

RELIGIOUS FREEDOM RESEARCH AND THE FUTURE OF ASIAN STUDIES: A MODEL SYLLABUS¹

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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:

Bailey, Stephen and Jiexia Zhai Autry. 2013. "Religious Freedom Research and the Future of Asian Studies." *The Review of Faith & International Affairs*. Volume 11, Issue 2: 1-5.

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?

- Hefner, Robert W. 2013. “The Study of Religious Freedom in Indonesia.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 18-27.
- Cornelio, Jayeel Serrano. 2013. “Religious Freedom in the Philippines: from Legalities to Lived Experience.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 36-45.
- Cooney, Kevin. 2013. “Religious Freedom in Japan: Research Needs in History and Social Science.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 74-81.
- Potter, Pitman B. 2003. “Belief in Control: Regulation of Religion in China.” *The China Quarterly*, Volume 174, Issue 2: 317–37.
- Ikehata, Setsuho, and Ricardo Trota Jose. 1999. *The Philippines under Japan: Occupation Policy and Reaction*. Quezon City: Ateneo de Manila University Press.
- Mullins, Mark. 2001. *Religion and Social Crisis in Japan: Understanding Japanese Society Through the Aum Affair*, co-edited with Robert Kisala. Basingstoke/NY: Palgrave and St. Martin’s Press.
- Kim, Andrew. 2000. “Korean Religious Culture and its Affinity to Christianity: The Rise of Protestant Christianity in South Korea.” *Sociology of Religion*, Volume 61, Issue 2: 117-133.
- Jones, Charles Brewer. 1999. *Buddhism in Taiwan: Religion and the state, 1660-1990*. University of Hawaii Press.

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?

- Robert W. Hefner, 2012. “Shari’a Politics and Indonesian Democracy,” *The Review of Faith & International Affairs* Volume 10, Issue 4: 61-69.
- Gravers, Mikael. 2013. “Spiritual Politics, Political Religion, and Religious Freedom in Burma.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 46-54.
- Lim, David. 2009. "Consolidating Democracy: Filipino Evangelicals between People Power Events, 1986-2001." In *Evangelical Christianity and Democracy in*

Asia, edited by David Lumsdaine, 235-284. Oxford and New York: Oxford University Press.

- Gravers, Mikael. 2012. "Monks, Morality and Military. The Struggle for Moral Power in Burma - and Buddhism's Uneasy Relation with Lay Power." *Contemporary Buddhism*, Volume 13, Issue 1: 1-33.
- Kang, Wi Jo. 1997. *Christ and Caesar in Modern Korea: A History of Christianity and Politics*. SUNY Press.
- Leung, Beatrice and Shun-hing Chan. 2003. *Changing Church and State Relations in Hong Kong, 1950-2000*. Hong Kong University Press.

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?

- Ying, Fuk-Tsang. 2006. "New Wine in Old Wineskins: An Appraisal of Religious Legislation in China and the Regulations on Religious Affairs of 2005." *Religion, State & Society*, Volume 34, Issue 4: 347–373.
- Suaedy, Ahmad, M. Subhi Azhari, and Badrus Samsul Fata. 2010. *Islam, The Constitution, and Human Rights: The Problematics of Religious Freedom in Indonesia*. Jakarta: The Wahid Institute.
- Thio, Li Ann. 2012. "Relational Constitutionalism and the Management of Religious Disputes: The Singapore 'Secularism with a Soul' Model". *Oxford Journal of Law and Religion*, Volume 1, Issue 2: 446-469.
- Thio, Li-Ann. 2009. "Courting Religion: The Judge between Caesar and God in Asian Courts." *Singapore Journal of Legal Studies*: 52 - 79.
- Gao, Quanxi, 2010. "On Rule of Law and Religious Organizations in China," *The Review of Faith & International Affairs*. Volume 8, Issue 2: 53-56.
- Salim, Arskal. 2008. *Challenging the Secular State: The Islamization of Law in Modern Indonesia*. Honolulu: University of Hawaii Press. Salim, Arskal.
- Katz, Paul R. 2003. "Religion and the State in Post-war Taiwan." *The China Quarterly*, Volume 174: 395-412.
- Yamagishi, Keiko. 2008. "Freedom of Religion, Religious Political Participation, and Separation of Religion and State: Legal Considerations from Japan." *Brigham Young University Lao Review*, Volume 2008, Issue 3: 919-940.

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?

- Mathew, Mathews. 2013. "Understanding Religious Freedom in Singapore." *The Review of Faith & International Affairs*. Volume 11, Issue 2: 28-35.

