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U.S. Foreign Policy and the Defense of Religious Freedom in India

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Abstract: The defense of religious freedom around the world is a U.S. foreign policy initiative upheld by successive administrations since the passing of the 1998 International Religious Freedom Act (IRFA). Supported by various religious constituencies that advocate for the freedom of religion of like-minded individuals across borders, the U.S. government engages with foreign governments, human rights groups, and NGOs to preserve an individual's right to freedom of religion or belief. Their results, however, are mixed, especially in diverse contexts where religious rights are deeply contested. This paper explores the advocacy effort in response to the Government of India's crackdown on the inflow of foreign funds to NGOs, many of which are faith-based. Using the revocation of the Foreign Contribution Regulation Act (FCRA) license of faith-based NGO Compassion International as a case study, this paper finds that U.S. involvement in defense of religious freedom meets counter-narratives. These counter-narratives include the preservation of state sovereignty, the protection of national interest, and the privileging of religious tolerance over religious freedom.

Keywords: religious freedom; transnational advocacy; International Religious Freedom Act; India; U.S. foreign policy; NGO; Foreign Contribution Regulation Act

1. Introduction

The defense of religious freedom around the world is a U.S. foreign policy initiative upheld by successive administrations since the passing of the 1988 International Religious Freedom Act (IRFA). Supported by various religious constituencies that advocate for the freedom of religion of like-minded individuals across borders, the U.S. government engages with foreign governments, human rights groups, and NGOs to preserve an individual's right to freedom of religion or belief codified in international law. There is a rich body of literature on the relationship between religion and foreign policy (Inboden 2008; Warner and Walker 2011; Marsden 2012; Djupe and Calfano 2013; Oldmixon and Drummon 2016; Sandal 2016; Haynes 2017; Bettiza 2019). Several scholars have also written on religious freedom as a subject of U.S. foreign policy (Farr 2011; Saiya 2015; Rieffer-Flanagan 2019; Jenichen 2019). But, the existing scholarship places insufficient attention on the specific U.S. advocacy measures taken in defense of international religious freedom and the subsequent responses from foreign governments in the form of counter-narratives. These counter-narratives that are often reinforced by existing laws can complicate how religious freedom advocacy is received. In this paper, by examining the U.S. government's response to the Government of India's decision to revoke a Christian NGO's foreign funds license, I identify some of the counter-narratives that emerge in response to the U.S. government's advocacy efforts. I also draw attention to some of the conceptual differences in religious freedom vocabularies that challenge transnational religious freedom advocacy.

Introduced in Congress in October 1997 by Republican representative Frank Wolf of Virginia, the International Religious Freedom Act (IRFA) provides the basis for U.S. government involvement in issues related to religious rights in foreign countries. At the time of its formulation, the bill was

supported by human rights groups and several faith-based organizations, including the National Association of Evangelicals (NAE). The NAE articulated its support for U.S. involvement in the promotion of religious freedom two years before the law's enactment and through the organization's "Statement of Conscience on Worldwide Religious Persecution." In the statement, the NAE expressed "deep concern for the religious freedom of fellow believers, as well as people of every faith" (National Association of Evangelicals 1996) and called on the U.S. government to ensure that religious freedom was a pressing matter of foreign policy. An early iteration, supported by religious constituents, called for the use of sanctions as a method to persuade foreign governments to change policies and regulations that impede religious freedom. After much negotiation, however, the Senate introduced a more moderate version without the emphasis on sanctions. The revised version of the bill, which had bipartisan support, was cosponsored by senators Democrat Joe Lieberman (Conn) and Republican Jon Nickles (Oklahoma) (Farr and Saunders 2009). In eliminating the earlier call for automatic sanctions, the bill instead placed greater emphasis on "quiet diplomacy" (Farr and Saunders 2009).

The International Religious Freedom Act stated mandate is as follows:

To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes (Public Law 105-292, 112 Stat. 2787. October 27 1998, October 27 1998).

The International Religious Freedom Act established three new institutions within the U.S. government to promote international religious freedom. Among the new entities were the Office on International Religious Freedom housed in the Department of State and led by an Ambassador at Large, a nine-member independent Commission on International Religious Freedom (USCIRF), and a special advisor on international religious freedom at the National Security Council. The International Religious Freedom Act also put into place the creation of annual country reports. Issued by the U.S. State Department, the annual report, commonly referred to as the International Religious Freedom Report, "describes the status of religious freedom, government policies violating religious belief and practices of groups, religious denominations and individuals, and U.S. policies promoting religious freedom" (U.S. Department of State).

