SYMPOSIUM INTRODUCTION

THE BUREAUCRATIZATION OF RELIGION IN SOUTHEAST ASIA: EXPANDING OR RESTRICTING RELIGIOUS FREEDOM?

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Although the narrative of the secular state is pervasive, most countries in the world do regulate the religions in their jurisdictions in one way or another, and thus, public commitments notwithstanding, do not abide by a secular-separationist ideology. The data by political scientist Jonathan Fox is instructive in this regard. His Religion and State Dataset illustrates that not only do the majority of authoritarian states in the world interfere with the religious lives of their citizens by suppressing, promoting, and molding various elements of their majority and minority religions, but democracies also do so, albeit with different means and generally on a lower scale. By funding religious education, imposing censorship on religious or secular content, and granting tax breaks to some groups but not others, democracies, too, interfere in the religious market.[1] In most states in the world, therefore, there is little evidence of a "free" religious marketplace. To the contrary, most religious markets are characterized by state-driven distortion of the competition for the faithful. And, as Fox has established, state-driven regulation of religion has even increased since 1990.[2] Worldwide, since the end of the Cold War, states have placed higher restrictions on minority religions and greater regulations on the majority religion.

Southeast Asia is a particularly fascinating place to explore in this regard. Few other regions feature such superdiversity in terms of religious traditions crisscrossing ethnic, regional, linguistic, and class identities.[3] It is also a region where state policy towards religion remains understudied and little understood. For example, Indonesia and Malaysia are often assumed to be extensions of their Middle Eastern Islamic counterparts, following the notion that what is true in Egypt or Saudi Arabia (perceived "centers" of the Islamic world) must be true in Muslim Southeast Asia too (a perceived "periphery"). Yet Indonesia and Malaysia, like any Muslim country, have their own unique traditions of Islamic authority and Islamic life, and not infrequently impulses for renewal at the center have originated in the so-called periphery.

As a recent literature establishes, the arenas in which most states in Asia undertake the regulation of religion in public life are either the judiciary or the bureaucracy.[4] Between the poles of the

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1   Jonathan Fox, "Do Democracies Have Separation of Religion and State?" *Canadian Journal of Political Science* 40, no. 1 (2007): 1–25.

2   Jonathan Fox, "Freedom of Religion in Southeast Asia: An Empirical Analysis," in "Religion, Law, and Society in Southeast Asia," special issue, *Review of Faith and International Affairs* 14, no. 4 (2016): 28–40.

3   Note in this regard James T. Richardson, "Managing Religion and the Judicialization of Religious Freedom," in Journal for the Scientific Study of Religion, 54, no.1 (2015): 1–19, who argues inter alia that more diversity leads to greater efforts at managing religion.

4   *See* Ran Hirschl, *Towards Juristocracy* (Cambridge, MA: Harvard University Press, 2007); Hirschl, *Constitutional Theocracy* (Cambridge, MA: Harvard University Press, 2010) (elaborating on why electoral regimes tend to judicialize questions of religious regulation whereas non-democratic regimes tend to bureaucratize them). Two recent

judicialization and bureaucratization of religion, Southeast Asian states have generally opted for the latter: quite elaborately staffed departments or state ministries of religion regulate matters of faith, religious authority, and also often religious law. Yet, why, how, and with what effects nominally secular states bureaucratize religion is still poorly understood. What are the consequences of the bureaucratization process for religious freedom and the widely diagnosed "crisis of religious authority"?[5] And how do Muslim and Buddhist-majority states compare regarding levels and procedures of the bureaucratization of religion? This special section brings together five articles that comparatively discuss examples of contemporary processes of bureaucratization in order to identify patterns and path dependencies. Particular attention is paid to how the type of religion (Islam, Buddhism), colonial legacies, intra-religious contestations, and regime type (democracy/authoritarianism), affect processes of the bureaucratization of religion, and which types of bureaucratization appear to be more benevolent in terms of protecting religious freedom than others.

