

Journal of Contemporary Religion

ISSN: 1353-7903 (Print) 1469-9419 (Online) Journal homepage: https://www.tandfonline.com/loi/cjcr20

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To cite this article: Michael Hertzberg (2020) The gifts of allurement: anti-conversion legislation, gift-giving, and political allegiance in South Asia, Journal of Contemporary Religion, 35:1, 93-114, DOI: <u>10.1080/13537903.2020.1695815</u>

To link to this article: https://doi.org/10.1080/13537903.2020.1695815

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Published online: 17 Jan 2020.

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The gifts of allurement: anti-conversion legislation, gift-giving, and political allegiance in South Asia

Michael Hertzberg

ABSTRACT

The last decade has seen an escalation of various acts of anticonversion legislation in Nepal, Sri Lanka, and in different states of India. Several scholars comment that the upsurge of anti-conversion legislation can be linked to the ascension of religious nationalism in India and Sri Lanka, yet recent trends indicate that such laws are also proposed by moderate political forces. What is notable about this anti-conversion legislation is that it criminalizes 'improper' conversions along the lines of force, fraud, and allurement/inducement. While Article 18(2) of the International Covenant of Civil and Political Rights (ICCPR) protects against coercion, and thus forcible conversions, and while the concepts of force and fraud are already covered by the penal codes of the respective countries, the remaining element of controversy of anti-conversion legislation is that of allurement and/or inducement. 'Allurement' is defined as the offer of any temptation for the purpose of converting a person professing one religion to another religion, in the form of: "(i) any gift or gratification whether in cash or kind, (ii) a grant of any material benefit, whether monetary or otherwise, (iii) the grant of employment or grant of promotion in employment" (Owens 2006-2007, 337). Yet, despite critical remarks from the UN Special Rapporteur on the Freedom of Religion or Belief, Asma Jahangir, that these anti-conversion proposals are vague in their formulations and may lead to religious persecution, the legislative attempts are persistent in their demand to criminalize the allegedly religious gifts of allurement. This article argues that the rationale behind anti-conversion legislation stems from a threefold objective: (1) the dislike of gifts from the religious Other in particular and proselytization in general, (2) legislation as a regulating mechanism of majority religious bodies vis-àvis religious minorities, (3) anti-conversion laws demanding the complicity of the state in relation to the majority religions, accentuating state patronage as a tacit form of state religion bill.

Introduction

way.

Allegations that missionaries and aid workers are active in inducing conversions by means of aggressive external pressure have led to discussions

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ARTICLE HISTORY

Received 11 November 2016 Accepted 14 December 2017

KEYWORDS

Anti-conversion legislation; proselytization; religious nationalism; religious pluralism; India; Sri Lanka



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about anti-conversion legislature in many countries; the region of South Asia, and in particular India, has emerged as the argumentative repository for such laws. In simplified terms, the main contested issue is whether anti-conversion legislation violates the rights of Christians, in particular evangelical Christians, to proselytize and thus limits their religious freedom to manifest their religion or whether aggressive and enticing missionary efforts violate the targets' right to maintain their religion. Jean-François Mayer (2008) observes that the most common line of conflict does not contest proselytism *per se*, but rather articulates the resistance against the notion of 'improper' proselytism. However, as we shall see, proselytism not only is a thorn in the flesh for various states (see Hackett 2008), secular and otherwise, but also challenges the way the notion of freedom of religion is understood in various international human rights instruments (see Danchin 2008; Taylor 2005; Stahnke 2001).

Most studies on anti-conversion legislation have focused on the respective public discourses within national contexts, ranging from technical considerations of national legal mechanisms to the political mobilization in the wake of various bill proposals. In India, scholars have mostly discussed anti-conversion legislation in terms of sovereignty and issues of religious identity, rather than regarding the actual political processes of the bills (see Osuri 2013; Fernandes 2011). The most recent development of anti-conversion trends have taken place in Myanmar, with a package of four laws around marriage, conversion, polygamy, and birth control (Frydenlund 2017). In Sri Lanka, studies have been more empirically grounded and have discussed the policy process of the various bills (see Mahadev 2013; Berkwitz 2008; Matthews 2007; Owens 2006). My contribution is not to focus explicitly on one national context, although my own experience stems from Sri Lanka. Rather, I follow and highlight one particular aspect of anti-conversion legislation-the alleged 'gifts of allurement'-which can be seen as both the dominant rationale for launching legislation and the main reason for making them problematic in terms of international human rights mechanisms. Hence, the structure of this article will follow the discourse on anti-conversion legislation on three different, but interacting levels: the aporias of proselytism in international human rights instruments, national legal mechanisms and discourses in India and in Sri Lanka, and ethnographical insights into attitudes and perceptions of 'gifts of allurement', mainly taken from Sri Lanka.