In the twenty years since the passing of the International Religious Freedom Act, the efforts of "quiet diplomacy" concerning the promotion of religious freedom have offered mixed results. In this paper, I use the revocation of the Foreign Contribution Regulation Act (FCRA) license of faith-based NGO Compassion International as a case study. The purpose of this paper is not to question the protection of religious freedom as an ideal or a universal public good as expressed in domestic and international law. Instead, the purpose of this paper is to uncover some of the counter-narratives that emerge from foreign governments in response to religious freedom advocacy. I examine the Government of India's decision to withdraw the Foreign Contribution Regulation Act (FCRA) license of Colorado-based child advocacy organization Compassion International and subsequent U.S. government response. I find that the defense of religious freedom as a foreign policy initiative faces challenges in the form of counter-narratives, including the preservation of state sovereignty, the protection of national interest, and the privileging of religious tolerance over religious freedom.

I begin with a brief explanation of religious freedom and secularism in the Indian context. I follow with a discussion of the Foreign Contribution Regulation Act (FCRA). I continue with an analysis of the case of Compassion International and U.S. efforts to persuade the Government of India to reconsider their decision to revoke the NGO's license to receive foreign funds. Lastly, I examine the counter-narratives that emerge as a response to U.S. efforts and discuss conceptual differences in religious freedom vocabularies.

2. Freedom of Religion in the Indian Context

Freedom of religion is a right enshrined in Article 25 of the Indian Constitution.

Article 25(1) of the Indian Constitution (1950) states:

Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion ([The Constitution of India 1950](#), Article 25[1]).

Despite the constitutional guarantee that an individual may freely profess, practice and propagate religion, religion is still regulated in several ways, including the enforcement of personal laws, the monitoring of conversions, and the regulation of religious minority educational institutions ([Teater and Jenkins 2019](#)). According to Amrita Basu, “India’s constitutional design and legal regime simultaneously create a secular, democratic state and privilege the interests of the Hindu majority” ([Basu 2018](#)). Article 25(1) of the Constitution makes an individual’s right to freely “profess, practice and propagate religion” subject to the maintenance of public order, morality, and health. Thus, in the Indian context, understandings of religious freedom come with caveats that include state interference and constitutional guarantees that subordinate an individual’s religious rights to community concerns.

Understandings of secularism are also complex and differ from some Western interpretations, with secularism in India described more in terms of equality and less in terms of separation between church and state. India’s constitution allows for both religious plurality and state interference. Article 25(1) grants citizens freedom of conscience and the right to profess, practice freely, and propagate religion. However, Article 25(2) also allows room for the State to interfere in religious matters. According to Article 25(2), “nothing in this article shall affect the operation of any existing law or prevent the state from making any law regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.” As such, in India, definitions of secularism are more in keeping with the Hindi phrase *sarva dharma samabhava* or equal respect ([Singhvi 2009](#)). Amartya Sen describes secularism in India as a “basic symmetry of treatment . . . wherein so far as the state has to interact with different religions and with members of different religious communities, there must be a basic symmetry of treatment” ([Sen 2005](#), p. 296). Thus, the State can enact laws and introduce regulations that restrict religious practice and still fall within the different conceptualizations of secularism in the Indian context. Regulations within the scope of religion, such as anti-conversion legislation, restrict freedom of religion; however, other laws that are outside the scope of religion can also limit how individuals practice their faith and how religious organizations operate. The Foreign Contribution (Regulation) Act discussed below is one example.

3. The Foreign Contribution (Regulation) Act

Introduced in 1976 by Prime Minister Indira Gandhi during Emergency Rule, the Foreign Contribution (Regulation) Act has been used by successive governments to monitor the flow of foreign funds to NGOs. India is not alone in its use of financial regulation to limit the activities of NGOs, and the number of countries with financial restrictions for foreign-funded NGOs is on the rise. Scholars argue that the reasons for the crackdown on NGOs are primarily domestic, including as a means to prevent opposition, and to cater to the sentiments of domestic interests. In 2012, Russia adopted a law that required all politically active NGOs to register as “foreign agents.” In their study of restrictive funding laws on NGOs, Christensen and Weinstein find that out of 98 countries studied, 51 restrict or prohibit foreign funding of civil society ([Christensen and Weinstein 2013](#)).

Under the guise of national security, the FCRA initially targeted political parties. Amendments and a broadening of scope in 2010 have significantly increased the number of regulatory guidelines. Additional FCRA rules introduced in 2017 mandate that all NGOs enroll in a separate registry, establish banking relations with government-designated banks, and disclose all inflows of foreign funds along with donor information on the organization’s website ([Government of India, Ministry of Home Affairs 2017](#)). An additional amendment in 2019 requires all office bearers of an NGO to sign an affidavit stating that

they have not been convicted or prosecuted for forcing or inducing religious conversion or for creating communal tension or disharmony (2019 FCRA amendment). The FCRA comes under the jurisdiction of the Ministry of Home Affairs, which is also responsible for matters related to state security. The State's administering of the FCRA, which includes the suspension of foreign funding licenses for numerous NGOs, has been criticized by human rights organizations, including Human Rights Watch and Amnesty International. In a critique of the Indian government's use of the FCRA, Human Rights Watch noted that "the FCRA is too broad and unnecessarily infringes on the activities of organizations that address social issues in India" (Human Rights Watch 2016).

