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## Politics of religious freedom in the Asia-Pacific: an introduction

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### ABSTRACT

This article introduces the main arguments of *Beyond Religious Freedom* and situates them in the context of this special issue on the politics of religious freedom in the Asia Pacific. It discusses the intensification of state-sponsored global religious interventionism that led me to write the book, and explains how the questions raised by the new global politics of religion came to seem urgent and important. It then presents the book's central organizing framework of the '3 religions' (expert, lived, and governed) as a set of heuristics for examining these co-productions of religion, law and politics. A final section weaves together insights from other contributors to this special issue with the claims of Chapter 4 of the book to explore the politics of religious freedom in the Asia-Pacific.

### KEYWORDS

Religious freedom; religion and law; human rights; religion and politics; Asia-Pacific; empire; religious violence

### Introduction

For many today, the words religion and global politics conjure images of violence and persecution. These images tap into a long history and memory of imperial power in which Europe and its settler colonies have assumed the mantle of civilization over peoples at home and abroad who are allegedly less developed. Religion, law and politics are all at play in these narratives, as is race. One characteristic of those said to be in need of improvement is a lack of religious freedom, toleration and respect for human rights. Western allies and the international community have been working tirelessly, the story goes, to address these forces of intolerance by promoting human rights, religious freedom, and moderation.

My recent work challenges the assumption that a lack of religious freedom is the problem that plagues us globally. My book *Beyond Religious Freedom: The New Global Politics of Religion* (hereafter 'BRF') unsettles the conventional account and outlines an alternative approach to the co-productions of religion, law, and politics that shape our worlds at home and abroad. To prepare for the conversation that

follows in this special issue, this introduction offers a brief overview of the main arguments of the book, beginning with a description of the rise of US religious interventionism abroad, which led me to this research topic. I then discuss the backstory to the book, explaining how the questions it raises came to seem urgent and important to me as a scholar of religion and global politics. These questions led to the ‘3 religions’ (expert, lived, and governed) interpretive framework at the center of the book. In a preview of the conversation to follow, the final section explores select aspects of the politics of religious freedom in the Asia Pacific region, drawing together insights from other contributors to this special issue with the central claims of Chapter 4 of the book.

### **Back story to ‘Beyond religious freedom’**

In writing *Beyond Religious Freedom* I was inspired in part by a novel called *Birds Without Wings* by Louis de Bernières (2004). *Birds Without Wings* is set in a village in southwestern Anatolia during the transition from Ottoman to Turkish rule, before and during World War I and in the context of the Greek-Turkish population exchange, which has been described by historian Sarah Shields as ‘internationally-administered ethnic cleansing’. (Shields 2013, 2–6) *Birds Without Wings* tells the story of the staggering price paid by ordinary people in a small Anatolian village as aspects of their collective identities were re-assigned from above, often arbitrarily, and relied on to determine their future as citizens during the war and in the violent transition to Turkish statehood.

The epigraph to Chapter 4 of *BRF* is taken from a dialogue in this novel. Two childhood friends at the center of the story, Karatavuk, who is Muslim, and Mehmetçik, who is Christian, are chatting. The religious distinction between them has only very recently come to make a difference in their daily lives. This is because, as a Muslim, Karatavuk’s father has been drafted to fight in WWI. Karatavuk offered to enlist in his stead, and his offer was accepted. As a Christian, however, Mehmetçik is automatically suspect in the eyes of the authorities and is to be sent away as a laborer and not a soldier. He cannot be trusted. On the eve of Karatavuk’s departure to join Atatürk’s forces on the front, the two boys, who had never been apart in their lives, discuss their predicament. Mehmetçik has given Karatavuk a small purse filled with soil from their village. Karatavuk sniffs the soil and sighs, closes the purse, puts it to his lips, and kisses it. He puts his arms around his friend and drops his forehead on his shoulder. Overcome with emotion, Karatavuk draws back and thumps his chest, saying: ‘Ah, my friend, my friend... I have a heavy feeling in here. I feel as if I have a stone in my heart. I wonder what’ll become of us all.’ Mehmetçik replies, sadly, ‘I think we’ll be divided ... suddenly it matters that I am a Christian, where it mattered only a little before’ (de Bernières 2004, 296).

*BRF* is an attempt to understand particular aspects of contemporary global governance, public policy, and politics that contribute to situations where it matters

more publically and politically that one is a Christian, a Hindu, a Jew, or an atheist. These situations do not fall out of the sky, but are created in diverse sets of historical circumstances. What are the consequences when contemporary legal norms and practices, public discourses, and individual and collective self-understandings become structured around particular authoritative notions of religion, religious freedom, and religious difference? The book seeks to understand these processes from a perspective that neither ignores religion as a force in contemporary life nor sees it as standing outside or apart from history, society, and politics, including international politics.