This article argues that anti-conversion legislation arises from three separate concerns. Firstly, the general dislike of gifts from the religious Other in particular and proselytization in general has made anti-conversion legislation a potent tool for electoral mobilization, especially for religious nationalists. Secondly, such laws can be an effective regulatory mechanism against religious minorities. Thirdly, most anti-conversion legislation makes

tacit assumptions about state patronage, privileging the majority religion. Hence, the issue of anti-conversion legislation elucidates a potent dynamic between religious nationalists, minorities, and the state and can be seen as an adjudicator of how religious pluralism is negotiated within a given nation state. Michael Feener (2013) notes that religious pluralism is increasingly couched within the framework of legal and administrative management of populations, which reveals the complex nuances in terms of secularism and official state religions. However, political parties-considered 'religious nationalists'-have initiated most anti-conversion legislation and various state apparatuses have had, to put it mildly, complex, contrasting, and confusing responses to these initiatives. Anthony Gill (2008) argues that efforts to regulate religious freedom should not be seen as one modality alone, but should take into consideration a wide array of interests and policies. As Feener (2013, 11) observes, "proselytization is enabled by, and simultaneously tests the limits of, religious pluralism". Allegations of deceitful proselytization, unethical gift-giving, and manipulative aid create emotions of cultural anxiety where a tradition is under threat. By considering anticonversion legislation as a political tool wielded by religious nationalists, we see how the tensions surrounding religious pluralism are responded to and negotiated by the state, religious actors, and the international community. In order to understand the potency of anti-conversion legislation in South Asia, we need to look more closely at the way proselytization and religious giftgiving are perceived to reshuffle social and political allegiance at both village and state level.

The aporias of proselytism in international law

There is no formulation in international human rights instruments that targets the concept of proselytism directly, yet every anti-conversion legislation proposal needs to take into account the formulations of Article 18 of the International Covenant on Civil and Political Rights (ICCPR). While Article 18 is the single most important legal text for how to draft eventual anti-conversion legislation, legal scholars have voiced their frustration about the lack of specificities regarding the issue of proselytism in international law. Paul Taylor observes that

It is unfortunate that in drafting [the Covenant,] the Human Rights Committee failed to be more explicit on the subject of proselytism, in spite of the fact that its importance was raised even in the earliest debates and it continues to be a live issue throughout many parts of the world (Taylor 2005, 48).

While there is a lack of a definite consensus in the international human rights instruments about proselytism (see Stahnke 2001), two concepts in Article 18 are nevertheless marked for further contestation: the

'manifestation of religion' and 'coercion'. However, there is no autochthonous understanding of how to interpret 'manifestation of religion' and, so far, no international human rights instrument offers a definition of 'coercion' and what forms of conduct and communication would be covered under the aegis of Article 18(2) (see Taylor 2005, 75). The omission of definitions of 'manifestation' and 'coercion' attests to the aporias of proselytism in international human rights instruments. Tad Stahnke (2001, 276) observes that the "lack of any direct recognition of proselytism may be an indication of the sensitivity of states to the issues it raises and the difficulty in delineating agreeable standards". Hence, the aporias of proselytism in international law are a continuous source of tension and conflict between different actors regarding the question of how to approach the issues of proselytism, proselytization, anticonversion legislation, and similar issues around conversion.

The challenge is to find the relevant framing, argumentation, and accommodation of the rights of those involved in any act of proselytism. In this sense, the repertoires of legal competence, relevant examples, and timid definitions are of decisive importance. As Peter Danchin (2008, 258) notes, "the question of whether proselytism falls within the scope of the freedom to manifest religion or belief has been subject to surprising dissensus". One of the difficulties is that any decision of how to understand proselytization in the context of human rights necessarily compromises religious freedom in one sense or another. Stahnke argues: "In conflicts involving proselytism, the rights and interests of the source, the target and the state can be arranged against one another" (Stahnke 2001, 275). Thus, rather than aiming for another fixed additional formulation to Article 18 of the ICCPR, Stahnke develops a charter for how different interests play into the way legal measures on proselytism are articulated:

1) The rights of the source of the proselytism to manifest their religion and engage in free expression.

2) The rights of the target of the proselytism to change their religion, to receive information, to be protected from injury to their religious feelings and to maintain their religious identity.

3) The interests of the state to protect dominant religious traditions or official ideology and to preserve public order. (Stahnke 2001, 254)

Accepting that proselytism should be an inherent part of the manifestation of religion accommodates the rights of the source, in other words, the missionary. An accommodation of proselytism is thus a protection of the rights of the source (the missionary). Whether the international human rights instruments actually guarantee such provisions is uncertain and will probably involve further contestations. However, restrictions on proselytism consequently lead to a regulation of certain religious conduct, especially among the religions with a mandate to perform religious persuasion. The right of proselytism is often contrasted with the rights of the target (of proselytism), or (2) in Stahnke's charter above, the way the very act of proselytism may denigrate the freedom of religion of another believer. Thus, proselytism may violate the target's right to maintain his/her religion or it can be argued that unsound methods and modes of proselytization may violate the rights of the target. Nevertheless, putting harsh restrictions on proselytism may also hinder the target's right to information (to make a sound choice of which religion to belong to) and thus also infringe upon the target's right to change his/her religion. Hence, too much protection of the target's rights actually deprives the target of being able to make his/her own judgments. In addition to the rights of the source and the target, the state enters as a third interested party, that is (3) in Stahnke's charter, in the negotiations of how to delineate a boundary around the issue of proselytism. The rights of the state are articulated in Article 18(3) of the ICCPR:

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Thus, in order to propose anti-conversion legislation within the ambit of Article 18 of the ICCPR, the national legislature needs to either safeguard the religious rights of the target or refer to a societal concern (protection of public order) of the state due to proselytism. Restrictions on proselytism will most likely preserve the patterns of religious affiliation and thus favor majority religious groups, especially if they are not aggressively seeking converts of their own (see Gill 2008; Stahnke 2001).

