South and Southeast Asia is characterised by an historic and deep religious diversity and countries in the region have also been shaped by colonialism. Focusing on the cases of India, Indonesia, and Malaysia, this contribution explores the governance of religious diversity and conceptions of secularism influenced by – but quite distinct from – those found in the West. It assesses how, upon independence from colonial rule, a core concern in all three was a settlement that reflected the history and presence of deep religious diversity. The contribution then explores how these settlements have since come under strain as majorities in each country have more aggressively asserted their dominance. Since independence, settlements that aimed to secure rights for the multiple religious groups in each country have been tested. A trend in all three countries is a rise in forms of more exclusive majoritarian nationalisms tied to the dominant religion. This trend presents serious implications for minority faiths as well as for ideas of freedom of religion and the place and role of religion in society and politics. The contribution suggests that we might be witnessing an erosion of the post-independence settlements such that the mode of governance itself is shifting.

Introduction

South and Southeast Asia is characterised by an historic and deep religious diversity and there is not a dominant religious tradition that covers the region in the same way that Christianity is associated with Europe (Adeney-Risakotta 2015). This contribution comparatively analyses the governance of religious diversity in India, Indonesia, and Malaysia (see Figure 1), and recent trends affecting how that governance takes shape. Indonesia and Malaysia are majority-Muslim countries, and Indonesia has the largest Muslim population in the world. India is majority Hindu but has the largest Muslim population of non-Muslim-majority countries (in fact the second largest of all countries), and significant minority religious populations are present in all three countries. All three have at times been held up as exemplars of pluralism; Indonesia has been praised for its multicultural
tolerance (Hefner 2000), India as the world’s largest democracy, and Malaysia for its ‘moderation’ (Saat 2020b).

As well as the character of religious diversity in the region, the countries being discussed here have been shaped by European colonialism. Having gained their independence in the mid-twentieth century, the governance of religious diversity was a core concern and the frameworks that emerged are marked by the deep diversity of the region as well as by the colonial periods of rule. Yet, the settlements reached at independence have come under strain as majorities in each country have more aggressively asserted their dominance. Whereas previous characterisations of the governance of religious diversity have emphasised deep diversity and pluralism in these three countries, we seek to also account for this majoritarian turn.

Based on extensive research of secondary material, relevant data, legal and policy measures, and interviews with figures from key institutions (both governmental and civil society), this contribution first provides an overview of our three country cases, outlining important historical dynamics with regard to religious diversity and paths to secularism. We then present the mode and norms of governance of religious diversity from our framework (see Modood and Sealy, this collection) and assess the implications of current trends and challenges for this mode.

**Historical overview**

Significant numbers of people of different religions have lived in territories that have become India, Indonesia, and Malaysia over the centuries. Indigenous religious traditions,
Hinduism, Buddhism, and Islam have all asserted themselves and vied for dominance, often linked to trade routes.

In what is now Indonesia, Hinduism and Buddhism evolved during the rise and fall of the ancient Nusantara Kingdoms, before Islam, emergent from the fourteenth century, had become the dominant religion by the end of the sixteenth century, incorporating many local customs in a process of syncretism. Malay polities were influenced by a fusion of Hindu and Buddhist concepts at the state and local level prior to the spread of Islam, when from the twelfth century onwards Islamic law began to be incorporated into the pre-existing state and customary law (see, for example, Hussain 2011; Lukito 2012). What is now India is the home of both Buddhism and Hinduism, and Islam has been present since the seventh century. Significant parts of the landmass were under Muslim rule from as early as the twelfth century but the Mughal period between the sixteenth and eighteenth centuries marks the peak of Muslim rule in the territory (see Fisher 2012).

The impact of European colonial rule changed the power balances and structural features of the governance and place of religion in public and political life. For instance, Dutch colonisation in Indonesia and its impositions in the politics of religious life meant a diverse range of Islamic movements emerged to respond to and confront the socio-economic position of Muslims. In Malaysia, the relationship between the legal precepts derived from Islam and the common law tradition that arrived with colonialism created a complicated nexus of competing jurisprudence, in which Islamic laws were applicable only to Muslims and relegated to the realm of personal law, which remains salient to this day. It was during the colonial period, moreover, that secularisation – in terms of enforced state-religion separation – became pronounced. Upon independence, all three countries faced questions over secularism and the relations between the state, politics, law, and religion as part of new constitutional settlements that also involved grappling with the diversity of the countries as well as the legacy of the structures of colonial rule that remained – although Hefner cautions that we should not over-emphasise colonial carry-overs when it comes to religious freedom Hefner (2021).

The following section now turns to outline these settlements in more detail and relate them to our framework of modes of governance of religious diversity.

