The Covenant Connection Reexamined: The Nexus between Religions and Federalism in Asia

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Abstract
The covenant connection thesis forms an important basis from which to understand the religious source of federalism. Yet with its Judeo-Christian roots, to what extent does it apply to Asian countries that have different religious traditions? In this article, we explore whether the covenant connection thesis is relevant to Asian federalism in the context of Muslim-, Hindu-, and Buddhist-majority countries. We find that while the presence or absence of a covenantal tradition within a religion can partially explain acceptance of, or resistance to, federalism, there are other religious features that also play a role. These include the extent to which traditional religious organizations are internally centralized, the extent to which religion and state governance are intertwined or separate from each other, and the extent to which a religion that constitutes the core national identity is threatened by other religions that are or may be empowered by federal arrangements.

Keywords
comparative federalism, covenant connection, religious traditions, federalism in Asia, religious perspective on federalism

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Introduction
In Asia, the correlations between religions and federalism are puzzling and reveal some striking patterns. Among secular states and societies with Confucian traditions, like China, the two Koreas, Vietnam, and Singapore, none have federalism. No Buddhist-majority country has federated, although Myanmar and Sri Lanka have quasi-federal systems. In contrast, both Hindu-majority countries (India and Nepal) have accepted

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federalism as an appropriate means of accommodating diversity. Two Muslim-majority
countries—Malaysia and Pakistan—established federalism, although in a more central-
ized and authoritarian manner. Christian-majority countries with covenantal traditions,
like the Philippines, East Timor, and Papua New Guinea, have unitary political systems,
although Christianity has been a relatively recent import.

Why are there such differences among Buddhist-, Muslim-, and Hindu-majority coun-
tries with regard to federalism in Asia? Obviously there are many historical, geo-political,
economic, social, and cultural factors that contribute to these differences. In this article,
we focus on religious factors to account for these. We first revisit the covenant connection
thesis in the Western federalism scholarship. From a religious perspective, the idea of a
covenant encapsulates the idea that relationships between God and humans are under-
pinned by morally sustained mutual promises and obligations (Elazar, 2000). Politically,
a covenant refers to the process of creating communities and civil societies through com-
pacts and agreements to establish durable partnerships (Elazar, 2000). The covenant con-
nection’s core idea is that federalism is rooted in Judeo-Christian covenantal traditions
(see, for example, Elazar’s four volume study, The Covenant Tradition in Politics),
whereby covenantal partnerships create a situation in which “each partner can at least
recognize the justice of the other’s claims and then negotiate these claims through mutu-
ally agreeable structures designed to facilitate cooperative activity” (Elazar, 2000: 5).

Inspired by this simple but powerful intellectual explanation, we attempt to discover
whether the covenant connection thesis extends beyond Christianity in the context of
Asian federalism. We analyze how the presence or absence of a covenantal connection
within Islam, Hinduism, and Buddhism affects the establishment and development of
federalism in Asia. Our finding is that the covenant connection thesis can partially explain
why federalism has taken root in Muslim-majority countries, and it helps elucidate why
federalism has not been established within Buddhist-majority countries, where there are
no covenantal traditions. However, the covenant connection thesis cannot explain why
Hinduism, which also has no covenantal tradition, has been associated with the develop-
ment of federalism in India and its emergence in Nepal. It cannot explain why Christian-
majority countries in Asia have unitary political systems. Clearly, there is a limit to the
covenant connection thesis even within Christianity.

We thus contend that the covenant connection thesis merely focuses on the ideational
and philosophical bases of federalism, and overlooks other aspects of religion that have
played various roles in influencing the development of federalism. We aim to broaden the
covenant connection thesis through identifying and examining several pertinent institu-
tional and social factors within religious traditions. They include the extent to which tra-
ditional religious organizations are internally centralized or centralized by state power,
the extent to which religion and state governance are intertwined or separate from each
other, and the extent to which a particular religion that constitutes the core national iden-
tity is perceived to be threatened by other religions that are or may be empowered by
federal arrangements. We therefore make and test the following hypotheses:

(1) A decentralized administrative structure of a religion creates a favorable condition
for federalism. Otherwise, an administratively centralized religion is more likely
to lend its support to a unitary system.

(2) Differentiation between a particular religion and a state or government creates a
favorable condition for federalism. In contrast, if a particular religion is closely
identified with a state or government, a federal polity is likely to be more
authoritarian and centralized. It does not, however, preclude the implementation of federalism on its own.

(3) An actual or perceived threat to a particular religion that constitutes the core of a national or ethnic identity creates an unfavorable condition for federalism.

A religious national identity alone will not affect the issue of whether federalism can be introduced or not. Only when there are concerns about the status of the religion upon which a national identity is based—that is, when a particular religion faces a critical challenge from other religions in domestic and international societies, or when there is a perceived threat to the status of the religion in the region that may be heightened by federalism—will a state unify and use political force to defend the domination of its majority religion. In these circumstances, a state would tend toward centralization.

The article has three aims. The first aim is to test the application of the covenant connection thesis to federalism in Asia. The second aim is to further develop the covenant connection thesis through examining other religious factors that contribute to the success and failure of the establishment and development of federalism in Asia. In doing so, the third aim is to make a valuable contribution to the literature on religious perspectives on federalism through a comparative study of Asia, and in particular an in-depth analysis of the impacts of Islam, Hinduism, and Buddhism on federalism in Asia.

