RELGIOUS FREEDOM RESEARCH AND THE FUTURE OF ASIAN STUDIES: A MODEL SYLLABUS

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East and Southeast Asia is the birthplace of most of the major world religions and as much or more human diversity than any other region of the world. The role of religion in the modern nation-states of Asia varies as well from places like Thailand where Buddhism has a special relationship with the State, to the separation of Church and State in the Philippines, to the secular states of China and Vietnam. Japan ranks as one of the most religiously free nation-states in the world, but other Asian nations are regularly criticized for failing to protect religious freedom. This context challenges the idea that generalizations can be made about religious freedom in Asia.

But there is at least one general Asian characteristic that shapes the law, policy, and implementation of religious freedom throughout the region. Generally, Asians begin any reflection on social life by first considering the order and well being (perhaps even the harmony) of the community. One might suggest that Asia turns Descartes’ axiom, “I think, therefore I am” into “I belong, therefore I am.” Belonging to a community is basic to Asian life, not voluntary and temporary as it is typically conceived in the West. The community defines one’s role, protects, provides, obligates, and calls to order and integrates life.

With this beginning place serving as one of the foundation stones in an Asian worldview and vision for governance, the West should not be surprised by Asia’s tendency to reinterpret the liberal democratic ideal of religious freedom which assumes the priority the basic rights of the individual.

This syllabus is organized to guide a study of religious freedom in East and Southeast Asia by looking at various points of comparison between national experiences in the region with this principle. These points of comparison are 1) the historical context of religious freedom, 2) religion and contemporary political movements, 3) constitutional processes of religious freedom, 4) the relationship between the state and religious institutions, 5) relations and conflicts between religious groups, and 6) indigenous models of religious freedom research. It might be helpful to consider each of these issues at the levels of law, formal and informal policy, and practice. While these topics can be approached in a number of ways, we suggest that one main question be pursued throughout the study, namely, “What does the emerging Asian version of religious freedom look like?” Each point of comparison will be considered by focusing in on two or three sample nations. Some basic questions and comments are made with regard to each of the six points and a suggested reading list is provided. An Appendix also provides examples of constitutional clauses on religious freedom from several Asian countries, as well as the U.S.

Preliminary Reading:
1. Historical development of the religious freedom context –

Identify several of the key political and cultural factors that have shaped the modern role of religion and the place of religious freedom in each of the four countries mentioned in the articles below. What points of commonality do you see? Which were more important in shaping the place of religion in these societies; were the social issues of politics, law, colonialism, and conflict more important, or were cultural values and traditions more important?


2. Religion and contemporary political movements –

As you read through these articles reflect on what the proper role of religion should be in politics. Does religious freedom require the involvement of religion in politics? Are there cases in which religion should be kept out of the political arena? If we decide to restrict religion from the political arena what will be the basis of the values projected by the political powers?


3. Constitutional processes of religious freedom –
The West is proud of its rule by law tradition. The East is proud of its rule by benevolent leaders / community elders tradition. What do these articles reveal about the rule of law as it relates to religion, culture, and tradition? Do you think Asia can strengthen its rule by law without forfeiting the role of tradition and benevolent leaders? What is the role of culture / religion in interpreting a constitution or law?


4. Relations between the State and religious institution –
In almost all societies the relationship between state and religion is under constant negotiation. What is unique about how each state described in the articles below is negotiating this relationship? What criteria should a society use to balance this relationship?

5. **Inter-religious relations and conflicts**

When religion plays a key role in social identity and is brought into political, ethnic, and national conflicts it can be a powerful fuel for violence. In what ways do you see the role of religion in forming social identity in Asia to be different from its role in the West and in what ways is it the same? What should be the state’s role in inter-religious conflict?

6. Exploring indigenous models of religious freedom research –

Religious freedom has not received significant attention in Asian Studies. How important do you feel the study of religious freedom is for understanding Asia today? What aspects of religious freedom would interest you the most should you choose to study it in Asia? What topical foci and methodologies are most needed and appropriate today?

Appendix
Some Constitutional Statements on Religious Freedom

United States
“Congress shall make no law respecting an establishment of religion, or prohibiting the free
exercise thereof;”

Burma – Recognizes a special relationship with Buddhism.
Article 362. The Union also recognizes Christianity, Islam, Hinduism and Animism as the
religions existing in the Union at the day of the coming into operation of this Constitution.

Article 34. Every citizen is equally entitled to freedom of conscience and the right to freely
profess and practice religion subject to public order, morality or health and to the other
provisions of this Constitution.

Indonesia
Article 28E
(1) Every person shall be free to choose and to practice the religion of his/her choice, to
choose one's education, to choose one's employment, to choose one's citizenship, and to
choose one's place of residence within the state territory, to leave it and to subsequently return
to it.
(2) Every person shall have the right to the freedom to believe his/her faith (kepercayaan),
and to express his/her views and thoughts, in accordance with his/her conscience.
(3) Every person shall have the right to the freedom to associate, to assemble and to express
opinions.

No special relationship with any religion but the influence of Islam is clearly seen in Article
29.
(1) The State shall be based upon the belief in the One and Only God.
(2) The State guarantees all persons the freedom of worship, each according to his/her own
religion or belief.

Singapore
Article 12 states that there shall be no discrimination on the basis of religion.

Article 15 Freedom of Religion
(1) Every person has the right to profess and practice his religion and to propagate it.
(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated
in whole or in part for the purposes of a religion other than his own.
(3) Every religious group has the right
(a) to manage its own religious affairs;
(b) to establish and maintain institutions for religious or charitable purposes; and
(c) to acquire and own property and hold and administer it in accordance with law. 

(4) This article does not authorize any act contrary to any general law relating to public order, public health or morality.

Laos – Laos recognizes only Buddhism, Islam, the Catholic Church, Lao Evangelical Church, the Lao Seventh Day Adventist Church and the Baha’i religion.

Article 9 – The State respects and protects all lawful activities of Buddhists and of followers of other religions, [and] mobilizes and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities that are beneficial to the country and people. All acts creating division between religions and classes of people are prohibited.

Article 43 of the Constitution states that Lao citizens have the right and freedom to believe or not to believe in religions.


Article 33 (Amended to read – “The state respects and preserves human rights.”)

Article 36 Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

Philippines

Section 11 “The State values the dignity of every human person and guarantees full respect for human rights.”

Section 5. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights. Section 29 says no tax money can be used for religion.

Section 5 (2) No religious group representatives can be added to the House of Representatives.

Japan

Article 11 “The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.”
Article 20. “Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority. No person shall be compelled to take part in any religious acts, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity

**Vietnam** – Vietnam officially recognizes only Catholicism, Protestantism, Buddhism, Islam, Cao Dai, and Hoa Hao.

Article 50 “In the Socialist Republic of Vietnam, human rights in all respects, political, civic, economic, cultural and social are respected, find their expression in the rights of citizens and are provided for by the Constitution and the law.”

Article 70 – “Citizens have the right to freedom of belief and religion, and may practice or not practice any religion. All religions are equal before the law. Public places of religious worship are protected by law. No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate State laws and policies.”

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