Secularism and freedom of religion

In all three emerging states the issue of managing the deep religious diversity of the populations meant grappling with ideas of secularism. These ideas were partly influenced by, but in some ways very different from, those of the former European colonial powers and their bases in principles of separation, neutrality, and an emphasis on freedom of religion as freedom of conscience. Each country came to its own settlement drawing on influences both local and national, as well as transnational (Six 2021).

One of the most important challenges following the Indonesian Declaration of Independence in 1945 was formulating a state philosophy where the diversity of religious groups was accommodated. Nationalist leaders like Sukarno as well as both moderate Muslim leaders and non-Muslims saw a pluralistic and more secular state as a suitable model, whereas other Muslim leaders aspired for Indonesia to be an Islamic state. Through prolonged debate a middle position was taken. The term ‘secular’ in Indonesia comes with its specific meaning and the claim that Indonesia is neither a state of religion nor a secular
state, adopting a consensus between the two (Mahfud 2019; Sjadzali 1993); the first, and fundamental, principle of the state philosophy of Pancasila is ‘Ketuhanan Yang Maha Esa’ ('unity of God'), and professing a religion is a key aspect of Indonesian citizenship.

In Malaysia, 11 of the 13 British colonial entities in the region attained independence in 1957 and signed a constitution for governing a newly independent Federation of Malaya that would eventually culminate in the formation of Malaysia in 1963. In the Federal Constitution, the principles and provisions enshrined are mostly inspired by the incorporation of the two historical legacies: pre-colonial Islamic laws and traditional customs, and the colonial administrative system introduced during British rule (Aishah 1993). The formulation of Malaysia’s mode of governance in managing religious diversity is predicated upon the spirit and principles of the national philosophy, the Rukun Negara, which was formulated in 1970. The Rukun Negara calls for all citizens to be sensitive to and respectful of the concerns of other religious communities, to embrace a liberal approach towards her [Malaysia’s] rich and varied cultural traditions’, but it also asserts ‘belief in God’ as a core principle. Islam was made the ‘religion of the federation’, but this was conceived as primarily ceremonial and within a secular conception of the state (Shad 2005; Fernando 2006; Ibrahim and Ahmad Fauzi 2017; Abdul Rahman 1977; Mohamed Suffan 1962; Ahmad 1985).

India gained independence from British rule in 1947 but independence came with Partition and unprecedented communal violence. In this context, the question of religion, and the anxieties of the religious minorities, particularly Muslims who had remained in India, were key debates for members of the Constituent Assembly. Despite its contrastingly more secular settlement, India steered away from the liberal secular framework and permitted greater mingling of state and religion. The Indian Constitution accepted the ‘no-establishment’ principle and gave equal rights to all citizens. Yet, premised on the belief that living with diversity required something more than granting the same basic rights to all citizens, it instituted formal measures for recognition of diversity and supplemented these with several informal measures of accommodation (Mahajan 2013): politically, all persons were treated as undifferentiated citizens, but in the cultural and religious domain the population was seen as heterogeneous, and citizens were differentiated on the basis of their community membership, in part to provide safeguards to shield minorities from the threat of majority dominance. In these different ways then, each sought to create a national unity whilst respecting and recognising the pluralistic makeup of the country, for which religion was central.

In these countries, negotiating a model to respond to the circumstances and challenges of newly independent and religiously heterogenous states meant quite different ‘innovative formulas of accommodation’ from those found in the West (Stepan 2011, 140). Derived from three cases, India and Indonesia and Senegal, Stepan (2011) outlined what he called the ‘respect all, positive cooperation, principled distance’ model to capture a more pronounced form of religious diversity occupying a more emphasised position in the public sphere. This is distinguished by three main features: respect for minority and majority religions in the public sphere, positive political and policy cooperation, and principled distance, which he borrows from Rajeev Bhargava (Bhargava 2009). An alternative conceptualisation has been ‘covenantal pluralism’ (Stewart, Seiple, and Dennis 2020) which emphasises legal equality along with recognition and respect for cultural difference. Covenantal pluralism, however, remains a normative aspirational idea,
whereas our typology and analysis is built around what governance looks like in the countries under consideration (see Hefner 2020, who applies covenantal pluralism and assesses the gaps between this ideal and the case of Indonesia).

Our own approach is to outline the mode of governance evident from a contextualised account (see Modood and Sealy, this collection), and analyse norms of governance at legal, institutional, and practical levels. The region of South and Southeast Asia is captured by what we call pluralistic nationalism, and which forms the dominant operative norms (DONs) for the governance of religious diversity (Table 1). In terms of freedom of religion, what we observe is an emphasis on groups and what has been called ‘institutional religious freedom’ (Hefner 2021) and a pronounced presence and influence of religion in the public and political spheres.