The starting point for examining bureaucracy and bureaucratization across the social sciences is often Max Weber's work on the construction of public administration. In Weber's analysis, bureaucracies involve regularized working processes, the employment of expertise in fixed divisions of labor, clear hierarchies, formal chains of command, institutional (as opposed to individual) review and evaluation criteria. Even though he was anxious about the double-edged nature of the rationalization of modern life (which bureaucratization processes accelerate further), Weber identified the latter as supremely efficient ways of organizing human activity. Bureaucratization could enhance organizational transparency, predictability, and raise the level of expertise applied to a particular social problem.[6] As a way of organizing and regulating societies, bureaucracies have in the twentieth century proven themselves as power instruments of the first order. The question of who controls the bureaucratic apparatus, or in the words of sociologist Shmuel Eisenstadt, "whether bureaucracy is master or servant, an independent body or a tool, and, if a tool, whose interests it can be made to serve" has therefore become fundamental to the study of public administration.[7]

Applied to the bureaucratization of religion, the question is what purposes and whose interests the bureaucratization of religion serves. Anthropologist Dale Eickelman has shown in much of his work on the Muslim world how, with the emergence of the modern state and processes of incorporating Islamic law into state law and Islamic education into public education, religious content was classified and categorized. He refers to this as the "objectification of the religious imagination." Modernity, Eickelman argues, has foregrounded three kinds of questions in the consciousness of large numbers of believers: What is my religion? Why is it important to my life? And, how do my beliefs guide my conduct?[8] As public notions are being created of religious belief and doctrine, the religious imagination is being objectified.[9] Of course, it is not religion alone that experiences

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eleborate case studies in this regard are Sadia Saeed, *Politics of Desecularization: Law and the Minority Question in Pakistan* (New York: Cambridge University Press, 2017) and Tamir Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State* (New York: Cambridge University Press, 2018).

5 Francis Robinson, "Crisis of Authority: Crisis of Islam?" *Journal of the Royal Asiatic Society* 19, no. 3 (2009), 339–54.

6 Max Weber, *On Charisma and Institution Building*, ed. S. N. Eisenstadt (Chicago: University of Chicago Press, 1968), 66–77; see also, Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich, 2 vols. (Berkeley: University of California Press, 1978).

7 S. N. Eisenstadt, "Bureaucracy, Bureaucratisation, Markets, and Power Structure," in *Essays on Comparative Institutions* (New York: John Wiley & Sons, 1965), 177–215, at 179.

8 Dale F. Eickelman, "Mass Higher Education and the Religious Imagination in Contemporary Arab Societies," *American Ethnologist* 19, no. 4 (1992): 643–55.

9 Eickelman, "Mass Higher Education and the Religious Imagination in Contemporary Arab Societies," 647.

such objectification with the rise of the classificatory power of the state, but so do languages, for example (categorized into languages and dialects), and entire human communities. Indeed, there are few phenomena in the modern world upon which the bureaucratic apparatus has not imposed ideas of norm and deviance, in and out, belonging and exclusion.

Anthropologist Gregory Starrett has taken the argument a step further and, based on his research of religious education in Egypt, suggested that the state not only (necessarily) objectifies religion when imposing on it bureaucratic categories, it also frequently "functionalizes" religion.[10] Functionalization captures "the processes of translation in which intellectual objects from one discourse come to serve the strategic or utilitarian ends of another discourse. ... In all of these processes, existing discursive logics are altered and control is shifted to a central authority or entrusted to groups other than those who traditionally set the terms of religious discourse."[11] It is through such a process that the bureaucratic apparatus can be controlled by the "master" or "masters" toward completion of specific goals, such as ensuring public order, promoting the majority religion, and formulating and policing religious deviance.