At the core of the FCRA are registration requirements that offer the State a pathway to monitor and control non-governmental organizations. United Nations Special Rapporteur for Freedom of Religion or Belief Asma Jahangir, in her 2005 annual report to the Commission on Human Rights, notes "registration often appeared to be used as a means to limit the right of freedom of religion or belief of members of certain religious communities" (Jahangir 2005). Governments use registration requirements to restrict religious minority organizations of their choosing by revoking or withholding required authorization needed to operate (Finke et al. 2017). In her study of religious repression by authoritarian governments, Ani Sarkissian notes that since registration requirements have "the veneer of following the rule of law, they can be manipulated to target specific groups" (Sarkissian 2015). Although India is a democracy, the government, in recent years, has used a form of registration in the granting of licenses to curtail the activities of non-governmental organizations (NGOs).

The FCRA (2010) requires government approval of the receipt of foreign funds via "prior permission" from the Home Ministry or through the granting of a five-year renewable license. NGOs must affirm that funds received from foreign sources are not used for "activities that are likely to prejudicially affect the sovereignty and integrity of the country, the security, strategic, scientific, and economic interest of the State and the public interest." The stated purpose of the FCRA is "to prohibit acceptance and utilization of foreign contribution or foreign hospitality for any activities detrimental to the national interest and for matters connected therewith or incidental thereto" (Foreign Contribution (Regulation) Act 2010). However, "public interest" or "national interest" are overly broad terms and are not defined, prompting criticism from domestic and international human rights organizations. One example is the U.N. Human Rights Office of the High Commissioner, who notes that the terms "do not conform to a prescribed aim and are not a proportionate response to the purported goal of the restriction" (United Nations Human Rights Office of the High Commissioner 2016). The overly broad terms which leave room for government interpretation also open the door for social forces, including conservative religious groups, to use the financial regulation of NGOs against those that do not share the same ideology. In the Indian context, the crackdown on NGOs coincides with the rise of Hindu nationalism and with the electoral gains of the Hindu nationalist Bharatiya Janata Party (BJP). The party's electoral gains in the 2014 election and their increased electoral success in the May 2019 general election have only expanded the number of restrictions on civil society, including the continued crackdown on NGOs via the FCRA.

4. The Case of Compassion International

In 2014, shortly after Prime Minister Narendra Modi assumed office, the Indian Intelligence Bureau submitted a confidential report to the Prime Minister advising his office of an effort by foreign-funded NGOs to slow India's development. The report, entitled "Concerted efforts by select foreign-funded NGOs to 'take down' Indian development projects," cautioned the government about foreign funding that came under the guise of charitable causes. These charitable causes, the report noted, ranged from the protection of human rights to violence against women, religious freedom, and caste discrimination and were being used to serve the "strategic foreign policy interests of the Western government(s)" (Ranjan 2014). It is unclear whether the report was the impetus that led to the crackdown on foreign-funded NGOs by the BJP-led government. Nevertheless, the Indian government, under the auspices of the FCRA, restricted the activities of NGOs through the cancellation of 10,000

FCRA licenses and the rejection of renewal license applications from numerous NGOs, many of which were faith-based.

Among the long list of religious NGOs whose operations were restricted, suspended, or terminated was Compassion International, a Christian child advocacy organization with headquarters in the United States. Founded in 1952 in response to the humanitarian needs of children after the Korean war, the NGO now operates in 25 countries, has 6700 international church partnerships, and is one of the largest Christian child advocacy organizations in the world ([Compassion International 2018](#)). The NGO began its operations in India in 1968 and, at the time of its withdrawal from the country in 2017, had more than 580 local child development projects, which were operated with foreign funds of U.S. \$50 million annually. According to the Indian government, in 2011–2012, Compassion was the second largest contributor of foreign income to NGOs (FCRA Annual Report 2011–2012, [Government of India Ministry of Home Affairs 2012](#)).

Compassion International's conflict with the Indian government began in 2011 when Caruna Bal Vikas, one of their primary partner organizations, was audited by the Commissioner of Income Tax. Caruna Bal Vikas was subsequently charged \$18 million in tax for engaging in religious activity that was contradictory to their purpose as a charitable trust. Disputing the government's claim, Compassion filed a legal case in the Madras High Court, which is still pending. Three years later, the NGO's other central partner organization, Compassion East India, was investigated by the Indian government's Directorate of Enforcement, the economic intelligence agency responsible for investigating economic crime, on allegations of "anti-national" activity. Later the same year, based on accusations of alleged proselytization, the Indian government denied the FCRA renewal of Compassion's two leading partner organizations and required that they receive foreign funds only with prior permission from the Ministry of Home Affairs. Under the assumption that the Ministry of Home Affairs would not grant prior permission, the NGO decided to challenge the state's decision using an expansive advocacy campaign. The NGO's advocacy efforts included letter writing by supporters, calling on officials from the U.S. State Department, and a hearing before the Foreign Relations Committee of the U.S. House of Representatives.