There are, however, two stories to tell, and these two stories relate to two different modes of governance. The first two sections below focus on the types of recognition and accommodations in the three country cases in relation to how they reflect the dominant mode of pluralistic nationalism. The third section then discusses trends of majoritarianism that undermine and directly challenge this deep diversity, and have come to represent important qualifying operative norms (QONs) in the region.

### Legal frameworks and institutional accommodation

As discussed above, constitutional settlements following independence from European colonial rule sought to navigate between an idea of the secular, on the one hand, and deep religious diversity, on the other hand. The resulting settlements established pluralistic nationalism as the DONs. Following these constitutional principles, the legal systems also reflect a plural entanglement as well as the colonial legacy.³

The legal system in Malaysia follows the plural legal system that the British had established during the colonial era (see Hussain 2011). Its court system is based on the UK legal system but incorporates distinct characteristics in the form of Sharia courts and two separate High Courts for the Peninsula and for the Borneo states. The Malay rulers, who retain their positions as heads of Islam in their respective states, are responsible for overseeing the Sharia courts and appointing judges, a provision which allows for each state to have the freedom to enact its own interpretation of Islamic law and establish its own state Islamic courts to adjudicate disputes.

In Indonesia too the legal picture is a complex mixture, based on some old Dutch as well as modern statutes, adat (customary) rules which continue to exist alongside the formal legal system, and Islamic law (see Hussain 2011). In contrast to Malaysia, nevertheless, there is no formal parallel system of religious courts; Sharia courts are part of the state system and adjudicate in matters of family law for Muslims (Hussain 2011; Lukito...
2012). Some regions have greater autonomy, where Sharia courts also encompass broader laws and regulations; for instance, Aceh (Hussain 2011; see also Salim 2010, 2015).

In India, differentiated legal statuses were accommodated for matters relating to family law, where all persons were to be governed by the personal laws of their community. Nevertheless, courts assert a certain competence in religious affairs. When conflicts emerge between practices, the Supreme Court applies an ‘essential practice’ test (Mahajan 1998, 2013; Sen 2010), interpreting religious doctrine to determine if a practice is an essential part of that religion, or a kind of cultural accoutrement. When a group seeks recognition as a separate and new religion, it is again the Supreme Court that decides whether a particular system of beliefs constitutes a separate religion or merely a sect or denomination of another religion. Nevertheless, successive governments have, by and large, been reluctant to intervene in religious practices even when these clash with the principle of gender equality or personal autonomy. Moreover, when conflict has arisen between rights as a result, on balance, resolutions have tended towards religious (institutional) rather than individual liberty (Mahajan 2013, 2015).

Aside from legal frameworks, in all three countries formal accommodations are made in the public sphere as part of the overall framework for the governance of religious pluralism. Major religious festivals or events from all religions have been included in the list of public holidays, for instance (Mahajan 2017; Stepan 2011). In terms of institutional accommodations and state-religion connections, these have also occurred across spheres covering education, places of worship, and other issues. In India, community institutions have considerable autonomy to regulate their religious affairs and are formally recognised as the representative organisations of their respective communities. Although the Indian Constitution affirmed that no religious education would be provided in any educational institution ‘wholly maintained out of State funds’ (Article 28[1]), religious groups can establish educational institutions to impart the ‘education of their choice’ (Article 30[1]), and are eligible for some state funding. A plural network of community educational and charitable institutions, some exclusively for the community and others open to the rest of society, can therefore be found. As well as the formal institutional framework, informal accommodative measures relating to religious practices and observances have played a critical role in nurturing a sense of being counted and treated as equal (Mahajan 2021).

In the Malaysian Constitution, Article 11 stipulates that 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’. There is no legal obligation for a religious group to formally register with the state, yet many, especially of non-Muslim background, do register as non-profit charitable organisations or companies to avoid being harassed by the religious authorities and to gain better access to funding and working opportunities with the government. Matters pertaining to Islam come under the purview of the states, and federal Islamic institutions like the Department of Islamic Development Malaysia (Jabatan Kemajuan Islam Malaysia, JAKIM) were established.

As for religious education, Islamic education is compulsory for Muslims in Malaysia (Bouma, Ling, and Pratt 2010; Abdul Hamid 2018). The federal government and state’s administrations are also responsible for funding religious teachers. Islamic Departments both at the federal and state level are heavily funded by the government. Other religions
can set up private educational centres providing they are kept within their own religious community.

In Indonesia, the Department of Ministry of Religious Affairs is responsible for regulating all issues related to the religious life of religions formally acknowledged by the state, including rituals such as almsgiving (zakat) and pilgrimage to Mecca. Semi-governmental institutions also act as the representative interlocutors with government and are responsible for regulating the religious activity and doctrine for each of the recognised religions. Religious instruction is a core and compulsory feature of Indonesia’s education system, where pupils have the right to be taught this subject by a teacher from their faith group as part of a ‘mono-religious’ model (Yusuf and Sterkens 2015).