While religion may be functionalized by the state for particular purposes, bureaucratization frequently also has inadvertent or unintended effects. Some Southeast Asian states feature large state ministries of religion, which when created in the 1940s and 1950s were often viewed by secularist political elites as efficient tools to coopt and manage religious elites.[12] To draw on Eisenstadt's ideas of master and servant, these bureaucracies of religion were clearly instituted to serve the higher purpose of consolidating the secular state. Over time, however, central states often lacked the capabilities of asserting their presence (for example, with schools, courthouses, and police) over the entire territory, with the result that traditional religious leaders and communitarian authorities re-gained, or never lost, their social significance and were from the 1970s onwards gradually accepted as intermediaries between central state elites and wider society. For this reason, postcolonial states often reactivated communitarian authorities and incorporated them into the state administrative apparatus, endowed with official (legal) authority and state resources. Communal law (often religion-based family law) was reintroduced where states had previously been committed to one civil law irrespective of the religious identity of citizens.[13]

On the basis of this regained power, religious elites were able to demand greater funds for state ministries of religion and greater leeway in how such funds would be dispersed. The adoption and expansion of religious law required expanded bureaucracies and new training institutions for religious judges. Ministries of religion, which in the immediate decolonization era had been servants of secular state projects, transformed into elaborate bureaucracies that increasingly were the bearers and executors of important state functions, thus furthering their popularity and cementing their raison d'être. In Indonesia, the Ministry of Religious Affairs grew into one of the largest state ministries in the early 1970s, regulating Islamic schooling, administering Islamic justice, organizing the *hajj*, and over time also developing an elaborate halal certification scheme (which could just as well have been placed in the Ministry of Health). From the late 1980s onward, the ministry of religion's bureaucracy evolved into a master who could significantly influence the development of religious

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10   Gregory Starrett, *Putting Islam to Work: Education, Politics, and Religious Transformation in Egypt* (Berkeley: University of California Press, 1998), 8–9.

11   Starrett, *Putting Islam to Work*, 9–10.

12   Mirjam Künkler and Yüksel Sezgin, "The Unification of Law and the Postcolonial State: Limits of State Monism in India and Indonesia," in "Constitutionalism in Rough Seas: Balancing Religious Accommodation and Human Rights in, through, and despite, the Law," ed. Mirjam Künkler, Hanna Lerner, and Shylashri Shankar, special issue, *American Behavioral Scientist* 60, no. 8 (2016): 987–1012.

13   Yüksel Sezgin and Mirjam Künkler, "Regulation of Religion and the Religious: The Politics of Judicialization and Bureaucratization in India and Indonesia," *Comparative Studies of Society and History* 56, no. 2 (2014): 448–78.

belief and religious life across the country. Set up originally to mold and tame religion in the eyes of secular post-Independence elites, the ministry evolved into an institution promoting a particular brand of Islam and drafting policy towards religion for the government as a whole. In short, it had evolved from servant to master.

The evolution of state ministries or departments of religious affairs into major regulators, sometimes also promoters, of religion has resulted in a situation where, even though Islam and Buddhism, unlike the Catholic Church, lack centralized leadership and institutions, bureaucratic hierarchies of religious authority have been created. While independent religious authorities and institutions continue to exist, parallel structures of state-sponsored authority and institutions now supplement these, often with immense financial and institutional power. In the Muslim world, the country which exemplifies this development par excellence is Turkey. The Turkish *diyanet* (presidency of religious affairs) is today the largest state department with more than 150,000 employees. Established at the beginning of the republic as a bureaucracy through which the state aimed to keep control of Islamic institutions in line with the secularist agenda of the state, the institution was gradually expanded to facilitate national integration and the regulation of Islam. Since the military regime of the 1980s, it has become a major *producer* of religious authority. In the era of the Adalet ve Kalkınma Partisi (AKP, or Justice and Development Party) it has turned into a means of establishing Sunni religious authority in line with the Islamizing agenda of the party. Sometimes the work of state ministries or departments of religious affairs extends beyond national borders. *Diyanet*-trained imams not only enjoy a monopoly on mosques within Turkey, but they also enjoy exclusive access of employment to mosques abroad that are funded by the Turkish state, notably in Europe and Central Asia and along the East African coast. Thus *diyanet*-funded mosques in Europe, for example, exclusively employ imams trained and certified by the *diyanet* in Turkey, even though this often results in situations where imam and congregation have very different cultural backgrounds and world views. This employment scheme is, of course, motivated in part by the desire to control the religious life of the diaspora and bind diasporic communities back to the heartland.