In doing this research, with the Anatolian boys' experience in the back of my mind, I came to realize that a big part of the story – their story and others – is missing from most of today's discussions of religion, religious freedom, and global politics. There is a disjuncture between what scholars of religion call 'lived religion,' on one hand, and the way many social scientists, policy experts and government officials speak and write about religion, on the other. In political science, policy studies and think tanks, a wave of scholars is working overtime to identify the contribution of religion to world affairs, and to control religion for political ends. This leads them to pose questions that are largely disembedded from history and politics, such as, 'which religious texts lead to the radicalization of a particular individual or group?' The energy and excitement surrounding the diagnosis and management of compliant and deviant religion seems a world apart from the everyday ways in which religion is lived by individuals and communities.

The argument of the book took shape as I worked through my own inability to reconcile what I was learning about contemporary religion in history, law, politics and society, with the ways in which much of the discipline of International Relations (IR) and adjacent US and European policy discussions were talking about religion. While the field of religious studies appeared to be abandoning, or at least deeply problematizing, the assumptions underlying world religions discourse, building on the work of Tomoko Masuzawa and many others, social scientists and decision makers were living in a different universe, drawn magnetically, and often unreflectively, to a world religions frame (Masuzawa 2005). These analysts rely on the (allegedly apolitical and ahistorical) coherence of that framework as a baseline from which to design sophisticated measures, modules and models to account for the alleged public and political salience of religion, searching for ways to define, control and sometimes contain religion for various political ends.

It is these 'religions' and their representatives that are becoming actors, agents, and recognizable entities on the global political stage today. They are the cast of characters performing on what Stephen Colbert refers to as our (global) 'faithscape' (The Colbert Report 2006). Their conditions of possibility form the object of study of *BRF*. The book is concerned with the politics of these developments: who gets nominated to be a religion and who does not, what counts as a religion and what does not, who speaks for 'religion' or the 'religious' and who cannot,

and what questions and concerns are occluded on this deeply politicized and ‘religionized’ global institutional and intellectual landscape?

To address these issues I develop three heuristics: expert religion, lived religion, and governed religion. These categories, in Iza Hussin’s words, are intended to provide ‘a tripartite heuristic for exploring the intersections and co-productions of politics, law and religion’ (Hussin, this issue). The idea is to develop a conceptual vocabulary that reflects the reality that religion is not a differentiable quantity that influences society, law and politics ‘from the outside’ but is rather embedded in and often partly constitutive of modern public life, law and politics.

### *Expert religion*

Expert religion is religion as construed by people who see themselves as experts – religious or secular – and who generate what is considered to be policy-relevant knowledge about religion. This includes scholars, talking heads, government officials, religious leaders, and so on. Today when we hear experts talk about religion, they are usually either celebrating it as a source of morality and community or warning against it as a danger to be contained. I discuss this good religion/bad religion paradigm below.

### *Lived religion*

Lived religion is religion as practiced by ordinary people in everyday situations as they interact with authorities, rituals, texts, institutions, and as they seek to navigate and to make sense of their lives, connections with others, and place in the world. Lived religion is ‘small r’ religion, in contrast to ‘Big R’ expert or legal religion. Winnifred Sullivan claims, and I agree, that little ‘r’ religion is a nearly ubiquitous and perhaps necessary part of human culture. Big ‘R’ Religion, on the other hand, can be understood as a modern invention. It is the Religion that is protected in constitutions and human rights law, with its proper place in public life debated extensively by liberal political theorists.<sup>1</sup> Big ‘R’ Religion is a tool of governance – it is the Religion of the state (Fallers Sullivan 2014). Of course, the lines between these categories – between these various ‘religions’ – are also themselves porous, arbitrary, and shifting. Lived religion is never innocent or prior to relations of power. The book therefore makes no attempt to identify ‘authentic’ lived religion or to differentiate sharply between these three heuristics (Hurd 2017a).

### *Official or governed religion*

Official or governed religion is religion defined for the purposes of law and governance, as construed by judges, administrators, and bureaucrats. Secular law is an important source of official religion: what counts as religion, legally, and what does not? In a recent European Court of Human Rights case, known as the *Lautsi* case, the court had to decide whether a mid-twentieth century Italian administrative decree requiring a crucifix to be hung on the wall behind every Italian public elementary school teacher was an exercise of religious freedom

or an instance of its violation. (*Case of Lautsi and Others v. Italy* application no. 30814/06, European Court of Human Rights, Strasbourg, 18 March 2011) The Court debated the question for years, with the majority of the Grand Chamber finally concluding, among other interesting findings, that the crucifix is *not* in fact an active religious symbol but rather a *passive* symbol of Italian cultural heritage that does not contravene Article 19. Some celebrated, others were appalled. The decision itself is less interesting to me than is the fact that judges and courts are charged with making these rulings, and the forms of reasoning that inform and legitimate them. When a court, government bureaucrat or administrative judge hands down a ruling or administrative finding about what is or is not religious it is a political, legal and theological decision. It may conflict with how some ordinary practitioners experience and practice religion, or it may align with their experience. It may do some of both. But it is impossible to talk about ‘religion’ in any generic sense in political and legal contexts – the construct is too unstable. We need to look at specific cases to understand how religion is being defined, by whom, and to what ends. These concerns led me to a series of questions about the politics of international religious freedom advocacy:

- Whose religion is being protected in international efforts to promote religious freedom? What understandings of religion, and of freedom, underlie this construct when it is brought to life, legally, in particular times and places? Given the deep and multidimensional diversity of human societies, what can it mean to promote something called ‘religious freedom’ internationally?
- How should scholars think about the relationship between the religions that are privileged through these programs and processes and the broader life worlds in which they intervene? What happens in the gap between religion or religious freedom as construed by a state, a religious hierarchy, or a judge, and religion as lived by ordinary practitioners? (Sullivan 2005)
- Who is authorized to speak on behalf of the religions and the religious people that populate our global faith-scape? And whom exactly are those representatives presumed to represent?

Considering these questions leads to a much larger story about the logic and the consequences of global efforts to promote ‘Christian,’ ‘Hindu,’ ‘Muslim’ or even ‘atheist’ rights as a means of combatting what is often denominated as ‘religious persecution.’ My intention in *BRF* was to bring these questions and concerns to bear on a specific moment in international history – our own – in which religion is understood to have ‘returned’ to public international life. I became interested in the politics of the discourse and practice of the return of religion. To capture this moment, I entered into and sought to understand the specific terms of the dominant international public discourse on religion that has washed over us over the past two decades. By discourse, I mean a particular way of talking, thinking and acting when it comes to matters of religion, politics and international public

life. I attended conferences, workshops, think tank, and policy events designed to further the objectives of promoting international religious freedom and enacting new forms of government-sponsored religious outreach. I studied policy memos, scholarly production, government reports, and media accounts and the programming they set in motion. I talked to people who are part of the global religious freedom advocacy network. At one point, I came across a reference to a phrase used by Tony Blair, the ‘two faces of faith,’ which captured my attention because it succinctly described the approach to religion that I saw taking shape in my ‘fieldwork.’ That phrase became a kind of shorthand for a specific way of speaking, writing, and acting with regard to global politics and religion that has become particularly influential among experts and officials. It is a discourse that lends itself readily to policymaking because it is easy to understand, it can be adapted to virtually any policy challenge, and it requires no training in the study of religious practices and histories. In this ‘two faces’ template, ‘good’ religion is to be restored and ‘bad’ religion is to be reformed or eradicated. Policy imperatives that follow from it include transforming the world’s religionists into peaceful religionists, guaranteeing religious rights, fostering good religion and suppressing bad religion. The promotion of religious freedom is one aspect of these efforts. It is, to use the book’s terminology, a strategy of governance that mobilizes specific forms of expert religion to generate particular forms of governed religion.

One of the central claims of *BRF* is that the good/bad religion approach has largely displaced the secularization thesis, understood as the story of the inevitable privatization, marginalization, and/or disappearance of religion in modernity. The ‘two faces of faith’ has become the new common sense. While this displacement of the secularization thesis is complex and incomplete (Hurd 2017b, 97–113), there has been a palpable and undeniable shift in the last two decades in international public and scholarly discourse away from understanding religion as private, internal, and irrelevant to global governance, and toward a new model, and new forms of both politics and religion, in which religion is seen as a public good, an agent of transformation, and a source of freedom and violence.

This shift and the discourse that sustains it helps create particular kinds of political and religious subjects. Its productive aspects are only beginning to be explored. In his famous essay, ‘Making up People,’ Canadian philosopher Ian Hacking observes that, ‘counting is no mere report of developments. It elaborately, (often philanthropically,) creates new ways for people to be. People spontaneously come to fit their categories.’ Later in the essay, Hacking remarks that it ‘is not that there was a kind of person who came increasingly to be recognized by bureaucrats or by students of human nature...but rather, that *a kind of person came into being at the same time as the kind itself was being invented*’ (Hacking 1986, 161, 165). Part of my interest in *BRF* is in the kinds of subjects and groups that come into being – politically, legally, religiously – through advocacy for international religious rights and freedoms. I am interested in the ways of thinking, speaking, and acting that are associated with these efforts, and how they shape how people

and groups understand themselves, each other, and their place in the world. When governments frame and legislate social difference in religious terms, that is, it not only reflects established differences but also helps to create them. In the right circumstances, the politicization of religion leads to a perduring public ecology of religious difference and affiliation that appears to be stable and fixed. It isn't.

Rather than argue 'for' or 'against' religious freedom, then, the book is motivated by my curiosity about the effects of addressing dilemmas of collective public life by constructing global and national regimes of governance that are organized around religious freedom and its promotion. Advocates of religious freedom tend to presume that such efforts uniformly advance attempts to live together peacefully across political and religious divides. Together with a number of others (Sullivan et al. 2015), I find the outcome of such efforts to be much less utopian.