**Religion and politics**

Another of our features of pluralistic nationalism is a pronounced and integral presence in politics and policy cooperation between state and religious actors. This can promote the multivocality of religions, which in turn provides scope for religious reasons and religious arguments in public debates (Stepan 2011). Religions and religious reasons are thereby valued as a public good, as a source of that good, and as dialogical partners and shapers in policy.

In India no formal role is accorded to religious communities in public policy and decision-making bodies, and no separate or special representation is given on grounds of religious identity. On the one hand, the Indian Constitution allows the government to regulate secular affairs – financial matters, matters related to property, management of trusts, etc., – of religious institutions, whilst on the other hand, religious groups mobilise, lobby, and are actively present in the public domain. In terms of religion and politics in Indonesia, there are Islamic organisations that play a significant role as pressure groups in politics and policy development, although formally they are not political organisations or parties. Groups such as Muhammadiyah and Nahdlatul Ulama (‘Revival of the Ulama’, NU) play defining roles in many state political processes (see, for example, Hefner 2021). In Malaysia, the federal government allocates two ministerial positions under the Prime Minister’s Department to govern religious affairs: the Ministry of National Unity and Ministry of Religious Affairs, the latter being tasked to administer various religious bodies and institutions. Through these two departments, the government conducts various engagements and programmes to improve the relations between differing religious communities in the country and to foster ‘dialogues’ and unity between different religious communities. In theory, religious-based political parties are free to have their organisation registered and to run their activities, as long as this organisation upholds the principle of the Federal Constitution of Malaysia and does not go against state laws.

A further strong connection between politics and religion is how the state relates to citizens, where citizens are seen first and foremost as members of an ethno-religious group and primacy is given to group, rather than individual, autonomy.

In Indonesia and Malaysia national identity cards are designed to specify the religious affiliation of the card holder, which must be one of the officially recognised religions. In this way, ethnic and religious characteristics tend to be conflated in the realms of politics, cultural expressions, and everyday social norms. In both countries, Islam is the religion of the majority and atheism is not formally recognised; a religious identity will instead be
assigned based on the ethnic community the person belongs to. Other religious groups can register as social or cultural organisations or as companies but are not recognised as official religions, meaning that members of other religions (or none) must choose a religion to misrepresent themselves on their ID cards (Bouma, Ling, and Pratt 2010). In Malaysia, the Federal Constitution (Article 160) in fact dictates that all ethnic Malays (the majority population) are Muslim and it has been argued by some high officials that atheism is anti-patriotic as it is in contradiction with the first principle of the Rukun Negara that every citizen is expected to believe in God. In Indonesia six religions are recognised: Islam, Christianity (Protestantism and Catholicism), Hinduism, Buddhism, Confucianism, and following the acceptance of a petition by the Constitutional Court in 2017, adherents to indigenous religions – long unrecognised as ‘religions’ – are able to complete the ‘religion’ column of their identity card with the name of their belief system (Hefner 2021). While institutional religious freedom might be emphasised, individual freedom of conscience, including conversion for instance, is thus circumscribed.

In these ways, through constitutional settlements, differentiated legal codes, institutional arrangements, policy cooperation, and state-citizen relations, DONs in relation to the governance of religious diversity strongly reflect a mode of pluralistic nationalism.

**Majoritarian challenges**

Since independence, the settlements and DONs that aimed to secure rights for the multiple religious groups in each territory have been tested. Trends in all three countries show a rise in forms of more exclusive majoritarian nationalisms that are tied to the dominant religion, with serious implications for minority faiths as well as for ideas of freedom of religion. Despite the seeming guarantees of religious freedom in the constitutional settlements, what appeared to be settlements of pluralism have turned out to be ‘fairly easy to misinterpret or abuse’ (Sofjan 2016, 58; also Bajpai 2017). Therefore, alongside the inclusive and peaceful settlements founded in our country cases, and those models that emphasise them, we also need to account for growing, although in many ways not wholly new, trends of majoritarianism that qualify the pluralistic arrangements put in place. For this, it is necessary to consider another mode of governance of religious diversity in addition to pluralistic nationalism. As well as pluralistic nationalism, as discussed above, these three countries also show significant features of majoritarian nationalism (Table 2), which represent notable QONs. This section outlines how we see features of this second mode operating in our country cases and how these norms are having significant qualifying effects on the pluralistic nationalism in our three country cases.