The readings of the international human rights instruments have shown that it is possible to draft anti-conversion legislation within the ambit of Article 18 of the ICCPR, but that such legal proposals also need to balance different rights in the process. Stahnke notes that the general silence of international human rights instruments on issues of proselytism has caused divergent proselytizing practices around the world. However, Danchin (2008, 280) argues that any attempt to legislate on proselytization needs to take into consideration the "complex interrelationship within the legal framework of the state" as well as the historical relations between the different groups in a particular society. The aporias of proselytism in international law make it possible for religious nationalists to mobilize anticonversion laws under the aegis of protecting religious freedom. It is possible to interpret Article 18 both in favor and in disfavor of restricting proselytism, yet any restrictions upon proselytism should be formulated either along the lines of coercion (protecting the target) or with reference to public order or safety. Thus, legal proposals on anti-conversion either criminalize forcible conversions, regulate proselytization to guarantee public order or, as we shall look more closely into, use a third option: criminalize allurement, especially gifts of allurement. Below, I will discuss the various legal proposals that have been submitted in India and in Sri Lanka, before discussing them comparatively, with a particular interest in the usage of the concepts of allurement and inducement.

Anti-conversion legislation in India and Sri Lanka

A significant avalanche of anti-conversion legislation in India started in 2002; within a decade, a total of eight Indian states either had proposals for or had already passed anti-conversion legislation. The states of Tamil Nadu, Gujarat, Chhattisgarh, Himachal Pradesh, and Uttarakhand developed proposals for anti-conversion legislation, in addition to the anti-conversion legislation that had been formed in Orissa (1967), Madhya Pradesh (1968), and Arunachal Pradesh (1978) decades earlier.¹ Laura Dudley Jenkins observes that the "renewed attention to conversion in India [in] the last decade coincided with the political ascendancy of Hindu nationalism, including the BJP [Bharatiya Janata Party]" (Jenkins 2008, 120). It started with the passage of the Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance in October 2002, after a series of mass conversion incidents in Tamil Nadu in the preceding years. The Ordinance was based upon the laws of Orissa and Madhya Pradesh, but included another section that entailed a higher penalty if conversions targeted vulnerable groups, such as minors, women, Scheduled Castes or Tribes. However, the Tamil Nadu Ordinance was repealed in 2004, when the BJP had fallen out of favor in Tamil Nadu, but similar legislation that was proposed in other states in India and Sri Lanka continued to invigorate the subject of anti-conversion legislation.

Historically, the first legislation against conversion can be traced back to the Raigarh Conversion Act (RCA) of 1936, when Raigarh was a princely state under British colonial administration. Goldie Osuri (2013) argues that it was enacted to maintain the status quo and, therefore, opposed and restricted activities that were seen as disruptive, which included both conversions and the freedom movement led by Mohandas Gandhi. While the Raigarh State Conversion Act stood as the most prominent example of laws limiting conversions in the princely states, similar legislation was also enacted in the states of Kota, Bikaner, Jodhpur, Patna, Surguja, Udaipur, and Kalahandi (see Jenkins 2008).² After independence, Article 25 of the Indian constitution of 1949 stated that "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion". This formulation did not come without dispute; the word 'propagate' was one of the most contested in the whole Indian constitution. However, in favor of Christians, the word 'propagate' was included despite its disputed nature.³ In many ways, the constitutional drafting process in India highlighted the differences in the way Christians and Hindus perceived the phenomenon of conversion.

The tensions between Hindus and Christians on the matter of proselytism and conversion still prevailed. In 1954, the state of Madhya Pradesh commissioned a report, after complaints of fraud and inducement in relation to Christian conversions. It was an ominous report, based on extensive documentation from both interviews and written testimonies, running to more than 1,000 pages (see Bauman 2008). Despite its impressive list of documentation, commentators agree that the composition of the commission was clearly biased against Christian proselytism (see Osuri 2013; Bauman 2008; Kim 2003). In fact, the report has attained a special position among Hindu nationalists in providing evidence for undue proselytism among Christians;⁴ its vocabulary of recommendations to restrict proselytism in terms of 'force, fraud, and inducement' has "paved the way for legal restrictions" (Jenkins 2008, 114) and has been replicated in many subsequent legal attempts to restrict 'improper' proselytism.

The first anti-conversion laws were passed in Orissa and Madhya Pradesh in 1967 (the Orissa Freedom of Religion Act) and 1968 (the Madhya Pradesh Dharma Swatantraya Adhiniyam) and are still active. The main sections in the two acts are nearly identical, except for the wording of *inducement* vs. *allurement*:

(3) Prohibition of forcible conversion: No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement/allurement or by any fraudulent means nor shall any person abet any such conversion.

The Orissa Freedom of Religion Act and the Madhya Pradesh Dharma Swatantraya Adhiniyam were instantly challenged by Christian legal action.⁵ In the end, the Supreme Court of India gave its final verdict on the issue on 17 January 1977 to uphold the High Court of Madhya Pradesh in validating the Act with regard to Article 25 of the Indian constitution. The Supreme Court's verdict in this case, also known as Rev. Stainislaus v. Madhya Pradesh, authenticated the anti-conversion legislation put forward by the states of Orissa and Madhya Pradesh. This verdict was based upon two arguments. Firstly, while the notion of 'propagate' indeed validated a right to the exposition of the tenets, this right did not entail a right to 'convert', as this would impinge upon other persons' 'freedom of conscience'. Secondly, the Supreme Court hypothetically argued that forcible conversions needed to be restrained due to the probability of a breach of public order. Thus, the Indian Supreme Court validated two of the arguments possible in relation to the issue of proselytism, and freedom of religion more generally in Article 18 of the ICCPR, namely the protection of the rights of others and the concern for public order. Before I discuss the implications of these verdicts of the Indian Supreme Court, I will examine how anti-conversion legislation has come about in Sri Lanka and discuss how 'gifts of allurement' in particular are seen as a disturbing aspect, in relation to both proselytization and anti-conversion legislation.