- Wang, Aiguo. 2009. "Spiritual Therapy for Drug Rehabilitation: The Case of Yunan." *The Review of Faith & International Affairs*. Volume 7, Issue 3: 55-60.
- Autry, Jiexia Zhai. 2013. "Pentecostal Christianity and Church-State Relations in China: The Case of the True Jesus Church Movement" On Rule of Law and Religious Organizations in China." *The Review of Faith & International Affairs*. Volume 11 Issue 3: 40-51.
- Demerath, Jay. 2006. "Religion, Politics, and the State: Observations of a Comparative Sociologist." *The Review of Faith & International Affairs*. Volume 4, Issue 3: 31-38.
- Hamrin, Carol. 2004. *God and Caesar in China: Policy Implications of Church-State Tensions*. (Washington, D.C.: The Brookings Institution Press. co-edited with Jason Kindopp.
- Moreno, Antonio F. 2006. *Church, State, and Civil Society in Postauthoritarian Philippines: Narratives of Engaged Citizenship*. Quezon City: Ateneo de Manila University Press.
- Garon, Sheldon M. 1986. "State and Religion in Imperial Japan, 1912-1945," *Journal of Japanese Studies*. Volume 12, Issue 2: 273-302.

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?

- Bailey, Stephen. 2004. "Ritual, Relationship, and Religious Liberty in Laos." *The Review of Faith & International Affairs*. Volume 2, Issue 1: 3-10.
- Bailey, Stephen. 2009. "Contextual Conversion: An Anthropological Perspective." *The Review of Faith & International Affairs*. Volume 7, Issue 1: 47-56.
- Sinha, Vineetha. 2005. "Theorising 'Talk' about 'Religious Pluralism' and 'Religious Harmony' in Singapore." *Journal of Contemporary Religion*. Volume 20, Issue 1: 25-40.
- Watanabe, Akiko. 2008. "Migration and Mosques: The Evolution and Transformation of Muslim Communities in Manila, the Philippines." *Afrasian Centre for Peace and Development Studies Working Paper Series* (37).
- Madsen, Richard. 1998. *China's Catholics: Tragedy and Hope in an Emerging Civil Society*. Berkeley and Los Angeles: University of California Press.
- Joll, Christopher M. 2010. "Religion and Conflict in Southern Thailand: Beyond Rounding Up the Usual Suspects." *Contemporary Southeast Asia: A Journal of International & Strategic Affairs*. Volume 32, Issue 2: 258-279.
- Laliberte, Andre. 2004. *The Politics of Buddhist Organizations in Taiwan: 1989-2000*. Routledge.
- Kuo, Cheng-Tian. 2008. *Religion and Democracy in Taiwan*. SUNY Press.

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?

- Yang, Fenggang. 2013. “A Research Agenda on Religious Freedom in China.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 6-17.
- Lewis, James. 2013. “Vietnamese Religions, Asian Studies, and the Rule of Law.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 55-63.
- Bailey, Stephen. 2013. “Laos and Religious Freedom Studies.” *The Review of Faith & International Affairs*. Volume 11, Issue 2: 64-73.
- Shah, Timothy. 2013. “Religious Liberty: What is It, Why Should We Care?” <http://repository.berkeleycenter.georgetown.edu/130619ShahLausanne2013ReligiousLibertyPowerPoint.pdf>.
- Finke, Roger and Robert R. Martin. 2012. “Religious Freedom and Conflict: A Review of the Evidence.” <http://66.223.51.189/workingpapers/download/USAID%20Religion%20and%20Conflict%20Final%20Report%209-18-12.pdf>.
- Grim, Brian J. and Roger Finke. 2011. *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-first Century*. Cambridge University Press.
- Hefner, Robert W. 2011b. “Human Rights in Islam: The Indonesian Case in Comparative Perspective.” In Thomas Banchoff and Robert Wuthnow, eds., *Religion and the Global Politics of Human Rights*, 39-69. Oxford: Oxford University Press.
- Tey, Tsun Hang. 2008. “Excluding Religion from Politics and Enforcing Religious Harmony – Singapore Style.” *Singapore Journal of Legal Studies*, 118-142.

Appendix

Some Constitutional Statements on Religious Freedom

United States

Amendment 1 - Freedom of Religion, Press, Expression. Ratified 12/15/1791.

“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.

China – China recognizes only the Buddhist Association of China, Chinese Taoist Association, Islamic Association of China, Three-Self Patriotic Movement and Chinese Patriotic Catholic Association.

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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