In Malaysia, the passage of time has blurred the initial secular and pluralistic intentions of the framers of the Federal Constitution, and the constitutional statement that ‘Islam is the religion of the Federation’ has come to provide a basis for those who push for

*Table 2. Modes and norms for the governance of religious diversity.*

| Majoritarian Nationalism | • Strong state identification with one religion; but not usually theocratic |
|--------------------------|-----------------------------------------------------------------------|
|                          | • May or may not include toleration for other religions                |
|                          | • May or may not include personal laws                                 |
|                          | • In radical cases the state takes over or controls the institutions and followers of one or more religions |
|                          | • The state may come to be controlled by religious parties             |
Malaysia to become a more explicitly Islamic state. Official or preferential status for Islam can be seen, for example, in that the right to propagate any religious doctrine or belief is reserved for Muslims, and the Sharia courts rarely allow religious conversion (see, for example, Sofjan 2016). This primacy of Islam, moreover, relates only to officially orthodox Sunni Islam. Other forms of Islam, especially Shia, are deemed heretical and deviant, and are subject to action by religious authorities. In practice then, despite norms of pluralism, non-Islamic or ‘deviant’ Islamic groups are often restricted from organising any activities that may be deemed a threat to the supremacy of the majoritarian Islam in the country.

Forms of majoritarian nationalism have in fact been a consistent feature of Malaysian politics. Majoritarian pressure towards greater Islamisation imposed by state and non-state actors since the 1960s has increased the scale of restrictions on religious expression in public and non-public spaces (Farid 2014). During the 1980s, Prime Minister Mahathir Mohammed strengthened Islamic values in government and the Shariah courts (Bouma, Ling, and Pratt 2010) and in recent decades, proponents who interpret Islam as the religion of the federation and push for an enlargement of the judicial powers along Islamic lines have found greater political purchase. The United Malays National Organisation (Pertubuhan Kebangsaan Melayu Bersatu, UMNO), the lead partner in government coalitions from independence to 2018, has long had ethnonationalism as a leading strand of its politics and policies, found in the idea of defending Malay supremacy (ketuanan Melayu). Furthermore, there has been an increasingly conservative interpretation of Islam as both UMNO and the Malaysian Islamic Party (Parti Islam Se-Malaysia, PAS) have competed in an ‘Islamisation race’ in order to maintain political legitimacy and vie for Malay electoral support since the 1980s (Ibrahim and Rasid 2021).

Moreover, in contrast to successive governments’ rhetoric of moderate Islam (Islam Wasattiyah) and multiculturalism, especially on the international stage, progressive Islamic voices have been increasingly restricted (Saat 2020a). Most recently, following the 2018 general election won by the Pakatan Harapan coalition on a proclaimed reformist and inclusive agenda, UMNO and PAS cooperated to form a Malay Islamic bloc and force a government turn towards greater Islamic conservativism (Saat 2019). Following the government’s political crisis, which saw former Minister of Home Affairs Muhyiddin Yassin taking over as prime minister in March 2020, UMNO has been brought back to power and PAS is represented in the cabinet for the first time since the 1970s (Ibrahim and Rasid 2021).

These trends have raised serious questions about religious freedom for both Muslims (if not part of the mainstream) and non-Muslims alike. Much state-sponsored Islamisation has been conducted in a manner that directly challenges the existing constitutional rights and religious freedoms that are granted to citizens. Organisations and commentators have complained, for instance, that the reach of JAKIM has extended and marginalises alternative viewpoints and voices (Saat 2020a). Measures have also included the banning of books, prosecution of individuals or groups for their involvement in practising ‘deviant teachings’, raiding private premises to enforce Sharia for ‘violations’ such as indecent dress, alcohol consumption, or khalwat (close proximity to a non-family member of the opposite sex). Interfaith dialogues have also frequently been blocked ‘due to Islamist intimidation of the Federal government’ (Bouma, Ling, and Pratt 2010, 77; Sofjan 2016).

There has also been a growing ‘sharia-isation’ – understood here as the institutionalisation of Sharia-based values, norms, and categories in the discourse and practice of the
country’s legal corpus (Ibrahim and Ahmad Fauzi 2017). A series of constitutional amendments has given Sharia courts increased autonomy and states have begun to aggressively increase the scope of their powers to regulate the affairs of Muslims located within their boundaries. Although attached to the larger secular judicial framework, this has raised concerns over the practice of secularism in Malaysia, in part also precipitated by a flurry of rulings following the 2001 High Court ruling in Lina Joy v Majlis Agama Islam Wilayah and Anor. In this landmark case Lina Joy, who had converted from Islam to Christianity, lost her case to change her officially assigned religion on her identity card to reflect her conversion. Beneath these tensions is the creeping narrative that Malaysia has always been an Islamic state and that the alleged ‘ambiguity’ of the Federal Constitution must be interpreted in ways that prioritise Islamic principles above all else; indeed, a Pew survey in 2013 found that 86% of Malays support Sharia becoming the official state law (see Zaman 2020). Saat (2018) has argued that ulama (Islamic religious leaders) have been able to effectively ‘capture’ parts of the state, that is, that they have been able to capitalise on their co-optation by the state and push their own agendas. This is something Saat finds is relevant to Indonesia too.