### *Politicizing religious freedom in the Asia Pacific*

Though each local case is distinctive, religious freedom has become a global discourse and important family resemblances can be identified across states and regions. Much work remains to be done exploring these dynamics. This section weaves together the arguments of Chapter 4 of *BRF* with select insights from contributors to this special issue to explore the applications and implications of the book's argument for the politics of religious freedom in the Asia-Pacific. As I argue in the book, privileging contemporary global discourses of religious freedom shapes both politics and religion by confessionalizing politics and public life, empowering politically favored 'faith communities,' and emphasizing belief as the core of what it means to be 'religious' (Sullivan et al. 2015).

### *A sectarian imperative*

There is a 'sectarian imperative' built into the notion of religious rights, a requirement to define one's identity in religious terms. Those of mixed backgrounds, those following several traditions, and dissenters from a protected version of a dominant religion are disfavored. Such individuals either have to make political claims on (legible) religious grounds, or they have no ground from which to speak. Dissenters, doubters, and families with multiple religious or non-religious affiliations under the same roof are pressured to choose a side. This occurred in Bosnia in the 1990s, when people who described themselves as atheists before the war woke up to find themselves identified – and divided – socially and politically, by a newly-salient religious identity.

By presupposing (and producing) hardened religious identities that override other affiliations, a sectarianized logic of religious rights drives the confessionalization of law, politics and public life. Positing discrete religious identities and communities as the defining features on a political landscape helps to create the world that this discourse purports to describe, in Hacking's sense, by lending authority and authenticity to groups designated as 'religions.' Individuals and



groups are more likely to be identified in exclusive religious or sectarian terms, rather than on the basis of social, economic, geographic, generational, and/or other ties.

I have written elsewhere about the confessionalization of politics and public life in the context of the war in Syria (Hurd 2013). These dynamics are also operative in the current asylum crisis, among other locations. Around the world individuals are being compelled to represent themselves and their practices as recognizably 'religious' if they want to gain access to aid, asylum, legal protection, and other social goods. Those who cannot or choose not to represent themselves as religionists risk illegibility and invisibility. Given the strong legal and political incentives to identify oneself and others as recognizably and authentically religious, faith communities take on added salience and political significance as corporate bodies in national and international public spaces, reaping the benefits of being classified as religions, as faith communities, and at times, as (persecuted) religionists. Sectarian blocs, majorities and minorities, appear as natural and foundational building blocks of civic order. Non-sectarian forms of sociality and solidarity move into the shadows, becoming increasingly illegible. In other words, promoting and privileging the rights of Christians in Syria or of Muslims in Myanmar helps to generate what Bruno Latour describes as a 'powerful truth' about a contingent and fluid set of social and political circumstances.

In the book I discuss the plight of the Rohingya, a population of roughly one million people living in northwestern Myanmar who are often described as suffering from religious violence at the hands of the Buddhist majority. I include an updated and abbreviated account of the argument here because the case is relevant to the politics of religious freedom in the Asia-Pacific. Since 1982, the Burmese state has denied citizenship to the Rohingya, though most have lived in the area for centuries. There have been large-scale government crackdowns, such as 'Operation Dragon King' in 1978 and 'Operation Clean and Beautiful Nation' in 1991, forcing hundreds of thousands to flee to Bangladesh. Today the state and nationalist Buddhist monks, among others, continue to persecute and exclude the Rohingya. Some in the international community are beginning to use the language of genocide. Others saw a glimmer of hope in the November 2015 elections and the rise to power of Aung San Suu Kyi's National League for Democracy. When asked about the fate of the Rohingya under the new government shortly after the election, however, senior NLD party leader U Win Htein told the *New York Times* that the government 'has other priorities.' As reported by Austin Ramzy in a piece entitled 'After Myanmar Election, Few Signs of a Better Life for Muslims,' U Win Htein 'used language similar to that employed by the current military-backed government, saying they were largely illegal immigrants who must be "returned" to Bangladesh' (Ramzy 2015). As suggested by the title of Ramzy's piece, most accounts of this situation feature religious intolerance and the Rohingya's Muslim identity as the main driver of the exclusion and violence. The Rohingya are portrayed as a Muslim minority suffering from religious persecution at the hands of

an intolerant Buddhist majority. Secularism, religious freedom and guarantees for religious minorities appear on the horizon as the solution.

