicule some of their own beliefs. Where practices do not harm anyone, democracy requires both that they can

be practised freely, and that they can be criticised freely, while practices that *do* inflict damage on others should be punished. This is why a democratic state *has to* be secular, and no state which is associated with a particular religion can ever be considered to be democratic. The human rights abuses of Taliban are matched by those of the Israeli state, which was established and maintains itself through genocidal violence against Palestinians. The problem in this case cannot be solved purely through the establishment of a secular, democratic Palestinian state; the solution has to include the secularisation and democratisation of the Israeli state too.

So our attitude to practices inspired by religious sentiment need not be different from our attitude to any other activities. Where they are violent and destructive, they should be opposed and condemned, and, if possible, punished; religious sentiment is no excuse for criminal actions, although it might, like temporary insanity, be considered a mitigating circumstance while sentencing. Where they are innocuous, practitioners should have the freedom to engage in them while sceptics should also have the freedom to criticise them. And where they promote justice, peace and solidarity, we should support them.

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National Sovereignty

The second fundamental issue raised by this case is that of national sovereignty. Die-hard supporters of this principle would have to argue that as the Buddhas are located on the soil of Afghanistan, the *de facto* rulers of that nation - namely Taliban - are entitled to do as they wish with them, and no one from outside the nation has any right to interfere. This, indeed, is the stand taken by Taliban Foreign Minister Wakil Ahmed Mutawakel, who said that he would meet United Nations Secretary General Kofi Annan in Pakistan in order to 'tell him that what we are doing is an internal religious issue.'

It is clear, however, that most of the rest of the world does not agree with him. A UN General Assembly resolution sponsored by over 100 nations and approved by consensus on March 9 urged Taliban to take immediate action to prevent further destruction of these and other monuments. Evidently the international community is very much concerned about what happens on Afghan soil, and the implicit message is that the Taliban clerics do *not* have the right to destroy these statues which happen to be located in their country. This in turn implies limits to national sovereignty, understood as the right of a state to do as it wishes within its national borders.

Universal Declaration

The first hint of a challenge to the doctrine of national sovereignty came in the wake of the Second World War and in the shadow of the Holocaust. Article 1 of the UN Charter, signed in June 1945, affirms that 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction' would be one of the UN's principle purposes, but this recognition of rights and freedoms that cut across national borders is tempered, even contradicted, by the affirmation of national sovereignty as a principle. The Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948 goes further, explicitly linking respect for human rights with the maintenance of international peace. What we see here is the beginnings of international law as a system over-riding national sovereignty. While in practice a state may be able to violate the fundamental rights of its own citizens - as, indeed, it can violate the rights of citizens of other nations if it is powerful enough - in principle, these actions are subject to international scrutiny and condemnation. Nation-states continue to be the constitutive units of today's world, but they are understood to be part of a wider international community. Human rights NGOs like Amnesty International and Human Rights Watch, as well as smaller local organisations, act as watchdogs and whistle-blowers, alerting us to violations in every

corner of the world. And a plethora of human rights conventions - on the rights of refugees, women, ethnic minorities, children, and so forth - have further developed international law.

Cultural Heritage

Other concerns have also increasingly come to be recognised as universal. The environment, for example. It is now well known that the destruction of forests in one country and emission of greenhouse gases in a second can cause the partial or even complete submersion of a third. The earth and its atmosphere did not come into being pre-divided into nations, nor has it yet learned to respect national borders. The environment is by its very nature global, and given that what goes on in one country can have devastating consequences for another, it makes sense to work towards global regulation. Another area where global regulation has come to be seen as desirable is basic workers' rights. In a globalised world economy where the denial of such rights in some countries can erode them in others, it has been argued, at least the fundamental rights embodied in the ILO Core Conventions should be implemented in all countries. Finally, the outrage felt by many non-Buddhists all over the world at the fate of the Bamiyan Buddhas implies a belief that these monuments are part of the cultural heritage of humankind as a whole. The awareness is growing that whether we like it or not, we are all part of one human family, sharing the earth as our common home.