We adopt a comparative method. First, we select and focus on three religions, namely, Islam, Hinduism, and Buddhism, to test the covenant connection hypothesis. We do not consider Confucianism (He, 2010), which may be better considered as secular, or Christianity, due to the limits of space and because it has been covered extensively in the literature (Elazar, 1995, 1996, 1998, 1999; Kincaid and Elazar, 1985; McCoy and Baker, 1991). Second, we select Malaysia and Pakistan from Islam, India and Nepal from Hinduism, and Sri Lanka and Myanmar from Buddhism, and develop a pair analysis of two countries in each religious tradition. Third, we examine institutional and social factors within the three religions that are important to understand the implementation of, or challenges to, federalism in Asia. While identifying and considering divisions and variations both within and across religious traditions, we focus on those that are most prevalent in our case countries.

We should make clear in the beginning that while this article focuses on various religious factors that influence the politics of federalism, there are many other non-religious factors that have influenced all developments of federalism. Throughout the article, we note the role of colonialism, race politics, political institutions, democratization (He, 2007), political will, and others.

Following the conventional definition, federalism is taken to exist when a state has at least two tiers of government that possess legislative and executive powers derived from a constitution, and each tier can act independently in the exercise of those powers. There are other features that are commonly present in federal states, such as bicameralism and an independent court, but not in all.

The Covenant Connection in Early Federalism

Federalism is understood to have religious roots informed by a Judeo-Christian covenantal tradition developed by the theological philosophies of Bullinger and Althusius, among others (Elazar, 1995, 1996, 1998, 1999; Everett, 1997; Kincaid and Elazar, 1985; McCoy and Baker, 1991; Ostrom, 1987). Political federal ideas were connected to the Biblical
message that people could be “God’s free and equal partners” if man and God committed to a “relationship of mutual responsibility” (Chebankova, 2009; Elazar, 1987: 313). This partnership between God and man would ensure that people would have God’s blessing and love in return for maintaining faith in God and upholding God’s laws on earth (Chebankova, 2009):

The idea of covenant betokens not merely a solemn pledge between two or more people to keep faith with each other, to honor an agreement; it involves the idea of co-operation, reciprocity, mutuality, and it implies the recognition of entities—whether it is persons, a people, or a divine being (Davis, 1978: 3).

During the reformation period in Europe, protestant writers such as Calvin, Heinrich Bullinger, Luther, Beza, and Zwingli considered the idea of covenant to be a central component of political theology (Elazar, 2001). Bullinger’s 1534 treatise, *The One and Eternal Testament or Covenant of God*, is considered the “fountainhead” of federalism and was the basic source of federal thought among theologians, political philosophers, and leaders in church and state (Burgess, 2006; McCoy and Baker, 1991). It established the link between federalism and covenant and set out the federal relationships between social groups such as families, congregations, guilds, and commercial groups (McCoy and Burgess, 1991). Johannes Althusius (1563–1638), a political scientist, public official, and reformed Protestant theologian, was the first to secularize covenantalism through political interpretation (McCoy and Baker, 1991: 55).

Two federal traditions—the Anglo-American and continental European—diverged over time, but research has shown how they were both influenced by the ideas of Bullinger and Althusius (Burgess, 2006). The continental European tradition has its origins in international affairs primarily, for example, in alliances among groups and leaders, but it is also influenced by social contract theory, sovereignty debates, and Althusius’ experiments with theorizing a political form of governance emanating from covenantal theology (Burgess, 2006). This federal tradition, with its theological, ethical, and political dimensions, was brought to the new world, the colonies of New England by the Puritans (McCoy and Baker, 1991). The Puritan Massachusetts Bay Colony, for example, established in British North America in 1629, translated covenantal theology into political and social life, marking the beginnings of the Anglo-American tradition. Encompassing the federal concept of balancing unity and diversity as well as obligations and liberty, the covenantal basis of federalism has also been closely linked to constitutionalism: “the logic of both covenant and constitution demands a democratic evolution: satisfying legitimate human needs, extending human rights” (Riemer, 1980: 141). American constitutionalism, for example, can be interpreted as resulting from a combination of theological covenantalism and the more secular idea of compact (Chebankova, 2009).

Daniel Elazar explored the Jewish and Christian ideas of a covenant and their connections to political choices. His research ran along two lines—covenantal connections to federalism stemming from Jewish biblical traditions, and another that focused on US federalism and its colonial origins:

This covenant idea is of great importance because of what it offers in the way of building relationships. The Bible develops a whole system of relationships based upon covenants, beginning with the covenants between God and mankind, which serve as initial political acts (Elazar, 1981: 9).
Elazar (1995: 1) makes the bold claim that “the covenants of the Bible are the founding covenants of Western civilization” and that the covenant idea “has within it the seeds of modern constitutionalism.” The question now is whether the covenant connection thesis can be extended to Asia. To what extent do covenantal principles play a role in countries that are not majority Christian? How does the presence or absence of covenantal traditions in Asian religious traditions affect the establishment and development of federalism? After reviewing the status of religion and federalism in Asia, we examine these questions.

**Mapping Religion and Federalism in Asia**

Many parts of the world are undergoing a religious revival. It was not long ago that prominent scholars, like Charles Taylor (2007), proclaimed “a secular age.” Secularization theory, in its most extreme form, foresaw the demise of religion and an anticipated decline in its importance to society (Gauchet, 1997). However, from the rise of the religious right in the United States to the political ambition of Islamic extremists, the trend toward secularism has not been consolidated as was expected by many.