Despite these advocacy efforts from U.S. Congressional members, the U.S. Department of State, and human rights organizations, along with an expansive grassroots campaign, the Government of India rejected all appeals to reconsider the reinstatement of the NGO's FCRA license. Although the Indian government's official stance was that the NGO violated terms of the FCRA, activists argue that the underlying reason for the withdrawal of the license to receive foreign funds was accusations that the NGO was participating in "forced" conversions. The influential Hindu American Foundation, an advocacy group for the Hindu community in the United States, reinforced this sentiment. In a statement submitted to the U.S. House Foreign Affairs Committee, the Hindu American Foundation accused the NGO of "predatory proselytization" ([Hindu American Foundation 2016](#)). Unable to receive foreign funds, Compassion International closed its operations in India in early 2017. The inability of the U.S. government to persuade the Government of India to reinstate the NGO's license prompts a few questions: What were the counter-narratives to U.S. efforts in defense of religious freedom? And what do these counter-narratives tell us about how religious freedom is interpreted in the Indian context?

5. U.S. Government Religious Freedom Advocacy

The NGO's support from the U.S. government was the result of an ambitious grassroots effort that involved thousands of like-minded Christians from all over the United States sending letters to their congressional representatives demanding U.S. government action in support of the NGO. In India, help at the grassroots level amongst Christian minority groups was much smaller and primarily focused on generating awareness and solidarity. One exception was the support the NGO received from political opponents of the BJP-led government at the state level and specifically from Tamil Nadu, the state in south India where one of Compassion's major partner organizations was based.

It is likely that the reason for their support lies as much with political opportunism as any commitment to religious freedom. Nevertheless, the Tamil Nadu Congress Committee Minority Department, in a press report, stated that the government treated the NGO with a “discriminative attitude on (the) basis of religion and economic status, which has affected the poor people of our nation. Hence, this BJP led Government has again proved that it is not a government concerned for the poor and common people of this nation” ([Tamil Nadu Congress Minority Department 2017](#)).

While domestic advocacy for the NGO was limited, the United States actively engaged with the Government of India through diplomatic means to persuade them to reconsider their decision concerning the NGO’s foreign funds license. U.S. Secretary of State John Kerry, in his 2016 visit to India, voiced the U.S. government’s concern over the non-renewal of Compassion’s FCRA license. The scope of the NGO’s advocacy was also evident during the confirmation hearing of his successor, Rex Tillerson, when a member of the U.S. Congress asked him of his plan of action regarding the issue. One of the most notable advocacy efforts was the NGO’s testimony before the Committee on Foreign Affairs of the U.S. House of Representatives. Entitled “American Compassion in India: Government Obstacles,” the congressional hearing also included expert testimony from the Asia Advocacy Director of Human Rights Watch, John Sifton, and Irfan Nooruddin, a Georgetown University academic.

In testimony before the Committee on Foreign Affairs of the U.S. House of Representative, the details of which were widely reported in the Indian press, Compassion International called on U.S. lawmakers to pressure the Indian government. In doing so, they tapped into the rising support from U.S. lawmakers for religious freedom in India and around the world ([Adcock 2018](#)). According to the NGO, the actions of the Indian government were an “attack on freedom of religion.” Compassion also invoked Article 15 of the Indian Constitution, which provides that “the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.” The Indian Home Ministry, they argued, had “repeatedly disregarded these constitutional protections” ([United States House Committee on Foreign Affairs 2016](#)). The NGO also took the risk of ruffling post-colonial sensibilities and suggested that the Indian government did not have the political will to take care of the country’s poor. According to the NGO’s testimony at the hearing, the Government of India had shown “a culture of indifference to the poor” and called on U.S. lawmakers to use their influence to “advocate for those that the Indian government ignores” ([United States House Committee on Foreign Affairs 2016](#)).

When asked about the Congressional Hearing concerning Compassion International, Shri Vikas Swarup, spokesperson for the Ministry of External Affairs, said:

India’s credentials as a vibrant democracy and pluralistic society with a strong civil society are well-known and need no reiteration. The Government is fully committed to the Constitutional principles which underpin this nation of ours of 1.25 billion people as a multi-ethnic and multi-religious society with an abiding commitment to inclusion and tolerance. (The) Government of India looks forward to continuing to work with the U.S. Congress and Administration to foster mutual understanding and deepen India–US bilateral relations (Government of India, Ministry of External Affairs December 8, 2016).