Turning to Indonesia, Hefner (2013) notes that religious disputes have been a feature of each of Indonesia’s political transitions and that the proper place of religion in society has been a constant debate since independence. In Indonesia, too, we can see the secular and pluralistic principles in the Constitution and pluralistic principles of the national philosophy of Pancasila aimed at uniting Indonesia’s various groups being eroded by a majoritarian and more exclusionist interpretation which holds that the ‘spirit’ of the country is Islamic (Rahardjo 2010; Husaini 2005, 2006; Thaha 2005; Maarif 2006). 7 Official political parties tend to subscribe to Pancasila, even though strong trends challenge it in the social sphere and leading figures in the political and legal spheres appear unable (Schneier 2016; Hefner 2021) or unwilling (Sofjan 2016) to prevent the trend of Islamisation and erosion of the more pluralistic principles of Pancasila.

The New Order period (1966–1998) tended to limit the participation and expressions of Islam in the public sphere with strong insistence on the adoption of Pancasila as organisations’ sole philosophical basis (Ramage 2010; Jurdi 2010), something accepted at the time by the two main Indonesian Islamic organisations, the NU and Muhammadiyah. In the last quarter of the New Order regime, nevertheless, strong manifestations of religious revivalism and a strongly politicised Islam directly challenging the government were evident (Hasan 2017; Schneier 2016). Following the collapse of the New Order regime, diverse Islamic groups and religion-based political parties came to the fore. This marked a new dynamic in the relationship between the state and religion with Islamic symbols and concepts more assertively expressed in politics and increased pressure for the government to Islamise the country.

A ‘conservative turn’ then took place in the 2000s, especially in the upper echelons of Indonesia’s Muslim organisations, such as the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI), with ‘anti-vice’ militias imposing their morality in ways not always checked by the government (Hefner 2013, 2020, 2021; also Saat 2018). This resulted in, for example, the forced closure or targeting of places of worship, attacks on those deemed heretical, the introduction of local Sharia regulations, and fatwa issued by the MUI declaring secularism, ‘liberal Islam’, ‘deviant’ Islamic groups, and pluralism incompatible with Islam and condemning interfaith marriage and activities (Bagir and Fachrudin 2020;
Bouma, Ling, and Pratt 2010; Hasan 2017; Hefner 2013, 2021; Sofjan 2016). The most striking development has been the emergence of politically radical and fundamentalist Islamic movements such as Front Pembela Islam, Jamaah Islamiyah, Salafi Jihadist, and those represented by Partai Keadilan Sejahtera and Hizbut Tahrir Indonesia. One of the most visible consequences of this development is the growth and strengthening of support for enforcing Islamic morality in the public sphere. These groups are generally hostile to any type of contemporary discourse that they perceive as western constructs such as democracy, gender equality, and pluralism, which are seen as un-Islamic ‘secular’ systems incompatible with Islam (Yunanto 2003).

When Joko Widodo (Jokowi) became president in 2014, he did so on pledges of moderation and pluralism. He assembled a coalition made up of secular nationalists, non-Muslims, and moderate Muslims through aligning himself closely with NU, disbanded Hizbut Tahrir Indonesia, and in a series of events between 2014 and 2017 served to restate Pancasila as the state philosophy. Yet, rather than the conservative turn halting, these voices and organisations have remained influential in a pluralised and democratised public and political arena (Bagir and Fachrudin 2020). As a result, restrictions on institutional religious freedoms have in fact intensified since Indonesia’s return to democracy in 1998 (Hefner 2021).