As yet, Southeast Asian states have not been similarly transnational in their approach to regulating the religious life of their citizens at home and abroad, although in Malaysia, too, proposals to that effect are being evaluated. Given the large Southeast Asian Muslim communities in the Middle East (often migrant workers in households and the oil sector), Southeast Asian states are pondering more effective ways of keeping their diasporic communities close; mosques and religious schools offer effective environments for doing so. The bureaucratization of religion therefore has not only significance in terms of state involvement in defining the boundaries of religion, religious authority, and religious practice on a national scale, but it also increasingly plays a role in the transnational reach of religious education and in diasporic centers of worship.

How does this relate to religious freedom, both the freedom to practice one's religion (positive religious freedom) and the freedom not to practice (negative religious freedom)? In the most extreme cases, such as Brunei, a case discussed in this symposium, the increasing bureaucratization of religion has not only led to greater involvement by the state in defining what religion is and in differentiating valid from less valid approaches to Islam, it has also eradicated choices between different types of religion and the choice not to practice any religion at all. In Brunei, the state has become the sole religious authority, defining what counts as official Islam and what does not, all the while only permitting official forms to be practiced. Religions other than Islam are prohibited. Most administrations do not go so far. They regulate majority and minority religions while still permitting certain non-state forms to be practiced.

But while the ways in which state administrations of religion discriminate against minority religions raise public awareness and are often discussed in national and international news coverage,

the ways in which majority religions are regulated and molded via state administrations is often little recognized. As Jonathan Fox's data shows, practices of regulating the majority religion are no less pervasive and they often redefine mainstream currents within a given religion, contrasting these to newly declared deviant forms. A case in point are the many intra-Muslim minorities in Indonesia, from the Ahmadiyah to the Shiites, who are not recognized as Muslims by the state and thus face pressures of either officially converting to Sunni Islam or otherwise risking persecution. Systematic studies of religious freedom over time have shown a decrease in Southeast Asia among both the Muslim and the Buddhist-majority states. Overall, the bureaucracies of Muslim-majority states place greater burdens on both the minority and majority religions than Buddhist-majority states do, with the great exceptions of Myanmar and Laos (two Buddhist-majority states which outlie all others in the region with their very high levels of state regulation of religion).[14] Interestingly, Christian-majority countries of Southeast Asia (Philippines, Papua New Guinea, and Timor Leste) have fewer restrictions on religion (including minority religions) than their Christian-majority counterparts in the West, which is largely due to the fact that the latter still sustain institutional privileges for former state churches.

The five articles included in this special section provide rich empirical analyses of a phenomenon, the bureaucratization of religion, deemed increasingly relevant to studies of comparative secularization and comparative religion-state relations. Together, they make two original contributions: first, no previous work has satisfactorily analyzed the institutions under review. They are thus highly relevant empirical contributions to the study of religion-state relations in Indonesia, Malaysia, Thailand, and Brunei. In particular, the Majelis Ulama Indonesia (MUI) in Indonesia and the state administration of Islam in Brunei have emerged as important institutions not only advising policy makers but often setting the agenda of policy initiatives. As such, they have become pivotal players in religion-state relations, if not dominant ones. Scholarly accounts of how these institutions regulate (and thus also mold and change) religions hardly exist so far; here this symposium begins to fill a major lacuna in the literature. The strengths of the articles as case studies are further underlined by the fact that all are based on fieldwork and intricate knowledge of the local languages. Second, all five articles are guided by the analytical contributions of the literature on the bureaucratization of religion, informed by the studies of Weber, Eisenstadt, and Eickelman. As such, they point a way forward in systematizing an increasingly prevalent phenomenon whose implications are in most countries yet understudied. They chart the evolution of bureaucracies of religion from erstwhile "servants" of larger ideological state projects to large independent institutions that in many cases now are major producers of religious authority, and as such have entirely transformed national landscapes of religious life.

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14 Brett G. Scharffs, "Trends in Regulating Religion in Southeast Asia: Differentiating Core, Important, and Desirable Factors Regarding Religion and the Rule of Law" *The Review of Faith & International Affairs* 14, no. 4 (2016): 16-27; Jonathan Fox, "Freedom of Religion in Southeast Asia."