

Index

- accommodation demands, with religious diversity, 3
- acculturation mechanisms, in Vietnam, 165–7
- complexity in state management of religion, 167
- human rights and, 166
- internalization of freedom of religion, 166–7
- legitimacy through, 166
- ADJARI. *See* Agama Jawa Asli Republik Indonesia
- Administration of Muslim Law Act (AMLA) (1966) (Singapore), 125, 257–8
- administrative law, 244–7
- administrative reasonableness, 234–6
- administrative state, 28–9
- administrative unreasonableness, 234–6
- adultery, 264–70
- affirmative action, 15
- in India, for Muslims, 278, 279–80, 281
- as caste group, 281–3, 295
- for *Dalits* reservations, 281–3
- as other backward classes, 284–5
- as SC, 282–3
- secularism and, 279–80
- Agong, Yang di-Pertuan, 238
- Ahmadiyyah community, 111–12
- Amarapura *Nikāya* fraternity, 89–90
- AMLA. *See* Administration of Muslim Law Act
- anti-colonial national movement, in Malaysia, 237
- apostasy laws, 56–7, 120
- Islamic law and, 239
- Lina Joy* case and, 248–53
- federal-state relations and, 251–3
- politicization of, 251–3
- proceduralizing of, 248–9
- regulation of, 249–51
- under state policy, 249–51
- in Malaysia, 241–2
- Archana Reddy* case, 286–9, 290–2, 296
- Asad, Talal, 6, 8
- Ashin, Janaka, 170
- atheism. *See* Marxist-Leninist atheism
- Australia
- labor law in, 207
- market regulation in, 207
- authoritative rules, in regulation of religion, 42
- authority, 65–75
- civil, 80
- conflict between state and religious institutions, 66
- cultural, 74
- in liberal political theory, 67
- religious, 60, 68–71, 80
- ‘hurting feelings’ argument, 68
- for Religious-Zionists, 73
- secular liberalism and, 67–8
- state, 71–5
- over Gaza disengagement, 73–4
- over religious disobedience, 74
- Religious-Zionists and, 73
- Ultra-Orthodox response to, 71–2
- in Ultra-Orthodox Judaism, 66–71
- ‘Da’as Torah’ doctrine, 69–71
- ‘gdolei hador’, 69–71
- state authority and, 71–2
- in *Talmud*, 68–9
- values and, 65–8
- autonomy, 59–60
- religious, 123
- Baha’i religion, 114–15
- Balinese religions, 108
- Bangladesh, Islam as state religion in, 3
- Berger, Peter, 5, 60–1
- Bill on Protecting Religious Groups (Indonesia), 99
- Bin Harun, Idrus, 241

- Black, Julia, 50, 54
 blasphemy laws, 56–7, 120
 Brunei, Islam as state religion in, 3
 Buddhism, 2–3. *See also* Theravāda Buddhism
 in Cambodia, 3
 constitutionalism and, 80–1, 97
 increased population under, 2–3
 in India, 282
 in Indonesia, 113
 Mahayana, 171
 monastic land, 25
 monasticism, 80–1
 in Myanmar
 sects of, 175–6
 types of, 171
 in Singapore, 135–6
 in Sri Lanka, as state religion, 89–90
 Vajrayana, 171
 in Vietnam, 160
 Buddhist Councils, 172
 Buddhist Temporalities Ordinance (Sri Lanka), 91
 bureaucratic state, 28–9
 bureaucratization
 exclusivist, 189–90
 of religion, 46–7
 of women's religious education, 189–90,
 200–5, 206
 Burma. *See* Myanmar