In Sri Lanka, two different bills were actually submitted to Parliament in an attempt to regulate the practice of 'unethical conversions'; first, the Prohibition of Forcible Conversions of Religion bill was submitted as a private member's bill by Ven. Omalpe Sobhita on 28 May 2004; the other bill, the Freedom of Religion Act, was then submitted in February 2005 by Ratnasiri Wickremanayake, the Minister of Buddha Sasana. In contrast to the constitution of India, the Sri Lankan constitution does not entail the right to 'propagate' but rather alludes to the right to 'manifest' religion, as guaranteed in Article 18 of the ICCPR. Moreover, the Sri Lankan constitution includes a statement which declares that it shall give "to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana". This constitutional priority, which was installed in 1972 and reconfirmed in 1978 (see Schalk 2001), is different from that contained in the Indian constitution, yet these formulations were unchallenged in court before the subject of conversions came to prominence. Before the anti-conversion bills in Sri Lanka, the Supreme Court had already decided in favor of Buddhist interests in three 'incorporation cases' (2001-2003). In these three cases, the Supreme Court had ruled the incorporation (a requirement for religious bodies if they seek to attain status as a legal persona) of Christian organizations to be unconstitutional on the basis that they had an unsound "combination of religious objectives together with economic/ commercial objectives" (Owens 2006, 55).

While the idea of anti-conversion legislation in Sri Lanka came through the Minister of Hindu Affairs, it was the newly emerged Buddhist nationalist party Jathika Hela Urumaya (JHU) which was leading the process. It modeled its bill proposal, Prohibition of Forcible Conversion of Religion, directly on the Tamil Nadu Ordinance. However, the proposed bill also included provision for harsher punishment for the conversion of vulnerable targets. The proposal generated staunch opposition from Christian agents, yet an intervenient petition was also made by the All Ceylon Hindu Congress (an influential Hindu lay organization in Sri Lanka) which was in the process of drafting a parallel bill proposal with a Hindu-Buddhist committee (see De Silva, n.d.). The preamble of the JHU bill alluded to Buddhism as the "foremost religion", yet the exact wording in the constitution is that "Buddhism shall have the foremost place" (Owens 2006–2007, 328). Hence, the Hindu groups felt that the proposal that was put forward privileged Buddhist relations with the state and therefore refused to comply with the formulations.

Both anti-conversion bills that were put forward in Sri Lanka were met with substantial Christian opposition. While the Supreme Court in Sri Lanka sided with the intervenient petitioners who acted on behalf of Buddhist interests, it recognized the worries of the Christian community that some of the formulations in the bill were too vague and could have detrimental consequences.

The recommendations of the Supreme Court were to make the definitions of force, fraud, and allurement more succinct and closer to the primary objective of the bill proposed by the JHU. While 'allurement' is a key term for understanding the contested position of conversion in both Sri Lanka and South Asia generally, we can draw on some experiences of different forms of conduct that are provocative to Buddhist nationalists in the context of Sri Lanka. Although not necessarily directly transferable to the context in India, the debate on the nexus between conversions, gratifications, and socio-economic disparities between proselytizer and target can elucidate various relations and dynamics in the wider debate on anti-conversion laws and especially the question how the notion of 'gifts of allurement' has taken such a prominent role in the debate.

The gifts of allurement

In the wake of the anti-conversion bills in India and Sri Lanka, the UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir visited these countries. She visited Sri Lanka in 2005, after a series of violent episodes against Christians, and India in 2009. One of the main topics in her reports was the notion of the 'gift'. In the report on Sri Lanka released in 2005 by Asma Jahangir, it was highlighted that the formulations of the bill could have serious repercussions for various charities and religious groups:

It is very difficult to assess the genuineness of a conversion. While it may be easy to prove that a person has received a gift, it would not be easy to demonstrate that the person has converted because of the gift. (Jahangir 2005, 15)

The alleged 'gifts of allurement', as expressed in the *Prohibition of Forcible Conversion of Religion* bill, entail a double edge: this provision is especially prone to misuse and abuse that would legitimize religious intolerance against certain religious groups and religious minorities. As Jahangir comments:

The wording of the draft laws is also too vague. It allows too great a margin of interpretation, which could be a source of possible abuse and could potentially transform the law into a tool of persecution by those who are genuinely opposed to religious tolerance. (Jahangir 2005, 15)

Later, in 2009, she released her report on the situation of religious freedom in India, where she commented upon the formulations in the legislation:

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They [the lawmakers] have been criticized on the ground that the failure to clearly define what makes a conversion bestows on the authorities unfettered discretion to accept or reject the legitimacy of religious conversion. (Jahangir 2009, 16)

It is especially the notions of '*inducement* or *allurement*' that are criticized for being 'broad and vague'. Hitherto, while it is precisely the practice of what is referred to as 'enticing' and 'alluring' conduct that religious nationalists find provocative in terms of proselytization, it is the same terms that pose difficulties for the lawmakers in explicating a clear legal formula for anti-conversion legislation that will find international consent, under the aegis of the human rights instruments. Not 'coercion', but 'allurement' is the most central aspect of anti-conversion legislation.