In Asia, it is true to speak of a religious revival; however, religion has never really given way to secularism as a social or political force. Religion remains an important part of ethnic identity in many cases, and is influential in the political sphere, and in relation to federalism. In India, for example, religion has become more important in recent decades. Previously, the Congress Party ensured religious diversity and India’s religious neutrality. While political discourse on federalism in Pakistan centers on resource allocation, the role of the Punjab, and democratization, its status as an Islamic federation ensures that religion has always been a component of Pakistan’s political structure.

Asia is a religiously diverse region, with substantial populations covering all of the world’s major religious traditions. We focus on South and Southeast Asia. Although each country has its own internal diversity, majority religions are present in each case. Pakistan and Malaysia have state religions and Sri Lanka and Myanmar give special status to one religion. Even in the region’s constitutionally secular countries, notably India, the state often intervenes in and regulates religious affairs. In India, there are as many as five states in the North East which are tribal dominated, and of the eight, three are Christian majority. These states enjoy autonomy more than the states in the mainland. Most countries provide religious freedoms; however, these are sometimes compromised by bans on religious conversions and religiously biased legislation.

Buddhism is the majority religion in Sri Lanka, Myanmar, Thailand, Cambodia, Laos, and Bhutan. With the exception of Bhutan (and Nepal), people in South and Southeast Asia mostly practice the Theravada form of Buddhism, while Mahayana Buddhism is prevalent in East Asia. There are two Hindu-majority countries, India and Nepal. Pakistan, Bangladesh, Indonesia, and Malaysia are Muslim-majority countries, dominated by the Sunni form of Islam.

While Sri Lanka’s and Myanmar’s constitutions incorporate a constitutional division of powers, no Buddhist-majority country has federated despite significant pressure to this end. Conversely, both Hindu-majority countries have accepted federalism, although Nepal’s version is fledgling. The federal credentials of Muslim-majority countries are mixed. Pakistan and Malaysia are federations, but are “flawed” in practice (Burgess, 2013: 273); Indonesia is substantively decentralized; and Bangladesh is unitary. Table 1 provides a summary of the status of federalism and religion in majority Buddhist, Hindu, and Islamic countries in Asia, as outlined above.
Covenantal Traditions in Islam, Hinduism, and Buddhism

The Quran includes approximately 100 references to a covenant either between God and mankind or between humans, with the majority being between God and man (Lumbard, 2015). For many interpreters of the Quran, the covenant is “central to the Quranic conception of humanity and of religious history” (Lumbard, 2015: 2). In particular, verses 7: 172–173 have become known as “the Verse of the Covenant” (Al-Qadi, 2003). There are four major trends of interpretation of the verses: the traditional Sunni, the rational Mu’tazill-Shi’, the mystical Sufi, and the popular storytellers’ Qisas Al-Anbiya (Al-Qadi, 2003; Lumbard, 2015). Although they differ on certain aspects of the verse (Al-Qadi, 2003), there is general agreement that:

Man promised God in a binding fashion to worship him alone as Lord and God; that man might forget his promise; that God would send prophets to man; and that man on the Day of Resurrection will be judged in accordance with his compliance, or lack thereof, with the promise he made in the Covenant (Al-Qadi, 2003: 333).

However, the covenant in Islam (Verse 7: 172–173) is understood as hierarchical rather than egalitarian. Egalitarian covenants are between people, while hierarchical covenants are between people and God—acquiesced by the people out of necessity and embedding unequal conditions (Everett, 1997). The Verse of the Covenant’s influence on a Quranic vision of humanity involves a reflection on “man’s dual nature of utmost distinction, on the one hand, and pitiful inconstancy and forgetfulness,” on the other; and a reflection on the nature of sin, so that the “breaches of the covenant … disrupt[s] the equilibrium of the world, thereby making the primary function of prophets sent to mankind to remind people...
of their covenant with God” (Al-Qadi, 2003: 333–334). Al-Qadi (2003) has interpreted this covenantal tradition as a cyclical or spiral process that involves a series of cycles of disobedience, destruction, and the resettling of men until the day of judgment.

As such, there appears to be a logical link between the Islamic covenantal traditions and federalism in Muslim-majority countries. Just like Christian covenantal links to federalism, Pakistan and Malaysia, two Muslim-majority countries, have established federalism consistent with a covenantal tradition within the Quran. The Muslim world displays “a tendency to federate rulers, rather than peoples” and their successful federal structures are due to elite power sharing arrangements based on historical contexts (Elazar, 1987: 244–247). Furthermore, Pakistan and Malaysia are both centralized and have either experienced periods of authoritarianism or have authoritarian tendencies within their political structures. While many other non-religious factors like their colonial histories, processes of independence, and race politics (see Hutchinson, 2014) contribute to this phenomenon, the hierarchical nature and cyclical perception of Islamic covenants also play a role. Yet, there are other aspects of the religion that may explain trends within Muslim-majority federations.

Hinduism and Buddhism do not have covenantal traditions akin to those that emerged from the Christian or Islamic traditions, although both have strong paternalistic and hierarchical traditions. Kings were supposed to have a divine right to rule, in contrast to a covenantal basis. Even if it were argued that Hindu and Buddhist thought incorporates the idea of covenant, it is unconditional and so better characterized as a promise (Ranamurti, [1935] 1986: 351–357). When a ruler or god makes a promise to the people, it is not usually reciprocal. For example, the widely revered Hindu epic, the Mahabharata, includes a number of regularly quoted promises by Krishna (an incarnation of Hindu god Vishnu) to his “very dear friend” Arjuna (e.g. Chapter IV Verse 7), but none include a notion of equality, reciprocity, or conditionality. Similarly, the Buddha promised to his followers that they would reach enlightenment if they followed a certain path, asking nothing in return.