 Cambodia, Buddhism as state religion, 3
 Canada
 Ktunaxa Nation aboriginal community in, 31
 religious freedom in, 28
 capacious definition of religion, 30–1
 capitalist autocracy, Singapore as, 259
 Casanova, Jose, 4, 5
 caste
 affirmative action regimes for, 281–3
 defined, 281
 domestication of, 291–6
 hierarchy with, 281
 among monks, 89–90
 among Muslims, 287
 other backward classes, 284–5
 scheduled castes, 282–3, 294
 social stratification through, 294–5, 297
 caste politics, in India, 282
 Catholicism, in Vietnam, 160–1
 charitable services, in China
 by corporate and individual donations, 224
 by religious organizations, 217–21, 225–6
 spread of religion through, 225–6
 Charities Act (Singapore), 259
 charity, religion and, 9

 Charity Law (2016) (China), 220–1, 229
 benefits under, 221
 market regulation under, 222–3
 public accessibility under, 221
 state regulatory supervision under, 221
 charity law, commercial interest and, 214
 China
 charitable services in
 by corporate and individual donations, 224
 by religious organizations, 217–21, 225–6
 spread of religion through, 225–6
 Charity Law, 220–1, 229
 benefits under, 221
 market regulation under, 222–3
 public accessibility under, 221
 state regulatory supervision under, 221
 charity law in, 214
 constitutional framework in, 216–17
 state and religion under, 215–17
 Law and Religious Market Theory in, 208,
 209–14
 incentives to change in, 213
 market regulatory functions in, 211–13
 military power as factor in, 212–13
 religious competition in, 213–14
 religious economic model in, 209–11
 legal framework in, 216–17
 market regulation in, 222–9
 under Charity Law, 222–3
 rationality and, recognition of, 222–5
 regulation of religion in, 216–17
 religious competition in
 entitlements and, 228–9
 extrinsic factors for, 228–9
 freedom of religion influenced by, 227
 in Law and Religious Market Theory, 213–14
 regulation of, 226–9
 restrictions on, 228
 religious demographics in, 215–16
 religious markets in, 225–9
 religious organizations in
 background for, 217–18
 charitable service provisions in, 217–21, 225–6
 social service provisions in, 217–21
 state encouragement of, 218–20
 social context in, for state and religion, 215–17
 social organizations in, legal status of, 220
 socialism in, 216–17
 Christianity. *See also* Catholicism; prophetic
 Christianity
 increased populations under, 2–3
 in Indonesia, 106, 108, 114
 Church of Scientology, 22–3
 civil authority, 80