In 2006, the All Ceylon Buddhist Congress initiated a commission to inquire into the issue of unethical conversions in Sri Lanka. A lengthy section in the commission's report (All Ceylon Buddhist Congress 2012) includes an in-depth presentation on the way Buddhist nationalists feel about conversions in Sri Lanka:

Christian Evangelists are well aware that they cannot convert Buddhists who have a good understanding of the teachings of the Buddha by explaining Christianity to them, but they can do so only by bribing them with money, gifts and other allurements and by deceiving them with assurances that sickness and disease can be cured by prayer. This is why they go in search of helpless, uneducated Buddhists living peacefully in rural villages, shower them and their children with gifts and presents, help alleviate their economic hardships, take undue advantage of the quality of gratitude inborn in them precisely because of the Buddhistic nature thereby enticing them into being accompanied to Prayer Centres and using sinister methods to wean them away from the quality of being Buddhistic and then convert them to their faith. (All Ceylon Buddhist Congress 2012, 43)

This formulation displays many of the accusations against missionaries, especially evangelical Christians, in Sri Lanka where the offer of gifts and other 'allurements', particularly to vulnerable people, shows the cunning nature of various missionaries. Inherent in the conception of allurement is a wider sense of the 'gift' from the religious Other, which includes Christian interaction with the Buddhist population involving social and/or humanitarian uplifting efforts. These could take the form of prayer and healing, aid deliveries, employment, and various support groups for social problems. Philip Fountain asks whether not all development actors are in some sense involved in "transformative interventions" (Fountain 2015, 89), in an effort to go beyond the distinction between religion, purity, and pollution. Pure proselytization is usually contrasted with an allegedly 'impure' act of including social-economic factors into the targets' decision about their conversion. While there is an ideal of a purely intellectual religious conversion in the *Pali* scriptures (see Thilakaratne 2005–2006), the Christian forms of proselytizing are contrasted with an impure form to entice the targets by other means ('they cannot convert Buddhists who have a good understanding of the teaching of the Buddha').⁶ While Buddhist nationalists claim that conversion by conviction is sound, they are against 'unethical' forms of proselytization, especially when they are directed at vulnerable groups and persons.

The provisions in the *Prohibition of Forcible Conversion of Religion* bill launched by the Jathika Hela Urumaya party include more severe penalties if the conversion is directed at particularly vulnerable groups. This resembles the conception of 'captive audiences' (Kao 2008, 79), which is used whenever specific groups are targeted for proselytizing and promises of material inducements are made, especially when there is a disparity of power, status, and wealth between proselytizer and targeted audience. Hence the issue of proselytization is deeply entwined with socialeconomic matters and cannot be thought of as a mere one-to-one interaction between proselytizer and target. Sasanka Perera, one of the first to write ethnographically about the subject of evangelical expansionism and conversions in Sri Lanka, observes:

It seems to me that in these kinds of situations, people often convert out of necessity rather than out of conviction or faith. In such situations, the decision to convert is a rational economic decision [rather] than a matter of spiritual salvation. (Perera 1998, 67)

However, Perera argues against critics who assert that the recent success of evangelicals is due to aggressive proselytizing and Western funding. One of the main reasons for the expansion of evangelical numbers is precisely their commitment to social work. The evangelical fold offers a whole new community which is far more capable to enhance the worth of the individual. Personal interaction—dealing directly with people's problems and concerns—is the main method of evangelical social work, which, according to Perera, most often targets those of socially or emotionally depressed backgrounds. Sankajaya Nanayakkara argues that the rise of evangelical Christianity in Sri Lanka is mainly due to the evangelicals' provision of pastoral care ministry and cultivation of a strong sense of community as well as the failure of traditional (non-Christian) religious institutions to fulfill the needs of believers (see Nanayakkara 2007).

In his doctoral thesis, Orlando Woods explores how evangelical Christians have been able to use social ministry as a way to enter into previously unreceptive environments to "circumnavigate prevailing patterns of religious dominance and repression" (Woods 2012, 147). Hence the use of (supposedly secular) social ministry at community sites and locations enables evangelical groups to win the confidence of the evangelical population. Buddhist agitators claim that these very practices display the subversive intentions of evangelical groups. As Woods notes, such practices may easily fuel "(mis)conceptions of unethical practice" and "[encourage] pastors to engage in activities that can be interpreted as forceful, fraudulent or alluring" (Woods 2012, 223–224). Such dynamics reinforce the caricatured reputation of evangelicals as conducting "pathological messiahnism" (Perera 1998, 54) deriving from their supposed "eschatological urgency" (Gooren 2010, 16). Nanayakkara argues that the decision to intrude upon 'grey areas'—unreceptive areas for conversion—often makes the practices of evangelical Christians evasive and secretive, a move that will most likely only fuel more aggression against them (see Nanayakkara 2007).

However, during my fieldwork in Sri Lanka,⁷ my Christian informants found it hard to relate to the 'cunning' image they were given by the Buddhist nationalists and often asserted that the issue of 'unethical conversions' was based upon several layers of misunderstanding, exaggerations, and misinformation. Certain forms of proselytizing activities, and counter-efforts to curb them, are easily framed as stereotypical and emblematic. Heterogeneity is often lost in issues dealing with proselytism and conversion (see Fountain 2016) and the Other is often prone to polarized images, both between and within traditions. Therefore, the theologian Christine Lienemann-Perrin (2007, 456) has tried to show some of these dichotomous views of proselytism in a chart:

Complain:proselytism by unethical means

Inducement of young people who are underage / minors

Enticement of mentally and physically ill, ignorant, desperate people Luring members by material offerings Cultural arrogance

Disturbance of public order Aggression against other religious communities

Accusation against converts

Apostasy, betrayal, harm against the own religious community Victim of lure, enticement

Christian witness at stake

Care for children; provide education and training to minors to achieve self-reliance

Care for the disabled, sick, prisoners, naked, hungry

Option for the poor

Prophetic criticism of social, cultural and spiritual evils Public witness of the Gospel Call to witness among all nations

Claim of converts

Following the call to return to God Decision out of free will

Figure 1. Lienemann-Perrin (2007, 456) has developed a chart to distinguish between contrasting views on how to perceive proselytism.