The reality is more complex. Discrimination against the Rohingya is not only religious but it is also ethnic, racial, economic, statist, and postcolonial. All of these factors are entangled with religious institutions, authorities, and histories, but none can be merely reduced to them. To do so obscures the historical, geographic, economic, and statist actors and forces that are all complicit in the crisis. To address the situation effectively the Burmese state, regional powers and the international community have to account for all of these factors, including the government's own role in perpetuating the persecution by actively abetting or turning a blind eye to the violence. Central to a non-reductionist account of the Rohingyas' plight are the legacy of Burma's 'divide and rule' colonial history, the social perils of rapid economic liberalization, and the rise of a violent and exclusionary form of Burmese Buddhist nationalism. To characterize the violence against them as 'religious' not only absolves the governing elite from their complicity, placing it instead on the shoulders of intolerant religionists, but it also reinforces the idea that religious difference is indeed the most salient aspect of this crisis. It displaces politics.

Tragically, this narrative also plays directly into the hands of an exclusionary form of Buddhist nationalism that is premised on Buddhist-Muslim hierarchies of difference. Iselin Frydenlund, who also appears in the special issue, describes this in an excellent recent article as the 'Buddhist politics of religious freedom.' As Frydenlund (2017, 69) explains, 'the MaBaTha's aim to stop 'islamisation' is largely framed in a religious rights' language, exemplifying how religious freedom can serve as a tool for identity politics and for marking of communal difference... This activism is also informed by global discourses on religious freedom.' The Buddhist monks' organization 969, MaBaTha, and others support this exclusionary nationalism. 969 posits hard lines dividing Muslims from Buddhists, putting forward a political vision that weaves together majoritarian constructions of Buddhism, race, and the Burmese nation. The specificities of these connections are crucial: entangled hierarchies of difference and discrimination involving race, religion, class, and national belonging (and exclusion, or foreign-ness) are all bound up together. To reinforce the Rohingya's status as a representative minority in need of protection *as Muslims* obscures other aspects of their lives, identities, and situations and attributes their socio-economic and political precarity to socio-religious deficiencies. It reinvigorates rigid distinctions between Muslims and Buddhists, or, in 969's terms, between 'real Burmese' and 'imposters.' It silences Rohingya who are not Muslim, as well as those who may choose not speak *as Muslims*. In cementing the Rohingya's status as outsiders to the Burmese nation it fuels exclusionary forms of *both* politics and religion.

Are the Rohingya persecuted because they are Muslim, because they are seen as immigrants and outsiders, because they are perceived as threatening the economic interests of the former junta, or because they are seen as national imposters,

and not 'real' Burmese? The answer is all of the above. The former junta may have quietly supported the religious persecution narrative in order to distract from their complicity in the violence. The same holds for the current governing party, the NLD. To see the crisis in more capacious terms requires an approach to politics and religion in which these fields, and their interrelations and mutual authorizations, together become part of the object of study. To reduce the plight of the Rohingya to a problem of religious intolerance squeezes a larger and more complex history into the problem-space of secularism (Agrama 2012). It politicizes religious difference, divisions that in the current climate are also deeply racialized and nationalized. Rather than alleviating polarization along sectarian lines, it energizes it. The effects are real: when the new Parliament in Myanmar was seated on February 1, 2016 it had no Muslim members for the first time since Burmese independence in 1948.

The displacement of complex and often deeply striated fields of (racialized and other formations of) politics, economics and sociality in favor of a simplistic story of religious intolerance is not limited to Myanmar. In her contribution to this special issue, Rosemary Hancock identifies a similar dynamic in the contemporary United States, where as she argues a complex field of discriminatory politics is often obscured by an overemphasis on Muslim religious difference. As Hancock concludes,

a focus on religious identity and inter-religious relationships obscures the way discrimination against Muslims in the United States is not only a product of hardening divisions between religious groups; it is also intimately interwoven with its historic association with African-Americans, with the rightward political shift in commercial news media, with the very construction of the Western liberal conception of self, and with the domestic political landscape. (Hancock, this issue)

### *Politics of 'faith communities': logics of empowerment and exclusion*

As discussed above, the logic of religious rights nudges and funnels individuals into discrete faith communities. The compulsion to locate and fix individual and group religious identity compels individuals who identify with several traditions to choose one over the other. Boundaries solidify. Divisions between groups become more publically salient. Under this logic, becoming and being a religion also has political benefits for those who can speak on behalf of a faith community. Once 'religions' are identified and lines of authority established, faith communities need spokespersons and representatives to meet with governments, NGOs, IOs, and others. The result, as Thomas DuBois astutely observes in his contribution, is that 'the question of which groups or individuals should qualify as religious becomes less a matter of ensuring the rights of belief communities or religious organizations, than of making a political assessment of their social suitability.' (DuBois, this issue) Left out of these consultations are religious and political dissenters, those who practice multiple traditions, and those on the margins of various political and religious orthodoxies.