The emphasis on India as a multi-ethnic, multi-religious pluralistic society with a commitment to democracy suggests that India sought to convey that the U.S. suffered from a lack of understanding of India’s unique history and societal makeup. At the same time, they chose to remind the U.S. government of their commitment to the continued strengthening of ties between the two countries. References to India as a democracy and to the country’s strength, which comes from a large population and the country’s commitment to inclusion, suggest that the Ministry of External Affairs wanted to send a message of India as a sovereign nation. As far as the Government of India was concerned, the United States was inaccurate in its assumption that the revocation of the NGO’s FCRA license violated democratic ideals.

The hearing before members of the House of Representatives, however, was not the only advocacy measure taken by U.S. lawmakers. In an open letter to the Indian Minister of Home Affairs, Rajnath Singh, the Chairman of the House Committee on Foreign Affairs, called for greater transparency in the administration of the FCRA and a reprieve for the NGO. The letter, which was signed by 127 members of the U.S. Congress from both political parties, spoke of their commitment to deepen ties between the U.S. and India and addressed the commonality between the two countries and the shared bonds “rooted in political pluralism and respect for the rule of law” (George 2017). In response to the letter from U.S. lawmakers to the Indian Prime Minister, the Government of India’s Ministry of External Affairs released the following statement:

We have seen the letter written by some Members of the U.S. Congress to the Prime Minister on religious freedom in India. It is unfortunate that these Members of Congress while applauding India as a pluralistic society with a longstanding commitment to inclusion and tolerance have chosen to focus on just a few incidents. India is proud of its status as the world’s largest democracy. The Indian Constitution guarantees fundamental rights to all its citizens, including minority communities. Aberrations, if any, are dealt with by our internal processes which include our independent judiciary, autonomous National Human Rights Commission, vigilant media, and vibrant civil society. The Government is fully committed to the Constitutional principles which underpin the nation of 1.25 billion people as a multi-ethnic and multi-religious society (Government of India Ministry of External Affairs 2016b).

Again, the government brought attention to India’s diverse multi-ethnic and multi-religious pluralistic society and emphasized the country’s commitment to tolerance and inclusion. The letter from U.S. lawmakers and the congressional hearing that preceded it were, in turn, the culmination of the significant advocacy effort by Compassion International. Supporters of the NGO via letters, phone calls, and social media placed pressure on their elected representatives to urge the Indian government through diplomatic means to reverse their decision. In turn, the United States Commission on International Religious Freedom (USCIRF), in its 2016 edition of its annual International Religious Freedom Report, also mentioned the FCRA. It specifically noted the non-renewal of licenses of the NGO’s two central domestic partner organizations Caruna Bal Vikas and Compassion East India. India responded to the report and spoke of the lack of understanding of India and its society. The Ministry of External Affairs also pointed to India’s constitutional guarantees, which include the right to freedom of religion, and highlighted the issue of sovereignty when it said:

Our attention has been drawn to the recent report by the US Commission on International Religious Freedom, which once again fails to show proper understanding of India, its constitution and its society. India is a vibrant pluralistic society founded on strong democratic principles. The Indian Constitution guarantees fundamental rights to all its citizens including the right to freedom of religion. (The) government does not see the locus standi of a foreign entity like USCIRF to pronounce on the state of Indian citizens’ constitutionally protected rights. We take no cognizance of their report (Government of India Ministry of External Affairs 2016a).

The USCIRF’s annual report on the condition of religious freedom around the world includes individual country assessments of government policies that violate religious beliefs and practices of groups, religious denominations, and individuals. The Government of India has periodically rejected the annual report as Western interference in the country’s domestic matters (*The New Indian Express* 2019). As such, in a strongly worded statement, the government again rejected U.S. involvement in the country’s internal affairs and pointed to India as a sovereign nation and to the lack of jurisdiction that the USCIRF has on the rights of India’s citizens. In doing so, the Government of India used a common response to external criticism of domestic policy toward religious minorities—the preservation of national sovereignty.

6. Preservation of National Sovereignty

The primacy of national sovereignty is one of the long-standing responses from governments, whether authoritarian or democratic, to any external criticism about rights. Calls for the preservation of national sovereignty and security follow along with critiques that foreign governments and international organizations are too “prone to meddle in the domestic affairs of other countries” (Cooley 2015, p. 50). Concerns regarding the status of human rights, including religious freedom, meet counter-narratives that foreign governments are motivated by their own geopolitical interests. According to Cooley, the foundation of these counter-narratives lies in “changing power balances, as the post–Cold War era of U.S. hegemony gives way to a more multipolar world” (Cooley 2015, p. 51). Changing power balances pose interest implications for any renewed calls to introduce sanctions as a way to persuade foreign governments to reconsider restrictions on religious freedom. In a multi-polar world, the U.S. withholding of foreign aid as a means of persuasion could face roadblocks as foreign governments look to other countries for development aid and to address security concerns. States that curb the activities of NGOs also use claims of protecting national sovereignty and pursuing national security as a justification for the implementation of stringent regulations and reporting mechanisms (Rutzen 2015). In the Indian context, FCRA regulations that require NGOs to affirm that foreign funds are not used for activities that “prejudicially affect the sovereignty and integrity of the country” reflect this counter-narrative.