The presence of an (implied) social contract, which bears similarities to covenantal thought, may provide a functional equivalent to a covenantal tradition. Some claim that Buddhism incorporates a social contract idea for the selection or legitimation of kingship (Harris, 1999: 3; Ranamurti, [1935] 1986). However, such appearances are fleeting and sometimes sarcastic; and even if the idea of social contracts exists, it is minor and hierarchical in Buddhist traditions. Most scholars reject the notion of a social contract in Buddhism (see Collins, 1996; Huxley, 1996; Tambiah, 1989). There are instances where the king and the Sangha have tried to reform the other, but the king has usually emerged victorious (Taylor, 2009: 50–51). The Sangha relied on the patronage of kings (Tambiah, 1992).

In the Hindu tradition, kings were divinely anointed via Karma. Generally, kings were said to rule according to Dharma (duty, right action, morality), and so in theory, the question of an unjust king should not arise (Huxley, 1996). Reality is not so simple and many kings were far from exemplars of virtuosity. The Mahabharata gives a religious basis for rebellion against an unjust king, and there are myths where Brahmans (the priestly caste) push kings for reforms (Everett, 1997). Otherwise, their accountability to the people is minimal. In the contemporary period, India has long separated government from divine kingship and institutionalized democratic accountability, and Nepal’s shift to a secular democratic federation was consolidated with the 2006 removal of the king, once thought to be an incarnation of the Hindu God Vishnu. With the loss of legitimation following the 2001 royal massacre,
after which the new king was one of the few remaining royals, the public rose up and held
him to account for his authoritarian turn—that is, it was not until the traditions of divinely
anointed kingship broke down that federalism became acceptable.

The absence of the covenant tradition has impacted on the resistance to federalism in
Hindu- and Buddhist-majority countries. Mutual observance by units and the center is
essential for the persistence and effective operation of federalism. However, there are
many examples of the center abrogating agreements or acting contrary to the constitution
in Buddhist- and Hindu-majority countries in Asia. In Sri Lanka, the devastation of its
civil war would in all likelihood have been avoided had the then government not abro-
gated the 1957 BC Pact or the 1965 D-C Pact, which were agreed between Sinhala and
Tamil leaders (Edrisinha, 2005). The 1987 amendments that established a constitutional
division of powers were never properly implemented either, demonstrating the lack of
federal spirit and history of covenantal abrogation in Sri Lanka. In Nepal, the constitu-
tion-making process was marked by numerous agreements between the government and
minority actors. However, many of these agreements were mutually contradictory, bring-
ing into question underlying intent, and less than 25% of the 2007 agreements were ever
implemented (Hachettu, 2009). In Myanmar, the ethnic nationalities continue to agitate
for the proper implementation of the Panglong Agreement, which was entered into in
1947 yet quickly undermined and gradually entirely abrogated by the Bamar-dominated
center (Sakhong, 2005).

Clearly, the absence of a covenantal tradition was a religious source of resistance to the
idea of federalism in terms of constitutional agreement. However, there are other sources
of, or functional equivalents to, covenantal traditions. In Asia, one of these is British
colonial rule and its imposition of law and the imperative of contract and agreement in
political life. In India, the covenantal tradition, vis-a-vis federal constitutionalism,
evolved through the practice of colonial administration. In contrast, in Nepal, which was
never colonized, constitutionalism has been slow to emerge.

Federalism in Asia cannot be understood without recognizing the effect of colonialism,
where indigenous traditions were supplanted, modified, or subordinated. Other than Nepal,
with its recent foray into federalism, all the federations in Asia were former British colo-
nies ruled by a mixture of direct and indirect rule (while Nepal was undoubtedly influ-
enced by India). Sri Lanka and Myanmar were ruled by the British; however, in the case of
Sri Lanka, the British ruled directly through a centralized administration, while Myanmar’s
initial federalism did not last. Nevertheless, the bureaucratic heritage has permeated and
merged with local traditions. In this case resulting in a hierarchical approach to the state
and government, which contributed to the institutionalization of federal—but highly cen-
tralized—approaches to the accommodation of diversity (see Breen, 2017).

So far we have tested the covenantal connection thesis in Asia and found that it has
partial explanatory power and intellectual limits. To go beyond it, in the next three sec-
tions, we examine the three hypotheses introduced earlier to develop religious perspec-
tives on federalism.

**Islam and Troubled Federalism**

**Centralization or Decentralization**

Islam has important decentralized tendencies. Although commencing as highly central-
ized under Muhammed and subsequent caliphs, this centralized power quickly declined
There are now many Islamic religious sects and each community will often have its own individual spiritual leader. Although there are exceptions, religious authority is generally not concentrated in the hands of one individual or organization. There are prayer leaders, scripture scholars, legal scholars, and judges, and its institutions—mosques, schools, and charitable groups and activities—are also decentralized and not especially integrated institutionally (Everett, 1997).

