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## Religious Freedom and the Right to Convert: Laws against Forcible or Induced Conversion in India (abstract)

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## **The Social Practice of Human Rights: Charting the Frontiers of Research and Advocacy**

2015 Conference of the University of Dayton Human Rights Center

Oct. 1-3, 2015, Dayton, Ohio

For the archive of the conference, see [http://ecommons.udayton.edu/human\\_rights/2015/](http://ecommons.udayton.edu/human_rights/2015/)

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**Research Panel:** Religion and Human Rights

**Presenter:** Laura Dudley Jenkins

**Title:** Religious Freedom and the Right to Convert: Laws against Forcible or Induced Conversion in India

**Abstract:** In early 2015 several Hindu nationalist leaders in India have called for a national law against forcible or induced conversion. Laws against “forcible conversion” have been proposed and enacted in an increasing number of Indian states in recent years. Some laws include higher penalties for conversions of lower castes or women, reinforcing paternalistic assumptions that they lack the agency or ability to determine their own religion. Based on their timing, anti-conversion laws seem to be politically motivated, used to rally the Hindu majority during elections by playing on fears of their declining numbers and potential threats of mass conversions. Both proponents and critics of these laws make religious freedom arguments.

India’s 1950 constitution, still in effect today, emerged from heated debates in the Constituent Assembly (1946-1950) about conversion rights and religious freedoms, against the backdrop of the developing Universal Declaration of Human Rights. Despite India’s substantial constitutional protections for religious freedoms and longstanding commitment to religious pluralism, recent UN rapporteurs on religious freedom have critiqued state-level laws restricting conversions and periodic persecution of religious minorities. It may be an easier political project to protect the rights of discrete minority groups (difficult as this sometimes is) than to protect the rights of people to change groups.

Scholars have increasingly recognized that religions and religious communities are dynamic rather than static; yet religious rights frameworks seem to prioritize preservation rather than change. Some advocates of religious freedom privilege the maintenance of religious traditions and communities. This emphasis can make conversion a threat to freedom rather than central to freedom. While presenting my research on current legal challenges to conversion in India, I hope to get feedback from the scholars and practitioners at the Dayton conference on an alternative conceptualization of religious rights that encompasses both the right to remain and the right to change.

**Keywords:** religious freedom, conversion, India, Islamophobia, human rights

**Biography:** Laura Dudley Jenkins is an Associate Professor of Political Science and Director of the International Human Rights Certificate Program at the University of Cincinnati. Her research focuses on social justice policies in the context of culturally diverse democracies, especially India, but also Indonesia, South Africa and the United States. Jenkins’ book *Identity and Identification in India: Defining the Disadvantaged* (Routledge, 2003, 2009) examines competing demands for affirmative action on the basis of caste, religion, class and gender and the ways governments identify various categories through the courts, census and official certificates. She was a Fulbright New Century Scholar in South Africa and India. She co-edited (with Michele S. Moses) and coauthored several chapters in *Affirmative Action Matters: Creating Opportunities for Students around the World* (Routledge 2014). She analyzes religious freedom and conversion, competing minorities’ claims for affirmative action, colonial and contemporary government anthropology, the role of social science in anti-discrimination law, reserved legislative seats for women, and the role of culture and the arts in sustainable development.