While Buddhist nationalists read the Christian mindset as a cynical conversion machinery, it cannot be contested that the vulnerable groups are the very same groups that are in need of assistance. Most of the Christian informants I spoke to argued that an eventual enactment of the bill would target and bring suspicion to genuine Christian social work among the poor and destitute in Sri Lanka. Similar to the incorporation cases, where some Christian organizations were denied formal registration due to their apparent mix of religious instruction and socio-economic uplifting (see Berkwitz 2008; Owens 2006), people felt confused about what the bill actually sought to prohibit. Christian leaders feel that an enactment of anti-conversion legislation would bring suspicion to social work in general and lead to a sense of arbitrariness for Christian charity whether the Christian charity organizations faced charges of unethical conduct or not. The main question of dispute, therefore, is whether the level of social pressure in the given conversion context amounts to allurement or coercion. Buddhist nationalists claim that Christians use charity and aid precisely to win the trust and confidence of poor villagers and after a while transform these activities into religious worship. Hence the role of the gift is of central importance.

Religious gift-giving and political allegiance

A special consideration is that gift-giving is a central component in the Buddhist economy of merit in Sri Lanka. Gift-giving is at the ritual core of Buddhist power relations, not only between laypeople and clergy, but also between politicians and monks. Hence the enmeshment of aid and religion is interpreted as giving 'interested gifts', which have the potential to alter social and political relations. Gift-giving involves a complex set of societal inter-relations: "Gifts are not just material transfers of 'aid', but also embodiments of cultural symbolism, social power and political affiliations." (Korf et al. 2010, 61) The 'pure gift' of aid is contrasted with the interested exchange found in patronage politics. Thus, gift-giving, aid, and conversion are not isolated phenomena, but have broader repercussions for political allegiance in Sri Lanka. These relations were especially prevalent in the aftermath of the tsunami in the Indian Ocean.

The issue of conversion and proselytization in Sri Lanka rose to a climax after the disastrous tsunami in the Indian Ocean that left one million people displaced and caused 36,000 casualties in Sri Lanka alone. The disaster brought an influx of NGOs to the country and led to a form of "competitive humanitarianism" (Stirrat 2006). Bogdan Lešnik and Mojca Urek (2010) observed that a Christian NGO expected permission to build a church in the village in return for its humanitarian engagement. Consequently, Buddhists made complaints which were directed at forms

of manipulation. Both churches and temples were accused of favoring their own religious communities during aid distribution and complaints about the reconstruction work centered on issues of patronage, inequity, and the mismanagement of funds (see Moonesinghe 2006). Benedikt Korf et al. argue that the practice of gift-giving was embedded within a framework of reciprocity and patrimonial allegiance, where the post-tsunami reconstruction work "reinforced and reshuffled lovalties. group boundaries, and connections" (Korf et al. 2010, 63). The problem was not only that some organizations disbursed aid along patrimonial networks, but also that several recipients expected and demanded that their respective groups of allegiance (social, political, religious) should provide the necessary help for them. The post-tsunami reconstruction work brought another influx of NGOs to Sri Lanka, which accentuated an already simmering debate about religious gift-giving, where various Christian organizations were accused of manipulative behavior and of exploiting the disaster for their recruitment campaigns (for a case of Hindu nationalists and disaster reconstruction, see Bhattacharjee 2016). Moreover, the anxieties about these 'gifts of allurement' even colored the public debate and political climate in Sri Lanka after the tsunami, with Mahinda Rajapakse, who later became president, even being able to tap into these anxieties during his presidential campaign in 2005 (see Hertzberg 2015).

By re-configuring our understanding of conversion from a change in religious institutional affiliation alone to a notion of conversion that also entails a broader shift and reshuffling of allegiance and lovalty within a patrimonial rationale, the lines of conflict become more visible. The influx of NGOs in Sri Lanka is of critical importance, as these humanitarian interventions engage in, and entangle themselves with, patterns of patrimonial connections and allegiances. For example, humanitarian interventions can be seen as subtly dislodging existing loyalties and connections and replacing them with new patrimonial guardians. Seen in this light, the humanitarian interventions by various NGOs are not only circumscribing the sovereignty of the Sri Lankan state, but also disrupting existing patronage networks in communities and villages. During my fieldwork, the dynamics of winning the trust of the locals through charity work and subsequently setting up a church were the most common allegations from my Sinhala-Buddhist nationalist informants. One high-ranking monk stated: "Christian organizations come under the guise of NGOs, but will then establish a church along with the village uplifting." (Personal interview, 30 October 2011) My argument is that these dynamics are particularly critical as they are seen as disrupting existing patronage networks in the villages and that the change caused by conversion is not merely seen as a shifting religious affiliation, but as a complete reshuffling of societal, religious, and political identities and loyalties. The gift is not only a gift, but a gift of allurement. The gift has manipulative intentions in severing the bonds between temple and village, between individual and tradition, between state and religion. In its purest form, the gift is about the change of allegiance.