The major problem faced by all these UN and ILO Conventions on human rights, workers', women's and children's rights, the environment, and so forth, is of course the lack of any machinery for enforcement. Recently, however, some progress has been made on this front, with the with the International Criminal Tribunal for ex-Yugoslavia (set up in 1993) and International Criminal Tribunal for Rwanda (set up in 1994) trying and prosecuting several individuals for war crimes, including rape. The agreement by the UN in July 1998 to set up a permanent International Criminal Court to take up crimes against humanity, war crimes and genocide would, if it is implemented, take this process a step further. Since 22 December 2000, women can complain directly to the UN about discrimination, sexual exploitation, or other violations of the Convention on the Elimination of all forms of Discrimination Against Women. The idea of international bodies that not only promote respect for basic rights of all inhabitants of the earth, but also have the power to punish those who violate these rights, is gaining ground.

Should the notion of national sovereignty be abandoned altogether, then? In a world which still consists of nation-states, such an

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extreme measure seems premature. I would suggest, instead, a notion of national sovereignty that is analogous to parental rights. There was a time when what went on inside the family was considered to be no business of anyone outside. Today, thanks to the feminist movement, this notion is no longer so common. But there are still problems regarding the protection of children's rights, partly because children, especially little ones, are not capable of safeguarding their own interests. In this context, parental rights can be seen as the right of parents to love, protect and care for their children, and to be provided with the facilities which enable them to do so (paid parental leave when children are born or fall sick, etc.). But these are not rights *over* their children, who are independent persons with rights of their own. Thus parents do *not* have the right to exploit, abuse, sell or kill their children, and society has a duty to intervene if any of these things are happening.

By analogy, we can think of national sovereignty as the right and duty of a state to protect itself and its citizens from foreign aggression and to care for residents (including foreigners) as well as plant and animal life, historical and cultural artifacts, and the environment, within its borders. This means, of course, that a state does not have the right to attack any of these things outside its borders; but it does *not* imply that it has the right to attack and destroy them even *within* its borders. For example, according to these criteria, the Iraqi state could legitimately protect its own air space from intrusion by foreign military aircraft, and the US and UK bombing of Iraq as recently as February 16th would be totally illegitimate. But attacks by the Iraqi state against religious and ethnic minorities and dissidents within its own borders would be equally illegitimate. Setting up international institutions and devising procedures that can enforce compliance with such principles is the challenge facing us today. Protecting religious sites and humankind's cultural

heritage from the kind of vandalism which has received so much publicity in Afghanistan, but is also evident in Sri Lanka and the rest of South Asia, would be part of that agenda.

End Note

I am not going to enter the debate about this novel, but cannot refrain from saying that while I am sure Radhika is right about Ondaatje's humanist credentials, I share Qadri Ismail's discomfort

at the treatment of Tamils in it. I cannot agree with either, however, that Gamini Diyasena is a sympathetic character. I find him a good example of the staggering failure of imagination, ignorance of what is happening in one's own country, and ingrained prejudice that is largely responsible for starting the war and keeping it going by refusing to acknowledge the legitimate grievances of Tamils. While reflecting on the damage caused by terrorist bombs (pp.132-3), it did not occur to him that far greater carnage had been caused by government bombing and shelling and STF massacres in the North and East - in fact, he asks 'And you want

to investigate the *government*?' as though there is something perverse about this! When treating young boys who were members of the LTTE, 'He had to keep reminding himself who these people were,' namely, people who put 'bombs on crowded streets, in bus stations, paddy fields, schools' (p.220), but never even tried to imagine the trauma suffered at the hands of Sri Lankan security forces that might have pushed these children into the arms of the Tigers. In the absence of such an attempt, we are forced to conclude that 'these people' are like this by nature, because they were born this way: a racist conclusion if ever there was one! With such an outlook, he is incapable of combatting the violence; his medical work can at best alleviate the symptoms without ever curing the disease. ■

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The Taleban's obscurantism, humiliation of women and repression of liberty

"It is a barbarous and unjustifiable act. This destruction has been inspired by obscurantism, which has also led to the unacceptable and shameful humiliation of women and the repression of liberty in Afghanistan."

**Jacques Chirac
President of France**