Islamic societies have long histories of territorial conquest and rule, which required decentralization to sustain. During much of its pre-modern period, the Ottoman Empire was able to maintain widespread authority through an extensive system of devolution and local autonomy that was underpinned by Islamic principles and law while otherwise providing space for ethnic and other (non-Muslim) communities to exercise self-rule (Anscombe, 2014: 15–34). Thus, precedents for federal-type rule exist in Islamic religious and political spheres. Pakistan and Malaysia did not reject the federal-type structures that had been established during colonial rule. Their status as Muslim-majority countries and acceptance of federalism support the claim that decentralization within a religion can offer a favorable condition for federalism.

### Differentiation between Religion and State Power

While “the Prophet did not bequeath any general theory or model of state, government or constitution” and “there is neither in the Quran nor in the hadith literature anything resembling political theory proper” (Ahmed, 2009: 209), Islam is closely tied to the governance and legislation of the state. In the Ottoman Empire, the bureaucratic position of the Grand Mufti was established in the second half of the sixteenth century as the sultan’s chief jurisconsult. While the Grand Mufti’s role and the religious hierarchy underneath him came to be accountable to the government, many Muslim-majority countries continue to include this role, or have variations, such as Indonesia’s Ulama Council and Malaysia’s National Council of Fatwa (Bowering, 2013). In Malaysia, civil courts cannot hear issues that fall under Sharia law. Yet religious influence on politics in Malaysia and Pakistan, while significant, also interact with more secular political processes. Sharia law only applies to Muslims, with non-Muslims following civil law. Islam has a strong influence on politics, but politics also runs parallel to Islam, sometimes superseding religious initiatives. For example, Islamic criminal law was introduced in the Malaysian states of Perlis, Kelantan, and Terengganu, yet as these remain subject to federal and constitutional oversight, they remain unimplemented (Lau, 2014).

In Pakistan and Malaysia, the head of state must be a Muslim. There is a constitutional provision that the Prime Minister of Pakistan must be a Muslim. In Malaysia, nine of Malaysia’s 13 states have sultans as the head of state who supervise Sharia courts and appoint judges on the recommendation of state Islamic religious departments and councils.

Islam has also been used in Pakistan and Malaysia for identity-building and state formation, and has thus been closely intertwined with politics. Under certain leaderships, Pakistan and Malaysia have experienced periods of heighteningIslamization of the state. In Malaysia, up until the 1980s, Malay-Muslim ethno-centric nationalism bolstered connections between religion and politics and informed policies such as those that protect the Bumiputera. In the late 1980s, the United Malays National Organization, under Mohammad Mahathir’s leadership, moved from Bumiputeraism to a more multi-ethnic and global approach to Islamization. This involved processes of institutionalizing Islamic
political instruments, such as increasing the number of government-employed ulama and thus expanding the state’s religious bureaucracy (Hamayotsu, 2002). Pakistan, under the military rule of General Zia-ul Haq (1977–1988), established a federal Sharia court, made Islamic education compulsory in schools, promoted religious schools, and attempted to Islamize the army (Haqqani, 2004).

The connections between Islam and politics may explain the determination of Pakistan and Malaysia to ensure an Islamic element to statehood. Malaysia displayed many secular principles in its initial constitution, laws and policies, and its constitution can be interpreted as secular (Saravanamuttu, 2009), yet Malaysia and Pakistan still include religious elements within their constitutions.

Connections between Islam and politics in Pakistan and Malaysia do not mean that Muslim-majority countries could not establish federalism. The covenant tradition in the Quran and the decentralization within Islam potentially counteract any lack of differentiation. However, such close connections, combined with hierarchical covenantal traditions, have made Malaysia and Pakistan more inclined to maintain strong centers and more reluctant to accommodate minorities at the expense of an advantaged position for the dominant group. Indeed, federalism in Malaysia and Pakistan exhibits serious problems. Pakistan’s federalism is centralized and majoritarian, with weakly institutionalized political structures that have repeatedly been destabilized by military leaders and periods of military rule (Adeney, 2012). Until recent constitutional changes, there was concern regarding the extent to which the center could override legislation made at the provincial level, creating a central bias to the federation, and there are ongoing concerns with regard to Punjab dominance in terms of the design and number of federal units and representation (Adeney, 2012). In Malaysia, there has been a sustained centralization drive, despite it being a federation since independence (Hutchinson, 2014). In theory, federal criteria are met, but in reality, responsibilities and resources lean toward the center, to the extent that it has been described as a unitary state with federal features (Loh, 2009). Federalism in Muslim-majority countries in Asia is troubled yet functioning.

**National Identity and Perceived Threats**

Islam and national identity in Malaysia and Pakistan are intertwined. Pakistan was built around a Muslim identity as the unifying force, while Malaysia formally equates Malay ethnicity with Islam. In the time of the Ottoman Empire, “ethnicity was practically irrelevant” as a basis of identity, subsumed by the utility of religious identification (Anscombe, 2014: 16–17). In modern times, the constitution of Malaysia stipulates that the religion of the federation is Islam. Pakistan displayed secular values at the time of establishment, despite being relatively religiously homogeneous. Yet eventually in Pakistan, and especially after the death of Mohammad Ali Jinnah, Islam provided not only the basis for the creation of the state but also the basis of Pakistani identity, and it has maintained its status as an Islamic Republic (Singh and Kukreja, 2014: 88–92).