7. Protecting the National Interest

Another counter-narrative to advocacy measures in defense of international religious freedom is the protection of national interest. The FCRA grants the Government of India the ability to revoke an NGO’s ability to receive foreign funds should they find cause that the organization’s activities are detrimental to the “national interest.” Similar to the sovereignty argument, protecting the national interest is a counter-narrative used by governments to limit the activities of NGOs or silence those members of civil society who do not share the same ideology. At times, such arguments are justified in terms of maintaining security and public order. In diverse contexts, where minority rights are at risk, protecting the national interest is also used as a justification to subordinate minority rights to majority interests.

According to Indian government officials, the decision to revoke Compassion International’s FCRA license was in keeping with preserving “national interest,” and according to Indian Foreign Secretary Gopal Baglay, “a matter of law enforcement and following the laid-down laws of the country” (Bhalla 2017). Official statements from the Government of India and reactions from BJP elites in response to U.S. government efforts also referenced the preservation of state sovereignty. Along with these two counter-narratives, the Government of India’s mention of the country’s diverse society and inclination toward inclusion and tolerance poses interesting implications as to how religious freedom vocabularies are interpreted differently across contexts.

8. Privileging Religious Tolerance over Religious Freedom

In responding to U.S. advocacy efforts to grant Compassion International the ability to receive foreign funds, the Ministry of External Affairs argued that the country was a “multi-ethnic and multi-religious society with an abiding commitment to inclusion and tolerance” (Government of India Ministry of External Affairs 2016c, December 08). The emphasis on inclusion and tolerance was in keeping with existing arguments that India and its indigenous traditions have distinctive qualities of tolerance and that Western understandings of secularism “obscures and threatens to disrupt deep-rooted indigenous resources of tolerance” (Adcock 2014). With Hindus constituting eighty percent of India’s population, tolerance in the Indian context is often considered in terms of the “Hindu theory of tolerance” (Parekh 2003). Different than Western liberal Protestant understandings of tolerance, this conceptualization allows for Hindus to borrow from other faiths. A greater emphasis on moral duties than religious belief offers Hindus considerable freedom to hold any form of religious

belief while still remaining Hindu (Jenkins and Teater forthcoming). As such, religious freedom in this conceptualization allows for an individual to maintain multiple religious affiliations and implies that “the conversion to a religion should not involve the abandonment of another” (Sharma 2011, p. 101). But, inclusivity does not mean equality, and scholars distinguish between internal and external tolerance. For some scholars, the Hindu theory of tolerance, argued to be externally tolerant to other religions, is at the same time internally intolerant in the form of gender discrimination and a rigid caste system (Spinner-Halev 2005; Parekh 2019). A more in-depth analysis of tolerance in the Indian context is beyond the scope of this article. Still, the discussion above does draw attention to how conceptual differences in religious freedom vocabularies can complicate U.S. efforts in defense of religious freedom. Although a necessary condition, tolerance does not equal religious freedom (Rieffer-Flanagan 2019). Likewise, in diverse contexts, a state’s commitment to pluralism does not always translate to an individual’s right to freedom of religious belief or practice. As such, the Government of India’s emphasis on tolerance suggests that different conceptualizations of religious freedom vocabularies challenge how calls for religious rights are interpreted and received in diverse contexts.

9. Conclusions

The U.S. government’s efforts in support of Christian NGO Compassion International, which were the result of an extensive grassroots campaign that involved calls and letters from religious constituents, illustrate the influence of religious constituencies on U.S. foreign policy. However, U.S. foreign policy, in defense of religious freedom in practice, faces challenges in the form of counter-narratives. Arguments in favor of the preservation of state sovereignty, protection of national interest, and conceptual differences in religious freedom vocabularies also complicate U.S. advocacy measures. The responses from the Government of India concerning Compassion International and the underlying accusations of unlawful proselytization suggest that religious freedom, despite constitutional guarantees, can still be subordinated to other interests.

Since the passing of the International Religious Freedom Act in 1996, domestic religious constituencies, especially those whose fellow adherents are in the minority in other countries, have criticized successive administrations for not doing enough to further the defense of religious freedom around the world. Recent efforts to address this critique include the U.S. Department of State’s Ministerial to Advance Religious Freedom initiated in 2018. Growth in transnational initiatives includes the 2014 formation of the International Panel of Parliamentarians for Freedom of Religion or Belief, a network of legislators and parliamentarians committed to advancing religious freedom. For religious rights advocates, these developments could appear to be promising. Nevertheless, any foreign policy efforts in defense of religious freedom will need to address counter-narratives and take into account conceptual differences in religious freedom vocabularies, especially in diverse contexts.