Those who practice unconventional or non-dominant forms of religion may also find themselves in a difficult position under a regime of religious freedom that demands distinct and recognizable confessional identities and faith communities. Those who do not follow an authorized religious tradition can be rendered religiously and politically invisible – even as officially recognized religions gain political standing. This aspect of the politics of religious freedom, entangled as it is with the politics of authenticity, resonates with Miranda Johnson's findings in this issue involving the politics of indigenous religion in Australia. As Johnson observes, 'in Australia, settler publics defined, and desired, Aboriginal traditions that were authentic, ancient, and sacred – traditions that were good for the nation.' Importantly, she concludes that contrary to liberal assumptions about the benefits of recognizing the indigenous sacred, the reality is that

recognition of the Aboriginal sacred in Australia has been powerful, transformative, and damaging. For some it has worked to restore land ownership; yet it has done so at the cost of replacing the goal of justice with the politics of authenticity. (Johnson, this issue)

The histories and experiences that shape religious identification and practice rarely conform to the categories imposed by the logic of religious rights and freedoms. Enforcing religious freedom compels state and local bureaucrats and administrators to make determinations about what constitutes authentic religion versus non-religion, who counts as a religious subject or association, and what counts as orthodoxy. This privileges a particular form of governed religion while marginalizing ways of life designated by the authorities as non-religious. Groups that enjoy good political relations with local and international authorities benefit most from this arrangement, at the expense of less established religions and those that fail to qualify (politically) as religious at all.

Iza Hussin finds examples of these dynamics in postcolonial Malaysian legal disputes in her contribution to this issue. Tracing the reasoning and references of judges and litigants in a series of cases involving the uses of the word 'Allah' by Catholics in Malaysia, Hussin provides a fascinating conceptual genealogy of religious harmony that operates through concerns not for toleration or liberty, but rather for order and security. She demonstrates that the court cases, licensing procedures, and judicial reasoning under study are an example of governed religion,

not only in the regulatory aspect of the state and its administration, but in the making of legible scripts of religion in which a newspaper, its publisher, the titular head of a national church, and the representative of a religious 'community' are all the same person. This person becomes the interlocutor with whom the state will speak, and the one responsible for the speech and practices of an entire faith community, and its adherence to the law.

In this way Hussin identifies the politics of representative 'faith communities' in the context of contemporary Malaysian religio-legal debates, citing 'attempts to define both Islam and Christianity in terms of sacred text, representative and authoritative practice, and singular orientations to meaning.' (Hussin, this issue)

As the work of Johnson, Hussin and others attest, it is impossible for government to take all religions equally seriously – just as it is impossible to distinguish religious from non-religious activities in any universal sense. This basic insight, now common sense for many in the field of religious studies, threads through the book and many of the articles in this collection, subverting naïve attempts to ‘bring religion back in’ to politics, local or global. Instead it begs the question: whose religion, and whose politics? The pretense that all religions can be taken seriously masks the power relations involved and, as several of the contributors to this conversation emphasize, obscures the colonial and postcolonial histories that continue to shape political and religious possibilities and legal traditions across the Asia-Pacific region. It is easier for the religion(s) of the majority, the religion of those in power, or the particular version of a religion supported by the US, the UN, the Chinese government, or other power brokers to carry more weight. Religious groups disfavored by the authorities are more likely to be classified as cults or extremists, while others are registered and protected as tolerant and peace loving. At home and abroad, from Sri Lanka to Australia, governments are called on to serve as arbiters of religious orthodoxy. Dynamics of empowerment and exclusion inhere in the logic and practice of religious recognition, and cannot be transcended through a more informed understanding of religion or a more capacious regime of rights implementation.

### *Believing in religious freedom*

Efforts to globalize religious freedom require that someone define religion. International authorities have struggled to define ‘religion or belief’ for the purposes of legally protecting religious freedom. For the UN Human Rights Committee, religion or belief encompasses ‘theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.’ For the UK FCO, the challenge is how to meet the test of ‘seriousness’ of belief:

The word ‘religion’ is commonly, but not always, associated with belief in a transcendent deity or deities, i.e. a superhuman power or powers with an interest in human destiny. The term ‘belief’ does not necessarily involve a divine being; it denotes a certain level of cogency, seriousness, cohesion and importance. So not all beliefs are covered by this protection. For example, if someone believed that the moon was made of cheese, this belief would not be likely to meet the test above. (UK Foreign and Commonwealth Office)