Islam is dominant in huge tracts of Asia and the Arab world and enjoys a comfortable and privileged status in Malaysia and Pakistan. In Malaysia, while the majority of its citizens are Muslim, and there is no threat to their religious identity as such, the position of the Malays vis-a-vis other ethnic groups has been guarded or supported judiciously, both in terms of political power and economic position. In Pakistan, Islam’s position has been consolidated by constitutional provisions. Of course, some groups would fear invasion
and conversion by Christianity. The cases of Pakistan and Malaysia therefore partially confirm the hypothesis that religions that are relatively comfortable and do not feel threatened are more likely to accept federalism. The appeal to a unitary state to protect one religion like in Myanmar does not exist in Pakistan and Malaysia.

Hinduism and “the Glory of Diversity”

Centralization or Decentralization

Hinduism, at least traditionally, has virtually no formal organization (Smith, 1966). It follows that whatever organization does exist is not centralized. Indeed, Hinduism has really only been collectively defined as such in response to the need by “outsiders” to contrast it with other religions. Hindus “have gloried in diversity,” recognizing multiple forms of truth and displaying substantial variation in practice and belief from “village to village” (Narayan, 1996; Smith, 1998: 202–203). Thus, this supports the first hypothesis.

Notwithstanding its lack of institutional organization, Hinduism has a tradition that is highly regulative of society, best indicated by its caste system that assigns rigid social, economic, and political roles to individuals, and its emphasis on the need to perform one’s duty (e.g. see the Bhagavad Gita) (Smith, 1966). Embedded in the caste system are numerous rules of behavior and interaction that may be conceivably transferred into a rules-based system of government—constitutionalism—whether hierarchical or egalitarian in nature. In Nepal, for example, the caste system and its rigid hierarchy were formalized by a royal decree existing from 1845 to 1951 (Chakravartty, 2014: 65). The decree incorporated members of what we would now call other religious traditions, like Buddhists, who were hierarchically placed between Hindu high caste groups and Dalits.

Differentiation between Religion and State Power

Hinduism is delinked from the state because of its caste system. The role of governing, or ruling, was confined to the Kshatriya/Chhetri caste, while religious leadership was provided by the Brahmin/Bahun caste. Although this was often a symbiotic relationship, with the kings receiving legitimation from the Brahmin/Bahun caste and vice versa, neither was substantively accountable to the other. Each was able to operate in their own spheres, exist independently, and not rely on patronage. In modern times, this strict caste-based delineation is no longer observed, but its influence persists. All these facts support the second hypothesis that differentiation between religion and state power creates a favorable condition for federalism.

The lack of organization and centralization within Hinduism meant that in practice, it was very difficult for priests to influence the state or play a substantial role in politics (Smith, 1966). In Nepal, the king was constitutionally an “adherent” of Hinduism (e.g. Article 20(1), The Constitution of Nepal, 1962) but not the head of the religion itself. In India, it was not until the emergence of Hindu nationalist political parties, largely in response to Christian missionaries, that sufficiently organized religious-based affiliations could seek to influence political agendas. Now concerned with Islam more than Christianity, Hindu nationalist parties continue to grow in strength, outstripping the organizational capacities of the Hindu faith itself (Jaffrelot, 2011).
National Identity and Perceived Threats

In response to the scars of partition, India deliberately secularized the state and sought to build a neutral and inclusive national identity (Bhargava, 2010). Hindu nationalist forces have sought to equate India with Hinduism, but this has been consistently resisted by the ruling Congress party, despite nationalist forces gaining power in some states (Allen, 1992). In Nepal, there was a closer link between being Nepali and being Hindu until the interim constitution of 2007. Nepal was formally a Hindu state and its federalization coincided with the severance of this relationship and the simultaneous recognition of its multi-ethnic, multi-religious, and multi-lingual make-up (see Articles 3 & 4, The Interim Constitution of Nepal 2063, 2007).[AQ: 5]

The status of Hinduism and those who wish to identify as such is not under threat. Hinduism is not a missionary religion, which has mitigated potential spread, but it is protected via anti-conversion laws in India (South Asian Human Rights Documentation Centre, 2008) and in Nepal (Article 26(3), The Constitution of Nepal, 2015) and by the sheer weight of numbers. It is important to isolate the Indian case with regard to partition with Pakistan. This meant that state structures were deliberately designed to be blind to religion and cut across religious cleavages (with some important concessions to minorities)—so religion was deliberately not made a basis of state formation (Bhargava, 2010; Jaffrelot, 2011). Hindu nationalists still argue that a defensive posture should be taken against other “internationally supported” religions and that India’s political structures “reflect Western, non-Indian values” (Allen, 1992: 3; Jaffrelot, 2011). However, because the political structures and state boundaries are an outcome of decolonization and partition, Hinduism is unquestionably the dominant religion in India and its status cannot be considered threatened. Can India’s success, and Nepal’s transition, be attributed to the separation of religion from state (notwithstanding Bhargava’s (2010) “principled distance”)? Without a clear link between national identity and religion, or any threat thereto, there is little for the government to protect. Hinduism does not need a privileged position or formal status, let alone the support of a centralized state structure that would prevent other religions taking hold in peripheral areas. The same cannot be said for Buddhism.[AQ: 6]