- Civil Code, in Iraq, 306
 civil religion, 77
 in Singapore, 126
 colonialism
 in Asia, 1
 in Malaysia, 237
 in Myanmar, 173
 as religious pilgrimage, 1
 in Singapore, 257, 258
 in Sri Lanka, historical legacy of, 92–3
 Thirty Years Religious War and, 1
 command and control model, 42
 commercial interest, charity and, 214
 communalism, 295
 Communists
 in Indonesia, 114
 in Vietnam, 161
 communitarian ethos, 40
 compensation for injuries, under Iraqi law, 301
 competition. *See* religious competition
 complexity. *See* social complexity
 confessional states, 38, 40
 Confucianism, 2–3
 in Indonesia, 106, 113
 constitutional ethnography, 279
 constitutional globalization, 277
 constitutional jurisprudence, 276
 constitutional law
 in China, 216–17
 state and religion under, 215–17
 regulation of religion and, 39–41, 43, 52
 soft, 128, 131
 Constitutional Order (Singapore), 123–7
 anti-establishment clause, 125–6
 religious identity under, 124–5
 constitutional patriotism, 126
 constitutionalism
 Buddhist, 80–1, 97
 relational, 120–1, 127
 secular, 277
 constitutions
 in Indonesia, religion in, 100–1
 Provisional Constitution of 1950, 102–3
 religious freedom in, 25
 in Singapore, as Constitutional Order, 123–7
 anti-establishment clause, 125–6
 religious identity under, 124–5
 in Vietnam, regulation of religion under, 150–1
 Convention for the Elimination of all Forms of
 Discrimination against Women, 128
 cooperationist model, of state religion, 123
 co-regulation processes, 43
 corporatist accommodation, in Singapore, 257–8
 Country of Particular Concern (CPC), Myanmar
 as, 169–70
 cultural authority, 74
 cultural mandates, in Singapore, 270, 272–3
 cultural theory, 52
 culture wars, in Singapore, 139–43
 ‘Da’as Torah’ doctrine, 69–71
 Dalits, in India
 affirmative action for, 281–3
 as Christians, 282
 Muslim organizations for, 282–3, 292
 Daoism, 2–3
 Daw Aung San Suu Kyi, 169, 170, 185
 Declaration of Religious Harmony (Singapore), 51
 decline of belief, in secular theory, 4
 Degar Republic, in Vietnam, 159
 democracies. *See also* secular democracies
 pluralism and, 144
 depoliticization of religion, 291–6
 deprivation phenomenon, 5
 deviant sects, in Myanmar, 179–85
 definition of, by State Sangha Maha Nayaka
 Committee, 177–9
 Moepyar U Nyana, 183–5
 punishment of, 186
 regulation of, 186
 Vinaya tribunals, 179–81
 dialectical regulation, 34
 discursive process, of regulation, 34
 disobedience. *See* religious disobedience
 diversity, religious
 in Asia, 2–3. *See also specific countries*
 accommodation demands of, 3
 geopolitical factors for, 3–4
 inter-faith, 25
 intra-faith, 25–6
 as regulatory marker, 21
 principled pluralism and, 123
 Diwali, 29
 Doctrine of the Elders, 171–2
 Durkheim, Émile, 60–1, 77
 economic globalization, 277
 economic model. *See* religious economic model
 education. *See* religious education
 egalitarian societies, 40–1
 Emergency Provisions Act (1950) (Myanmar), 184
 Employment Act (Singapore), 266
 epistemic plurality, 34–5
 equality, 59–60
 in India, 281
 essence-based definitions, of regulation, 39
 for legal regulation, 147–8

- essential practices test, 31–3
 exclusivist bureaucratization, 189–90
- fatwas, 48
 fiqh (jurisprudence), 197, 200, 204
 Five Principles, in Indonesia, 99, 113
 fragmentation in meaning, 30
 free conscience, 120, 121–2, 126, 143
 freedom of religion, 25
 administrative reasonableness and, 234–6
 administrative unreasonableness and, 234–6
 in Canada, 28, 31
 in China, 227
 human rights and, 25, 233
 international, 119–20
 in India, 276
 legislative state and, 27
 operationalization of, 234
 principled pluralism and, 121–2
 in Singapore, 27–8, 258
 in Vietnam, 155–6
 acculturation mechanisms and, 166–7
 freedom of speech, in Singapore, 130–1
- ‘gdolei hador’, 69–70
 Geertz, Clifford, 11, 100–1
 gender practices, by religious minorities, 54
 globalization. *See* constitutional globalization;
 economic globalization
 ‘Great Unity’ strategy, 161–3
 grid, in cultural theory, 52
 groups, in cultural theory, 52
- Halakha*. *See* Jewish law
 Hanifah, Abu, 106
 harmony. *See* religious harmony; social harmony
 hawza, 191, 192, 196, 203–5
 heresy, 120
 heterodox beliefs, 24
 in Indonesia, 109–10
 Hinduism, 2–3
 essential practices test and, 31–3
 increased populations under, 2–3
 homosexuality, in Singapore, 140–2, 264–5
 Human Development Index, 7
 human rights. *See also* minority rights
 International Covenant on Civil and Political Rights, 234
 in Myanmar, violations of, 169–70
 religious freedom as part of, 25, 233
 forum externum aspect of, 233–4
 forum internum aspect of, 233–4
 statist approach to, 164
- Universal Declaration of Human Rights, 102–3, 234
 in Vietnam, 166
 Human Rights Watch, 154–5
 ‘hurting feelings’ argument, 68
- ICCPR. *See* International Covenant on Civil and Political Rights
 independence movement, in Indonesia, 100
 India
 affirmative action regime in, 278, 279–80, 281
 for caste groups, 281–3, 295
 for *Dalits* reservations, 281–3
 for Muslims, 284–5
 for other backward classes, 284–5
 for scheduled castes, 282–3
 anti-conversion laws in, 277
 Archana Reddy case, 286–9, 290–2, 296
 Buddhists in, 282
 caste in
 affirmative action regimes for, 281–3
 domestication of, 291–6
 among Muslims, 287
 other backward classes, 284–5
 scheduled castes, 282–3, 294
 social stratification of, 294–5, 297
 caste politics in, 282
 communalism in, 295
 Dalits in
 affirmative action for, 281–3
 as Christians, 282
 Muslim organizations for, 282–3, 292
 depoliticization of religion in, 291–6
 equality in, 281
 essential practices test in, 31–3
 freedom of religion in, 276
 Indra Sawhney case, 286–9
 minority inclusion in, claims for, 285–91
 Misra Commission in, 278, 285, 289–90
 Muslims in
 affirmative action regime for, 284–5
 caste among, 287
 Dalits as, 282–3, 292
 development deficits for, 288
 as illusory community, 286–9
 inclusion claims by, 285–91
 quota policy for, 286, 288, 289
 religious identity for, 289–91
 religious conversion in, 282
 religious minorities in, 293–4
 secular constitutionalism in, 277
 secularism in, 293, 295
 Sikhs in, 282
 individualist societies, 40–1