One of the central tensions motivating *BRF* is the disjuncture between attempts by states and other authorities to define religion as ‘reasonable belief’ for the purposes of international legal regulation, and the fact that scholars of religion departed long ago from an exclusive focus on belief as the essence of religion. As Yvonne Sherwood (2015) observes, religion scholars ‘have spent most of their energy in the last thirty years decoupling religion from belief,’ which has been ‘kicked into the sidelines as a Christian/colonial imposition.’ ‘How ironic,’ writes Sherwood, ‘that even as the contemporary field of religious studies has striven for a law court

model of religion based on witnessing and experience, law – oblivious to this – has reinstated and reinvigorated the old category of belief’ (Sherwood 2015, 34). Historian Jon Butler (2010, 206, 207) notes that belief and its relation to religion has always been more complicated than a choice between belief and disbelief. Citing a colonial American minister from the Carolina backwoods named Charles Woodmason, Butler recounts that the minister ‘observed religious bewilderment, fascination, repulsion, confusion, and a distanced evasion, including indifference, rather than unbelief or a choice between belief and unbelief, or atheism.’ He goes on to conclude that, ‘The presence in modern times of choice to believe, as well as choice about what to believe, is the modern representation of long difficulties and complexities of belief itself, certainly in the West’ (Butler 2010, 215). The difficulty with equating belief and religion, he observes, is that ‘the laity have seldom phrased their own views about religion in such dichotomous and essentially exclusive ways’ (Butler 2010, 211).

Even as most scholars have come to terms with the lived realities, complexities and varieties of religious experience, the arguably non-existent freely volitional subject who chooses to believe (or not) oddly persists in the world of international religious freedom advocacy. Legal scholar and advocate Malcolm Evans (2011) speaks for many when he says that legal protection for religious freedom ‘is fast becoming a necessity in order to prevent the further erosion of the position of religious *believers* in many countries’ (Evans 2011). My argument is that international religious rights discourse presupposes an understanding of religion and the religious subject that emerged out of European Christianity and is not universal. The protection of international religious freedom as a universal norm sanctifies a religious psychology that relies on the notion of an autonomous subject who chooses belief, and then enacts it freely. It presumes subjects for whom ‘believing’ is taken as the universal defining characteristic of what it means to be religious, and the right to choose one’s belief as the essence of what it means to be free. Anchoring this approach is a specific, historically contingent figure of faith and belief.

The historical contingencies of the concept of religion complicates – and ultimately derails – any attempt to coherently formulate, disseminate and enforce a universal right to religious freedom. This insight is particularly relevant in parts of the world where Christianity is not historically dominant, such as the Asia-Pacific. If the protection of religious freedom as an international human right sanctifies a religious psychology that relies, even unwittingly, on a particular Christian or post-Christian notion of an autonomous subject who chooses and enacts beliefs, then these projects privilege, often in law, particular forms of religious subjectivity, while disabling others. In normalizing subjects for whom believing is taken as the universal defining characteristic of what it means to be religious, and the right to believe as the essence of what it means to be free, religious freedom excludes other modes of living in the world, as bodies in communities and in relationship to which they are obliged, without, necessarily, concern for individual belief.

Earlier I mentioned that such regimes not only protect particular kinds of religious subjects, but also help to *produce* individual subjects and faith communities for whom choosing and believing – in the sense described by Hacking, historicized by Talal Asad, and lionized by Malcom Evans – is seen as the defining characteristic of what it is to be religious, and the right to choose to believe (or not) as the essence of what it means to be free. The identification of religion and religious communities with belief and believers leaves limited room for alternatives, in which religion is lived relationally as ethics, culture and even politics, but without, necessarily, belief. Today's subject of global religious rights is, for the most part, an autonomous liberal subject, defined by his or her right to choose to believe or not. Rather than rushing to celebrate the globalization of religious freedom, we would do well to consider the specific kinds of religion and religious subjects that are created and protected through these governing arrangements: through advocacy and guarantees for freedom, tolerance and rights.

Benjamin Schonthal's analysis of contemporary Sri Lankan religious politics in this issue goes some distance toward this objective. In describing what he calls 'a tale of two expert religions' in debates over the politics of conversion, Schonthal offers a window onto the complexities and contradictions of the politics of religious freedom in Sri Lanka. His essay tracks the tensions between two rival approaches to the legal regulation of conversion: the Becket Fund's project, 'LankaLiberty,' and the competing vision of the Buddha Sasana Commission. For the Becket Fund, the proposed anti-conversion legislation at issue was construed primarily as a threat relating to freedom of conscience and minority rights, with the former protected by Article 10 of the Sri Lankan constitution. For the Commission, in contrast, the proposed legislation was seen as relating to the Sri Lankan state's constitutional duties to 'protect and foster Buddhism' as stated in Article 9 of the constitution, understood in a longer colonial and postcolonial context in which outside (European/Christian) powers were seen as exercising undue influence on local affairs. As Schonthal explains the latter position:

rather than a matter of majority Buddhists harming minority Christians, the matter appears as one of powerful, wealthy, foreign-backed Christians harming less powerful, less wealthy locals. History also plays a dominating role: the current conversion panic appears to be a continuation of colonial dynamics, taken to a new, more insidious stage. (Schonthal, this issue)

Like other contributors to this special issue, Schonthal's account highlights the multiple and conflicting moralities that circulate in and around international campaigns to secure minority religious rights and protect religious freedom in the Asia-Pacific. Reading his account alongside Iza Hussin's analysis of the situation in Malaysia productively highlights the shared domestic Malaysian and Sri Lankan preoccupation with the protection of Islam and Buddhism, respectively, as constituencies in both states lobby against perceived outside interference through nationalized religious claims invoking sovereignty, security, public order, and history.