Buddhism, the State and National Identity

Centralization or Decentralization

Here, we focus mostly on Theravada Buddhism, as practiced in Myanmar and Sri Lanka, but make some mention as relevant of Mahayana and its variant Vajrayana school. Compared to Hinduism, Theravada Buddhism does have a strong organizational presence, through the Sangha (the Buddhist monastic order). However, it is mostly decentralized and does not comprise any laity (Siriwardane, 1966). In Sri Lanka, there are three (originally caste-based) sects, which show little doctrinal variation. The sects are divided into district and smaller local groups. Each sect is headed by a senior monk and a working committee, which selects district heads. However, there is considerable regionally and ideologically based fragmentation, with the Nikaya sect in particular consisting of 30–40 splinter groups (Tambiah, 1992: 82, 93–94). In Myanmar, the Buddhist Sangha was split into around 10 sects (Matthews, 1999: 28). Traditionally, the king appointed an overarching head, supported by district heads; however, in practice, there was considerable autonomy, with little practical means or imperative to convey and enforce centrally derived
decisions (Smith, 1966: 13). Later, Myanmar’s then president Ne Win bought the Sangha under a system of centralized control, but there remains considerable fragmentation (Kawanami, 2016: 49). Such attempts to impose a centralized system inhibit the development of federalism, thus supporting the first hypothesis.

Buddhism is philosophically tolerant of other faiths and peoples, but not to the same extent as Hinduism, because Buddha propounds a single path to enlightenment. However, while Hinduism has a high “tendency to regulate society,” Buddhism makes no such attempt (Smith, 1966). It is fundamentally individualistic and egalitarian. However, it does have a long history of interdependence and even unification of religion and state, and religion and identity.

**Differentiation between Religion and State Power**

Functionally, religious and political roles are distinct and a king cannot be a monk, or vice versa, as monks have to renounce the world. However, Buddhism has relied upon the patronage of kings and kings have simultaneously been the head of the religion and justified their authority via Buddhism (Siriwardane, 1966; Taylor, 2009: 55–56). This model of “royal Buddhism” is present across Theravada-majority countries (Matthews, 1992). Even in contemporary cases, leaders have positioned themselves as a Bodhisattva (to be reincarnated next as a Buddha) (Harris, 1999; Kawanami, 2016). Kings have also been active in trying to control the Sangha, who are influential in society irrespective of their role in politics (Smith, 1966; Taylor, 2009: 50–51).

The ideal philosophy of King Asoka has been particularly influential in Southeast Asia and continues to an extent in the politics of Myanmar and Sri Lanka (Albinski, 1958; Cummiskey, 2013; Smith, 1966). Asoka began a trend toward centralization and away from elected kings (Everett, 1997). He actively supported the monastic communities, promoted the spread of Buddhism, and assumed both roles of political and religious leadership. However, the autonomy and toleration of other religions afforded by Asoka, which was a practical necessity, did not persist when Buddhism retracted to Sri Lanka. In particular, the reforms of the King Dutthagamani, mythologized in the Mahavamsa, “emphasized the symbolic unity of the nation, the ethnic group and the religion,” which was possible because his and other subsequent Buddhist kingdoms were substantively less heterogeneous or geographically dispersed (Obeyesekere, 1992: 142). Thus, Theravada kings began to counter the federal-type arrangements existing in earlier periods, while Hindu kingdoms continued to manage substantive diversity. Even so, prior to colonization, the island of Sri Lanka comprised co-existing Hindu and Buddhist kingdoms (Wickramasinghe, 2006).

In modern times, there is much debate in Sri Lanka about whether monks should participate in politics and many have been politically active, even participating in parliament (Tambiah, 1992). Indeed, as Sri Lanka considers a new raft of constitutional reforms, each of its three main Buddhist sects has combined to issue a statement opposing constitutional reform and further devolution, which it sees as threatening Buddhism’s privileged position and the state’s protective role (*South Asian Monitor*, 2017).

In Myanmar, monks are not allowed to vote but have been involved in political activism. Also, because Buddhist ecclesia is well-organized, it has a greater ability to influence politics, and in practice, there has been considerable tension between the two spheres. Although Muslims remain a target of extreme Buddhist nationalists, Myanmar’s moves toward further federalization coincided with a complete absence of political actors appealing to
Buddhism for legitimation during the election campaigns of 2010 and 2012, contrasting with its earlier prevalence (Walton, 2016).

This is not to say the declining influence of religion in politics is solely responsible for Myanmar’s steps toward further federalization. The military continues to play an integral role in politics and holds a veto right over constitutional change. Myanmar’s 2008 constitution and its division of powers between the center and regions was an important step in the so-called “managed transition to democracy.” However, until there is a substantive end to internal conflict, we can expect that the rights of ethnic nationalities, vis-a-vis federalism, will continue to be restrained.

National Identity and Perceived Threats

Religion is imbued into the state and national identity in all Theravada Buddhist-majority countries (other than Laos where it practically remains privileged), as compared to the explicit secularism of Nepal and India (see Table 1). Theravada was (re)spawned from Sri Lanka, where there is a myth and understanding of the people, the Island, and the state as protectors of Buddhism, and “where Theravada kings were constantly and destructively assailed by their Hindu neighbors” (Sarkisyanz, 1965: XVIII). This history underpins the melding of religious, linguistic, and nationalistic identity among the Sinhalese and their “minority complex” (Tambiah, 1992: 129–182). In Myanmar, since independence, political leaders have tried to create a single national identity based on Buddhism (Smith, 1991: 35–38), where traditionally “to be Burman is to be Buddhist.”

Political leaders, who appeal to Buddhism for legitimation, have an associated responsibility to protect the religion, which would be undermined should a federal arrangement allow other religious communities to capture state organs (like a provincial government). Buddhism has historically been displaced and threatened by Islam, Hinduism, and Christianity, but has largely renounced violent expansionist movements itself (Cummiskey, 2013). The effect of this history can be seen in the defensive postures taken by Buddhist nationalists in Myanmar and Sri Lanka, where each fear being “overtaken” by Muslims or Hindus, or both, and spread propaganda accordingly (Walton and Hayward (2014) on Myanmar; Tambiah (1992) on Sri Lanka).