- Indonesia
Agama Djawa Asli Republik Indonesia in, 109–11
 Ahmadiyyah community in, 111–12
 Baha'i religion in, 114–15
 Bill on Protecting Religious Groups, 99
 Buddhism in, 113
 Christianity in, 106, 108, 114
 Communists in, 114
 Confucianism in, 106, 113
 fatwas in, 48
 Five Principles in, 99, 113
 independence movement in, 100, 101–2
 Islam in, 100–1
 promotion of, 101
 public acknowledgment of, 106
 legal structures in, 102–3
 Majelis Ulama Indonesia in, 48–9, 116
 Ministry of Religion, 100–1
 recognition of existing religions by, 105–7, 113
 religious holidays under, 106
 social harmony goals of, 103–4
 Ministry of Religious Affairs, 47
 Muslims in, 100–1
 national ideology in, 99, 113
 New Order regime in, 114
 patronage in, 105
 Provisional Constitution of 1950, 102–3
 regulation of religion in, 108–13
 of Balinese religions, 108
 changes to, 113–15
 contemporary challenges to, 115–16
 of fringe religious groups, 110–13
 of heterodox groups, 109–10
 of world religions, 108–9
 religion in
 definitions of, 99–100, 101, 102, 103–5, 115–16
 in Java provinces, 107
 marriage rights and, 105
 in national constitution, 100–1
 social harmony through, 103–4
 Sufi brotherhood in, 111
 Suharto in, 114
 Universal Declaration of Human Rights and, 102–3
Indra Sawhney case, 286–9
 intentionality, in religious regulation, 44, 57–8
 inter-faith diversity, of religion, 25
 International Covenant on Civil and Political Rights (ICCPR), 234
 international human rights, religious freedom and, 119–20
 Inter-Religious Organization (IRO), 51
 intra-faith diversity, 25–6
 Iran, 188–90
 Civil Code, 306
 Islamic law in, 194–5
 regulation of religion in, 188–9
 religious education in, 189, 190–9, 205–6. *See also* women
 bureaucratization of, 200–5, 206
 under Khomeini, 193–4, 196–9, 205–6
 under Khomeini, 192–6
 in Qom, 190, 192, 194, 195, 197
 through religious seminaries, 190–1, 192–9
 state changes to, 194–5
 Supreme Council of the Seminary, 196–9
 Shi'ism in, 188–9
 Shiite clerics in, 188–9
 Supreme Council of Cultural Revolution in, 199
 Iraq. *See also* Shi'ism
 Civil Code in, 306
 law in, 300–3
 compensation for injuries, 301
 for dissolution of marriage, 300–1
 for marriage, 299, 300, 301
 for physical abuse, 301
 tribal, 308–9, 310, 312
 legal pluralism in, 307–12
 Najaf, 192, 304–7, 309, 310, 311–12. *See also* Sistani, Ali
 as center of learning, 192
 jurists in, 305, 312
 Personal Status Code in, 300, 304, 305, 310
 personal status law in, 309
 Shi'i jurists in, 302–3
 in Najaf, 305, 312
 Quietism and, 302–3, 304–6, 312
 IRO. *See* Inter-Religious Organization
 Islam. *See also* Muslims
 heterodox beliefs, 24
 increased populations under, 2–3
 in Indonesia, 100–1
 promotion of, 101
 public acknowledgment of, 106
 jihadism, 33
 in Malaysia, 3
 orthodox beliefs, 24
 Qur'an and, 204
 radicalization, 33
 as state religion, 3
 Islamic Family Law (Federal Territories) Act (1984) (Malaysia), 240, 242
 Islamic law, 239. *See also* Shari'a
 apostasy under, 239
 in Iran, 194–5
 women's authority under, 201, 202