The rationale of anti-conversion legislation in South Asia

The debate about proselytization and anti-conversion legislation is haunted by vague and ambiguous formulations in different legal contexts. Many proselytizing bodies proclaim a 'code of ethics' which underlines the notion that many operate with a distinct line between 'proper' and 'improper' proselytism (see Ferrari 2010), but anti-conversion legislation has gained the reputation of acting on behalf of the majority religious groups. Both Taylor (2005) and Stahnke (2001) note that the notion of 'coercion' should be the guiding principle in defining 'improper' proselytism in relation to more benign forms of religious persuasion. Taylor suggests that the debate should revolve around the notion of 'coercion that impairs religious choice' (Taylor 2005, 73). Stahnke (2001, 338), however, develops a chart of factual circumstances to indicate whether an act of proselytism could be deemed 'proper' or not, according to the coercive nature of certain relationships between the triad of source, target, and state as well as the context of the occurrence. Hence, to formulate anticonversion legislation within the ambit of human rights instruments, the notions of 'coercion' and 'forcible conversion' would be essential. However, the central aspect is not forcible conversion, but 'gifts of allurement'. The reconfiguration from 'allurement' to 'forcible conversion' of the formulations of the anti-conversion legislation would severely limit the scope of the present articulations and not capture the phenomenon of 'gifts of allurement' by legal definitions. Hitherto, it is debatable whether the 'broad and vague' formulations in anti-conversion legislation are intentional. The complaints in Sri Lanka and India are not about 'forcible conversion', but about practices of allurement. Hence the lawmakers are unable to capture 'allurement' within sound legal formulations and the notion of forcible conversion will not capture what they intend to criminalize. Thus, my argument is that the rationale behind anticonversion legislation stems from a threefold objective: (1) the dislike of gifts from the religious Other in particular and proselytization in general-a subject which has proven potent for political mobilization; (2) legislation as a regulating mechanism of majority religious bodies vis-à-vis religious minorities; (3) anti-conversion laws are demanding the complicity of the state in relation to the majority religions, accentuating state patronage as a tacit form of state religion bills.

According to the argumentation of Osuri (2013), Leela Fernandes (2011), and Jenkins (2008) in the case of India, the primary motivation behind anticonversion legislation is not to find a balance between the rights of the source, the target, and the state and thus articulate principles for the protection of the individual target's rights in the encounter with aggressive proselvtism. On the contrary, anti-conversion legislation is an arbiter of religious identity where religious identity shall have supremacy within the nation state. Jenkins argues that, in India, the sudden rush of such anti-conversion laws should be considered in relation to the calculation of political actors during elections, as the enactment of laws which target unpopular practices among religious minorities that "tap into social uneasiness about cultural globalization in an era of neoliberal economic policies" (Jenkins 2008, 125) is an easy way to create cohesion among potential voters. Fernandes claims that both the state and the Hindu nationalists are thinking religious conversion into fixed modes of identity: "This convergence between secular and religious nationalist conceptions of religion points to the ways in which the democratic state in India relies on the preservation of fixed, distinct religious borders." (Fernandes 2011, 131) Further, the politics of religious conversion is disruptive of such fixed boundaries and unsettles the given territorialization of religion.

By "locating conversion within religio-cultural, political and juridical struggles for sovereignty", Osuri (2013, 9) expands the notion of how "Hindu nationalist sovereign violence feeds upon secular nation-state sovereignty, pushing at its limits and exclusions" (Osuri 2013, 36). Conversion is exempted from the principles of religious freedom in the Indian constitution due to the protective measures of public order, as "an exceptional event or site which necessitates sovereign decision either within the terms of the Constitution of through anti-conversion laws" (Osuri 2013, 37). In this way converts become "traitors and betrayers of the sanctity of the Hindu nation" (ibid) and these converts are thus subjects in need of surveillance and regulation through anti-conversion legislation. However, Thomas Blom Hansen (2005, 172) identifies several nodes of sovereignty that can exist "in many overlapping and competing forms at many levels within the same territory and temporal frame" and that Hindu nationalists often operate along informal networks of authority intertwined with visible state authority. Thus, questions of legal mechanisms and religious pluralism should also discuss official state-religion relations vis-à-vis informal state-religion relations, such as exclusionary violence, impunity, and restrictive regulations imposed by bureaucratic instances upon religious minorities in particular.

Similarly, in Sri Lanka, we see that anti-conversion legislation is a potent tool for political mobilization. This was evident in the newly emergent political party Jathika Hela Urumaya, which was able to gain political mileage because of the uneasy and complicated relations between Western NGOs and Christian proselytizers as well as the general sense of political frustration after the breakdown of the peace negotiations between the Sri Lankan government and LTTE (Liberation Tigers of Tamil Eelam) in 2003 (Deegalle 2006). The bill proposal thus became a matter of symbolic importance with regard to whether Jathika Hela Urumaya was able to deliver its political promises. The party failed to secure a broader alliance with other religious groups, supporting the bill by alluding to Buddhism as the 'foremost religion' of Sri Lanka, despite trying to negotiate with both Hindu groups and Catholic organizations (see Hertzberg 2016). That the intention behind the proposal(s) of anti-conversion legislation in Sri Lanka carried a veneer of accentuating state patronage is evident in the way it/they alluded to the constitutional priority of Buddhism. It was further stated when another bill by Jathika Hela Urumaya, which aimed to make Buddhism the state religion, was proposed shortly after the Supreme Court's determination that the Prohibition of Forcible Conversions of Religion bill needed certain amendments to be passed normally in Parliament.