The perceived threatened position of Buddhism relative to other regional religions has led to a defensive and exclusionary response to the demands of minorities, such that in practice, centralized and paternalistic traditions have been emphasized over more accommodating ideals. Thus, Buddhism and supposed threats to its status have been used instrumentally to support anti-federal and assimilative sentiments. This is well demonstrated through the words of the influential Sinhala Commission (2008: 619, Item 2.7) on the devolution constitutional reform proposals of the mid-1990s before they were abandoned.

Conclusion

To address the puzzle about the various connections between religion and federalism in Asia, we have revisited and tested the covenant connection thesis in Asia. We confirm the validity of the covenant thesis in Islam (it plays a positive role in federalism in Pakistan and Malaysia) and in Buddhism (its absence constitutes an obstacle to the establishment of federalism in Myanmar and Sri Lanka). However, the covenant thesis needs to be revised to account for the development of federalism in India; it still holds true if we
adopt the idea of a functional equivalent or proxy—the absence of a covenantal tradition in Hinduism can be compensated by the colonial imposition of contract custom.

However, the covenant connection thesis cannot explain the emergence, development, and variation of federalism in Asia fully. We have broadened it by investigating three other religious factors. Decentralization within Hinduism and Islam is a favorable condition for federalism—in contrast with the strong organizational presence of Theravada Buddhism, which is not favorable for federalism. The connections between Islam and political leadership in Malaysia and Pakistan have compromised the quality and operation of federalism there, but have not precluded them from establishing federalism. All of these have played roles in promoting or inhibiting the development of federalism. A summary of all four factors and their impact on federalism is presented in Table 2.

We develop a religious perspective on federalism and find that the covenant connection is the strongest factor that influences the politics of federalism as it connects a political culture of adhering to constitutional agreement. The lack of a covenant connection contributes to a culture of abrogating agreement so that it makes it easy to abandon federalism. The other important factor is the actual and/or perceived threat to a national or privileged religion. This appears to be a key condition determining a state’s propensity for, or resistance to, federalize. When one religion is perceived to be threatened, that religion is likely to be politically mobilized to support a unitary polity, as is evidenced by the

<table>
<thead>
<tr>
<th>Presence of covenantal tradition</th>
<th>Centralization of religious organization</th>
<th>Fusion of political and religious leadership</th>
<th>National identity status and perceived threats</th>
<th>Impact on federalism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malaysia</td>
<td>Decentralized</td>
<td>Yes</td>
<td>Yes, unthreatened</td>
<td>Federalism accepted but centralized and authoritarian</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Decentralized</td>
<td>Yes</td>
<td>Yes, unthreatened</td>
<td>Federalism accepted and inclusive</td>
</tr>
<tr>
<td>India</td>
<td>Non-centralized</td>
<td>No</td>
<td>No, unthreatened</td>
<td>Federalism accepted and to be established fully</td>
</tr>
<tr>
<td>Nepal</td>
<td>Non-centralized</td>
<td>No</td>
<td>Yes (historically), unthreatened</td>
<td>Federalism resisted and only partially conceded</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Partially decentralized with the state’s centralization efforts</td>
<td>Yes (historically)</td>
<td>Yes, threatened</td>
<td>Federalism resisted and only partially conceded</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>Partially decentralized with the state’s centralization efforts</td>
<td>Yes (historically)</td>
<td>Yes, threatened</td>
<td>Federalism resisted and only partially conceded</td>
</tr>
</tbody>
</table>

Table 2. Summary of the Four Religious Variables and Their Relation to Federalism in Asia.
resistance to federalism in Myanmar and Sri Lanka. Buddhist countries in Asia have
tended to feel threatened by neighboring civilizations, in particular, the “minority com-
plex” of Sinhalese Buddhists in Sri Lanka is directly related to a perceived threat from
Hinduism and contributed to their resistance to federalism (Tambiah, 1992). This high-
lights the importance of Huntington’s (1996) thesis that religious identity, or “civilizations,” will be one source of conflict in the area of federalism-building in Asia, at least in
Buddhist-majority countries.

Our religious perspective on federalism is beneficial in offering a checklist for practi-
tioners to rework and rehabilitate their own religious traditions along these four variables.
Our position is not religiously determinist; it rather acknowledges the role of agency.
Indeed, most major religious traditions have decentralized traditions upon which they can
draw, and a doctrinal respect for diversity. Despite several obstacles to federalism within
the Buddhist tradition, Buddhist tenants of toleration and compassion are not just compat-
ible with but also lend support to federalism as a principle of unity in diversity. The fact
that several different religious buildings are located in one street in Yangon, Myanmar,
reveals that different religions can and do coexist in Buddhist-majority states. Indeed, the
seeds of such change have already been sown. As Saravanamuttu (2016: 5, emphasis
added) asserts:

\[\text{the centralized unitary state is not only a colonial creation but also a very recent one, when seen}
\]
\[\text{against the devolutionary, asymmetric, and pluralistic character of the historic South Asian state}
\]
\[\text{tradition from which we can learn rich lessons as we address our contemporary challenges of}
\]
\[\text{unity in diversity.}
\]

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[AQ: 11]