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References

- Adcock, Cassie S. 2014. *The Limits of Tolerance: Indian Secularism and the Politics of Religious Freedom*. Oxford: Oxford University Press.
- Adcock, Cassie. 2018. Cow Protection and Minority Rights in India: Reassessing Religious Freedom. *Asian Affairs* 49: 340–54. [CrossRef]
- Basu, Amrita. 2018. Whither Democracy, Secularism, and Minority Rights in India? *The Review of Faith & International Affairs* 16: 34–46.
- Bettiza, Gregorio. 2019. *Finding Faith in Foreign Policy: Religion and American Diplomacy in a Postsecular World*. New York: Oxford University Press.

- Bhalla, Nita. 2017. India's NGO crackdown forces U.S. Christian Charity out after Half a Century. *Reuters*. Available online: <https://www.reuters.com/article/india-us-charity/indias-ngo-crackdown-forces-u-s-christian-charity-out-after-half-a-century-idINKBN16M0JE> (accessed on 16 July 2019).
- Christensen, Darin, and Jeremy M. Weinstein. 2013. Defunding dissent: Restrictions on aid to NGOs. *Journal of Democracy* 24: 77–91. [CrossRef]
- Compassion International. 2018. Compassion International Corporate Fact Sheet. Available online: <https://www.compassion.com/press/corporate-fact-sheet.htm> (accessed on 18 December 2019).
- Cooley, Alexander. 2015. Countering democratic norms. *Journal of Democracy* 26: 49–63. [CrossRef]
- Djupe, Paul A, and Brian R. Calfano. 2013. Divine intervention? The influence of religious value communication on US intervention policy. *Political Behavior* 35: 643–63. [CrossRef]
- Farr, Thomas F. 2011. The Trouble with American Foreign Policy and Islam. *The Review of Faith & International Affairs* 9: 65–73.
- Farr, Thomas F., and William L. Saunders Jr. 2009. The Bush Administration and America's International Religious Freedom Policy. *Harvard Journal of Law & Public Policy* 32: 949.
- Finke, Roger, Robert R. Martin, and Jonathan Fox. 2017. Explaining discrimination against religious minorities. *Politics and Religion* 10: 389–416. [CrossRef]
- George, Varghese K. 2017. U.S. lawmakers urge Rajnath Singh to lift curbs on Christian charity. *The Hindu*. Available online: <https://www.thehindu.com/news/international/us-lawmakers-urge-rajnath-singh-to-lift-curbs-on-christian-charity/article17600802.ece> (accessed on 19 November 2019).
- Government of India Ministry of External Affairs. 2016a. *Media Briefing: Official Spokesperson's Response to a Question on a Report by USCIRF (May 3, 2016)*; New Delhi: Government of India Ministry of External Affairs.
- Government of India Ministry of External Affairs. 2016b. *Media Briefing: Official Spokesperson's Response to a Question on Media Reports Regarding the Letter Written by Some Members of the US Congress to Prime Minister on Religious Freedom in India (February 29, 2016)*; New Delhi: Government of India Ministry of External Affairs.
- Government of India Ministry of External Affairs. 2016c. *Media Briefings: Transcript of Weekly Media Briefing by Official Spokesperson (December 08, 2016)*; New Delhi: Government of India Ministry of External Affairs.
- Government of India Ministry of Home Affairs. 2012. *Receipt and Utilization of Foreign Contribution by Voluntary Associations, FCRA Annual Report 2011–12*; New Delhi: Government of India Ministry of Home Affairs.
- Government of India, Ministry of Home Affairs. 2017. *Public Notice, No. 11/21022/58(285)2017*; New Delhi: Government of India Ministry of Home Affairs.
- Haynes, Jeffrey. 2017. Religion in foreign policy. In *Oxford Research Encyclopedia of Politics*. Oxford: Oxford University Press.
- Hindu American Foundation. 2016. *Hindu American Foundation (HAF) Written Statement for the Record*. Washington, DC: Hindu American Foundation, December 6.
- Human Rights Watch. 2016. India: Foreign Funding Law Used to Harass 25 Groups. Available online: <https://www.hrw.org/news/2016/11/08/india-foreign-funding-law-used-harass-25-groups> (accessed on 18 November 2019).
- Inboden, William. 2008. *Religion and American Foreign Policy, 1945–60. a. The soul of containment*. Cambridge: Cambridge University Press.
- Jahangir, Asma. 2005. *Report of the Special Rapporteur on Freedom of Religion or Belief*. Geneva: UN Commission on Human Rights.
- Jenichen, Anne. 2019. A Transatlantic Secular Divide? The Representation of Religion in EU and US Foreign Policy. *Foreign Policy Analysis* 15: 451–69. [CrossRef]
- Jenkins, Laura Dudley, and Kristina M. Teater. Forthcoming. Hindu Perspectives on Religious Freedom. In *Routledge Handbook on Religious Freedom*. Abingdon: Routledge.
- Marsden, Lee. 2012. Bush, Obama and a faith-based US foreign policy. *International Affairs* 88: 953–74. [CrossRef]
- National Association of Evangelicals. 1996. Statement of Conscience of the National Association of Evangelicals Concerning Worldwide Religious Persecution 1996. Available online: <https://www.nae.net/worldwide-religious-persecution/> (accessed on 18 November 2019).
- Oldmixon, Elizabeth A., and Nicholas Drummon. 2016. Religion and Realism: US Foreign Policy in the Twentieth Century. In *The Wiley Blackwell Companion to Religion and Politics in the US*. Hoboken: Wiley Blackwell, pp. 369–82.
- Parekh, Bhikhu. 2003. Some reflections on the Hindu theory of tolerance. *Seminar* 521: 48–53.