The majoritarian turn has continued, along with discriminatory treatment of minority religious groups and non-mainstream Muslim groups (Wahid Foundation 2017). More, and stricter, regulations have been introduced for publications, dress codes, social media, and interfaith commissions, all of which have been used to enforce majoritarian control as part of an Islamisation drive. Moreover, in some cases, regulations designed to ensure peaceful coexistence can play into majoritarianism and ‘underscore a more robustly pluralistic commitment to religious freedom’ (Hefner 2013, 22; Hefner 2020, 6). For example, building places of worship in Indonesia is regulated by the Ministerial Decree on the Construction of Houses of Worship, which stipulates that a certain number of signatures is needed from locals of other religions. In practice this can mean that some religious communities are unable to build a place of worship or, as noted above, are forced to close their places of worship. In this climate, the Law on Religious Defamation and Blasphemy – dating back to the New Order period but reaffirmed in 2010 by the Constitutional Court – is particularly problematic, and minorities have become increasingly targeted. More than 150 people, mostly religious minorities, including Muslim minorities (Hasan 2017), have been convicted under the Law. Yet, Hefner (2021) also observes that despite these significant challenges and erosions, institutional religious freedom and a sense of Indonesia as plural does still hold, suggesting its embeddedness in society and politics; and this also perhaps marks a difference between Indonesia and Malaysia in its strength. Indeed, from a different angle, considering the political repression of ethnic Chinese communities in both countries, Chin and Tanasaldy (2019) have also argued that Indonesia’s institutional framework has proven more inclusive and resistant to majoritarian pressures in comparison to Malaysia.

When we turn to India we can also see a rising majoritarian nationalism that is having severe consequences for religious diversity, especially for India’s Muslims, resulting in greater state support for the majority as well as cases of interreligious violence that the state seems unable or unwilling to curb. Since the 1990s we see greater assertion of ‘Hindu culture’ – identified as ‘Indian’ culture – and a homogenising drive pushing for
greater space for it in the public domain. This is reflected politically in rising voter support for the Bhartiya Janata Party (BJP), which in 2019 increased to 37.4% and 303 of the 542 seats in the Lower Chamber.

There are a few elements important to the narrative that has accompanied this majoritarian shift. The first is the allegation that the majority has been wronged and treated unfairly. These allegations are based on the perception that past governments have, on the one hand, interfered in the affairs of the majority – through reform of Hindu Personal Law in the late 1950s, setting up of management boards for major temples, and so on. On the other hand, however, so the allegations go, similar interventions did not take place in the life of minority communities. On this account, the government has tried to ‘appease’ the Muslim minority in various ways, such as by not reforming Muslim Personal Law (despite demands from women in the Muslim community to do so to afford them more equality and protection in areas such as divorce procedures, polygamy, and custody of children). According to this narrative then, the affairs of the majority, Hindu community have been unfairly interfered with in ways that have not also occurred for minorities, particularly Muslims. The second is that Hindus suffer discrimination in neighbouring countries, where they form a minority, whereas in India the Muslim minority enjoys a better status. In effect this signals that Hindus are neglected in India and discriminated against in the region (Mahajan 2021). To rectify these perceived wrongs, the BJP has usurped aspects of the liberal agenda to demand the formulation of a Uniform Civil Code and eliminate community-based personal laws, and simultaneously question the rationale for community/group differentiation.

Partition, subsequent wars with Pakistan, political turmoil in Kashmir valley, and recurrent terror attacks have also made national security concerns paramount. The Right has owned the security agenda more stridently and supported a muscular nationalism that in its view should correct the wrongs done to the Hindus. By constructing a narrative around ‘invasions’ by Mughal rulers, oppression of Hindus in the past, terrorist attacks by members of various Islamic groups in contemporary India, alongside extolling the virtues of Hinduism as a tolerant and peaceful religion (something previously a part of the pluralistic idea), the BJP has cast a shadow over the Muslim presence as a ‘hostile other’ (see also Shani 2021; Bajpai 2017).

Conclusion

All three countries profess some degree or kind of secularism and freedom of religion, albeit in different ways and in ways that are different from the liberal secular paradigm of freedom of religion. Instead, the emphasis is on moral groupism and institutional religious freedom.

In so far as South and Southeast Asia (on the basis of the three cases considered here) can, on the whole, be considered an example of a region that reflects pluralistic nationalism, we can identify two important starting points for all these three countries which bear on how freedom of religion is conceived. One is recognition of the presence of many different religions. The other is that the state operates with the notion of an embedded individual (not an abstract individual), with individuals being seen as members of a religious and ethnic community, and thereby based in the primacy of group autonomy, moral groupism, and toleration.
However, religion and its connections to state and recognition might also be an aspect of its management by the state and a vehicle for majoritarian nationalism that introduces strong currents of diversity-limiting ethno-religious nationalism. This might operate through the legal system and political processes, including policymaking, and be argued to have constitutional grounding. Schneier has suggested that studies of democracy in Indonesia ‘divide into two camps: those who see the glass as half empty and those who describe it as half full’ (Schneier 2016, 220), and this perhaps captures something of how our three country cases sit on overlapping currents of, on the one hand, DONs from a pluralistic nationalism respectful of deep diversity, accommodating of religious pluralism, and concerned with ‘religious harmony’, and on the other hand, trends of majoritarian nationalism that are seeking dominance and eroding these pluralistic elements. What we see in the region, then, is that while pluralistic nationalism can be considered to operate as a dominant set of norms, this has been in constant tension with QONs of majoritarian nationalism. While these have always been present, we might note a shift in how these might be moving from more qualifying norms to a second set of dominant norms as the tensions between the two sets increasingly plays out in political and legal spheres.