## Conclusion

Support for national and international legal guarantees for religious freedom and the rights of religious minorities are like the default screensaver on a new computer: if you don't change it, it's what you get. Relying as they do on what Schonthal calls the seductive 'promise of the saving power of law,' it seems unlikely that these dominant legal, constitutional and normative scripts will be easily challenged. Enlightened reformers will persist in cultivating the conditions in which secular states and their religious subjects become tolerant (read: non-extremist, politically quiescent), believing or nonbelieving consumers of free religion and practitioners of faith-based solutions to collective dilemmas. Experts will classify individuals based on their alleged need for varying forms of social and religious engineering. Security states will commit tremendous resources and train legions of bureaucrats on how to cultivate particular kinds of religious and political subjects. Religions will continue to be construed – and produced – as hierarchical faith communities that can be studied, engaged and, if needed, reformed. Faith-based outreach programs will presuppose and produce religious groups with clearly defined orthodoxies and peaceable spokesmen. Most will be men. Religious outreach officers in Brussels and in Washington will breathe a sigh of relief: here are the partners they've been waiting for. Officials will rush to 'engage' them, all the while reassuring skeptical bystanders that 'religious women' also have an important role as peacekeepers and will not be neglected.<sup>2</sup>

There is no set of religions waiting in the wings to be engaged in this way. It is a myth. That which falls under the heading of religion is a contested and shifting mash-up of families of beliefs, institutional forms, and fields of practice and experience. State-sponsored religious outreach forcibly distills that elusive and shifting field into something governable. It squeezes a diverse set of goings-on into the mold of whatever is defined politically as religion that merits engagement. That religion is given a seat at the table, and is empowered simultaneously as a political actor and a faith community. This creates a deeply politicized divide between official religion and the rest of world's religion. To stabilize religion as an object of legal and political intervention requires the authorities to determine what counts as religion. It elevates some practices, leaders and orthodoxies over others. It pressures states and courts to govern citizens as religious subjects. It excludes the non-religious and hardens what are in many cases more fluid and complex lived affiliations.

I often hear the following objection at this point: if claims for justice and equality made in the language of religious rights are effective, should we not set aside my critique and assist those in need? It is certainly the case that legal and political regimes that privilege religion reward those who speak their language. The current regime of international religious freedom elicits and rewards claims for equality, inclusion, and justice made in the languages of religious rights and freedoms. These are based in a particular understanding of what it means to be 'religious' and



what it means to be 'free.' They compel individuals and groups with multiple and intersecting identities, allegiances, and histories to register and constitute themselves publically and politically as tolerant, freedom loving, faith communities. It is understandable that some will seek to avail themselves of these sought-after protections. I am in no position to judge them. As scholars however we are in a position to analyze the dynamics of power, politics and privilege engendered by the elevation of religious rights and freedoms to a position of legal and policy primacy. On the global faith-scape, those who cannot or choose not to speak in a politically authorized and recognizably 'religious' register cannot be heard. This political economy of religious rights includes many scholars, some of whom have been swept up in (or in my case, confounded by) the enticements of a well-funded global religion-industrial complex.

At best, the new global politics of religion distracts from what I see as much-needed efforts to address the causes of violence and discrimination through initiatives that support universal education, economic, racial and social equality, open societies, environmental justice, and decent governance. At worst, it politicizes religious difference, fomenting and emboldening the very forms of violent oppositional politics it is intended to defuse or defang. In either case, it lends authority and authenticity to groups designated as religions, conferring legal and political agency on these entities. It naturalizes boundaries between religions, and between religion and non-religion. Old hierarchies are reasserted. Both old and new corporate forms of religious agency and authority defend their ground, in spite of the fact that there is often no agreement within any tradition on who speaks on behalf of that tradition, who is in and who is out, and which texts and practices represent the core of the tradition. There is no single and fixed Buddhism, Judaism, Islam, or Hinduism. Rather, as shown by many ethnographers, there are porous and shifting lines between believers and nonbelievers, orthodoxy and dissent, the world of the sacred and the everyday. When the category of religion is stabilized for the purposes of law and governance, those in positions of power have to draw the lines, authorizing particular strands of authority and orthodoxy, while marginalizing others.

## Notes

1. For an interesting attempt to move beyond some of these debates see Laborde (2017).
2. Unsurprisingly, the Berkley Center at Georgetown has been at the forefront of such efforts, collaborating with the US Institute of Peace and the World Faiths Development Dialogue 'to address this knowledge gap' with 'a multi-year exploration of the activities and perspectives of women in peace-building and their policy implications.' <https://berkeleycenter.georgetown.edu/projects/women-religion-and-peace-experience-perspectives-and-policy-implications>

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