- Parekh, Bhikhu. 2019. Religious Tolerance in a Comparative Perspective. In *Ethnocentric Political Theory*. Berlin: Springer, pp. 263–84.
- Public Law 105-292, 112 Stat. 2787. October 27. 1998. International Religious Freedom Act of 1998. Available online: <https://www.congress.gov/105/plaws/publ292/PLAW-105publ292.pdf> (accessed on 19 November 2019).
- Ranjan, Amitav. 2014. Foreign-Aided NGOs Are Actively Stalling Development IB Tells PMO in a Report. *The Indian Express*. Available online: <https://indianexpress.com/article/india/india-others/foreign-aided-ngos-are-actively-stalling-development-ib-tells-pmo-in-a-report/> (accessed on 19 November 2019).
- Rieffer-Flanagan, Barbara Ann. 2019. Promoting the Right of Freedom of Religion: Diverse Pathways to Religious Tolerance and Freedom of Religion and the Implications for American Foreign Policy. *Human Rights Quarterly* 41: 17–38. [CrossRef]
- Rutzen, Douglas. 2015. Civil society under assault. *Journal of Democracy* 26: 28–39. [CrossRef]
- Saiya, Nilay. 2015. The religious freedom peace. *The International Journal of Human Rights* 19: 369–82. [CrossRef]
- Sandal, Nukhet A. 2016. Religion and Foreign Policy. In *Routledge Handbook of Religion and Politics*. New York: Routledge.
- Sarkissian, Ani. 2015. *The Varieties of Religious Repression: Why Governments Restrict Religion*. New York: Oxford University Press.
- Sen, Amartya. 2005. *The Argumentative Indian*. New York: Allen Lane.
- Sharma, Arvind. 2011. *Problematising Religious Freedom*. Dordrecht: Springer, vol. 9.
- Singhvi, Abhishek. 2009. India's Constitution. *The George Washington International Law Review* 41: 327–60.
- Spinner-Halev, Jeff. 2005. Hinduism, Christianity, and liberal religious toleration. *Political Theory* 33: 28–57. [CrossRef]
- Tamil Nadu Congress Minority Department. 2017. *The Discriminative Decision of Government of India against the Christian Minorities NGO*. Chennai: Tamil Nadu Congress Minority Department, Available online: <http://english.tnccminority.com/Event/57/The%20discriminative%20decision%20of%20Government%20of%20India%20against%20the%20Christian%20Minorities%20NGO> (accessed on 19 November 2019).
- Teater, Kristina M., and Laura Dudley Jenkins. 2019. Religious Regulation in India. In *Oxford Research Encyclopedia*. Oxford: Oxford University Press.
- The Constitution of India. 1950. Available online: https://www.constitutionofindia.net/constitution_of_india (accessed on 26 January 2019).
- The New Indian Express*. 2019. Religious Freedom in India Continued 'Downward Trend' in 2018: USCIRF. *The New Indian Express*. Available online: <https://www.newindianexpress.com/nation/2019/apr/30/religious-freedom-in-india-continued-downward-trend-in-2018-uscirf-1970672.html> (accessed on 16 November 2019).
- United Nations Human Rights Office of the High Commissioner. 2016. U.N. Rights Experts Urge India to Repeal Law Restricting NGO's Access to Crucial Foreign Funding. *U.N. News*. October 16. Available online: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20112&LangID=E> (accessed on 16 November 2019).
- United States House Committee on Foreign Affairs. 2016. American Compassion in India: Government Obstacles. Available online: <https://docs.house.gov/meetings/FA/FA00/20161206/105444/HHRG-114-FA00-Wstate-OakleyS-20161206.pdf> (accessed on 18 November 2019).
- Warner, Carolyn M., and Stephen G. Walker. 2011. Thinking about the role of religion in foreign policy: A framework for analysis. *Foreign Policy Analysis* 7: 113–35. [CrossRef]