In contrast, anti-conversion legislation was passed in various Indian states; Osuri argues that arguments about 'maintaining public order' indicate that the (supposedly secular) Indian state favors Hindutva activists:

Public order is abstracted to refer to the government as a neutral adjudicator in communal strife, and the converts and converters bear the brunt of the restriction of the right to propagate subject to public order rather than Hindutva activists who historically and at present have been the agents of communal strife where it concerns the matter of conversion. (Osuri 2013, 33)

Osuri challenges the asserted 'neutrality of the secular state' in the way the allusion to public order in disputes of forcible conversion actually places restrictions upon 'propagating' Christians, who are protected by Article 25 in the constitution, rather than the various Hindutva activists whom she sees as mainly being behind the communal strife that disrupts public order. Hence Osuri argues further that such dynamics of anti-conversion legislation underpin "the complicities that characterize the relationship between liberal democratic institutions and right-wing religious nationalisms" (Osuri 2013, 3). It can thus be argued that anti-conversion legislation is tightly interwoven with forms of religious nationalism that seek to monitor and control the population, in particular religious minorities.

Anti-conversion legislation has been a potent political repertoire wielded by religious nationalists in India and Sri Lanka, which combines general anxiety about religious conversions with a dislike of manipulative giftgiving. While the individual processes of conversion have received increased attention recently, more studies are needed to understand the dynamics behind (anti-)conversion sentiments. The public dislike of 'gifts of

allurement' in particular and proselytization in general has often made anticonversion laws an effective tool for political mobilization on behalf of religious nationalists (e.g. the BJP and the JHU) and also reveals how the regulation of the population of religious minorities goes hand in hand with a demand for special state patronage for the majority religion. Such legal regulation should also be seen in relation with other political machinations by religious nationalists, such as exclusionary tensions, political violence, other law-making initiatives, and complicities with various bureaucratic institutions, especially the police and the judiciary. By implementing anticonversion legislation, religious nationalists have the opportunity to add another tool to their repertoire of regulating the 'religious other'. Therefore, various regulations, both religious and supposedly secular, should be subject to further scrutiny and discussion. However, the concomitancy of regulative law proposals and exclusionary violence toward Christians beckoned international awareness of the issue, most prominently seen with the interventions by the UN Special Rapporteur on Freedom of Religion or Belief, whose verdict on the bills framed them as potential tools of oppression.

Conclusion

Any regulation of proselytization is bound to provoke intense debates about the rights of either the source or the target, according to international human rights standards, adding inherent complexities to the already sensitive issue of proselytization in the world today. The most promising path to finding a solution for the problematic issue is through elaborating the notion of 'coercion' in forcible conversions. However, the central aspect in anti-conversion legislation is not that of 'forcible conversions', but of 'gifts of allurement'. The central allegation put forward by religious nationalists in India and Sri Lanka is that it is the combination of religious persuasion with gifts or gratifications that is seen as the main component of the restrictive bills. However, as Jahangir and many others have commented, legal sanctions of 'allurement' in anti-conversion legislation open the path to a broad and vague interpretation that can lead to possible abuse and misuse of the bills. Thus, when we keep in mind how Hindu and Buddhist nationalists have already developed tools of exclusionary politics against religious minorities, anti-conversion legislation can be another powerful tool to regulate religious minorities in South Asia. However, given the aporias of proselytism in international human rights instruments, anti-conversion legislation points to the need for more nuanced approaches in order to understand the limits of proselytization and (anti-)conversion sentiments in a globalizing world.

Notes

- 1. Arunachal Pradesh passed legislation formulated on the basis of the *Madhya Pradesh Dharma Swatantraya Adhiniyam* in 1978, after the *Stainislaus v. Madhya Pradesh* verdict in the Supreme Court in 1977.
- 2. Raigarh became a district of Madhya Pradesh after independence and then part of the new state of Chattisgarh in 2000; in this area, the contestation of conversions has been most intense and even led to a pivotal Supreme Court case (Jenkins 2008).
- 3. However, Kim notes that "It has been argued that the Hindus accepted the word 'propagate' in a compromise with the Christians that involved that the latter giving up [sic] their reserved seats in the legislature" (Kim 2003, 54).
- 4. The report was reprinted in 1998 and is still occasionally referred to by Hindu nationalists, more than 50 years after its inception, as evidence for Christian misconduct and legitimate claims to enact anti-conversion legislation (Bauman 2008).
- 5. In *Yulitha Hyde* v. *State of Orissa*, the High Court of Orissa accepted the validity of 'force' and 'fraud', but deemed the notion of 'inducement' unconstitutional as its vagueness could violate Article 25 of the Indian constitution. In a similar challenge in *Rev. Stainislaus v. State of Madhya Pradesh*, the High Court of Madhya Pradesh validated the constitutionality of all definitions of 'force', 'fraud', and 'allurement' to be in accordance with the Indian constitution.
- 6. Sharma (2005) discusses how Hindus find a stark difference between accepting converts (and proclaiming the gospel) by one side and how an active, even aggressive, seeking of converts by the other side is seen as provocative.
- 7. I conducted fieldwork in Sri Lanka for a total of twelve months between 2011 and 2013. More than 80 interviews were conducted with various organizations and stakeholders around the process of anti-conversion legislation.

Disclosure statement

No potential conflict of interest was reported by the author.

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