Whether this proves to be a sequential shift from one mode and set of DONs to another, or a rebalancing of the simultaneity between the two modes, and whether the strengthening majoritarian QONs will continue to operate more prominently or will wane in any or all three cases, only time will tell. In the cases here, where religion and accompanying ideas of what is sacred are so pervasive, there are thus two contrasting situations: on the one hand, an enormous degree of religious and cultural diversity and, on the other, conflicts around religious issues, which can be fuelled by sectarianism (Saleem 2021; Arifianto 2021), and conflicts which play out in the political life of the countries. A key question for the country cases considered, therefore, is whether and to what extent pluralistic nationalism, and its norms of recognition, and of institutional and legal accommodation, will be able to hold back the tides of diversity-limiting majoritarian nationalism.

Notes

1. We remember with affection our GREASE colleague Zawawi Ibrahim, who contributed to this collection but unfortunately passed away on 18 May 2022 and so did not live to see its publication.
2. In brief, Bhargava’s conception of Principled Distance is one where separation between state and religion is established at the levels of ends and of institutions, but not in policy and law. The state may legitimately interfere and support religions in a differentiated way to ensure equalities and freedoms.
3. Although Fisher (2012) also notes in relation to India the legacy of Mughal rule on British colonial rule.
4. The Indian Constitution can be accessed online (in a variety of language versions including English) at: https://legislative.gov.in/constitution-of-india, and for a PDF version in English see https://legislative.gov.in/sites/default/files/COI.pdf.
5. The full text of the Federal Constitution of Malaysia can be accessed here: https://www.wipo.int/edocs/lexdocs/laws/en/my/my063en.pdf.
6. A deliberate effort was made, however, to have members from all communities in the highest decision-making bodies (the Central Cabinet) and other prestigious public positions.
7. Some have argued that *Pancasila* has always been a screen for majoritarian authoritarianism (see, for example, Sofjan 2016). The full text of the Indonesian Constitution can be accessed here: http://www.humanrights.asia[indonesian-constitution-1945-consolidated/].

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**Notes on contributors**

**Thomas Sealy** is Lecturer in Ethnicity and Race in the School of Sociology, Politics and International Studies at the University of Bristol, UK. He has published journal articles and book chapters on multiculturalism, the governance of religious diversity, Islamophobia, forms of racism, converts to Islam, and Simmel. His monograph, *Religiosity and Recognition: Multiculturalism and British Converts to Islam*, is published with Palgrave.

**Zawawi Ibrahim** was affiliated with Malaysia’s Strategic Information and Research Development Centre, where he worked as Professor of Anthropology in the Faculty of Arts & Social Sciences and the Institute of Asian Studies at University Brunei Darussalam (UBD). A Malaysian citizen, Zawawi earned his PhD in Social Anthropology from Monash University, Melbourne, Australia. Zawawi sadly passed away before this contribution was published and is remembered with affection by those who worked with him on this as well as other aspects of the GREASE project.

**Pradana Boy Zulian** is Lecturer in Islamic Legal Studies at the Faculty of Islamic Studies, University of Muhammadiyah Malang, Indonesia, where between 2015 and 2018 he led the Centre for the Study of Islam and Philosophy (Pusat Studi Islam dan Filsafat). He trained as an Islamic legal scholar at University of Muhammadiyah Malang and received his PhD from the Department of Malay Studies, National University of Singapore. His monograph *Fatwa in Indonesia: An Analysis of Dominant Legal Ideas and Modes of Thought of Fatwa-Making Agencies and Their Implications in the Post-New Order Period* is published by Amsterdam University Press (2018).

**Imran Mohd Rasid** is a graduate student and Research Fellow at the Strategic Information and Research Development Centre, Malaysia. His area of research includes critical theory, Malaysian political history, global political economy, and the phenomenon of transnational and trans-local religious-political movements. He formerly served as Research Analyst for Islamic Renaissance Front, an Islamic think tank that works to promote progressive Islamic discourses in Malaysia. His research has been presented in several academic conferences, and some published as book chapters. He has also co-founded an organisation called Imagined Malaysia, a research group that strives to push for greater historical literacy in Malaysia.
ORCID

Thomas Sealy http://orcid.org/0000-0002-3211-6900
Zawawi Ibrahim http://orcid.org/0000-0001-9751-2659
Pradana Boy Zulian http://orcid.org/0000-0003-0087-6232
Imran Mohd Rasid http://orcid.org/0000-0003-0756-8128

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