- Islamic Religious Council (MUIS), 125, 138
- Israel
 law and religion in, 61–5. *See also* Jewish law
 Torah, 64
 religion demographics in, 61–2
 Religious-Zionists in, 63–5
 Jewish law and, 64–5
 secular population in, 65
 Supreme Court in, 62, 64
 Ultra-Orthodox in, 63–5
- Israel Defense Force (IDF), 64–5
- James, William, 60–1
- Java, diversity of religion in, 107
- Jewish law
 'Da'as Torah' doctrine, 69–71
 Judaism and, 62–3
 Religious-Zionists and, 64–5
- jiḥādism, 33
- Judaism. *See also* Israel
 increased populations under, 2–3
 Jewish law and, 62–3
 Ultra-Orthodox, 63–5
- judges. *See* jurists
- jurisdiction, for shari'ah courts, 239
- jurisdictional control, in Sri Lanka, 81, 89–96
 under Buddhist Temporalities Ordinance, 91
 during nineteenth century, 92–4
 over monastic property, 90–2
 over monks, 89
- jurisprudence. *See also* fiqh
 constitutional, 276
- jurists
 guardianship of, 192
 in Najaf, 305, 312
 Shi'i, 302–3
 Quietism and, 302–3, 304–6, 312
- Kemal, Mustafa, 190, 191
- Khamenei, 'Ali, 190, 193–4, 195–9, 205–6
 women's religious education under, 203–5, 206
- Khomeini, Ruhollah (Ayatollah), 190, 192–6, 303
 religious education for women in, 201–2
- labor law, in Australia, 207
- Laffan, Michael, 101
- Larijani, Sadeq Ardeshtir, 195
- law. *See also* administrative law; constitutional law;
 legal regulation
 Islamic, 194–5
 Jewish, 62–3
 religion and, 9–11, 61–5
 Torah, 64
 religious personal, in Malaysia, 248
 socialist, 146–7
 tribal, in Iraq, 307–9, 310, 312. *See also* Iraq
- Law and Religious Market Theory, 208, 209–14
 incentives to change in, 213
 market regulatory functions in, 211–13
 military power as factor in, 212–13
 religious competition in, 213–14
 religious economic model in, 209–11
- Law on Belief and Religion (2016) (Vietnam), 45,
 152–6, 167–8
 legitimacy of, 156
 scope of, 156
- Law Relating to the Sangha Organization (1990)
 (Myanmar), 172, 182, 184–5
- Law to Protect Solution of Cases and Conflicts in
 Accordance with the Rules of the Order
 (1983) (Myanmar), 182, 184
- Lee Hsien Loong, 29, 131
- Lee Kuan Yew, 129, 269
- legal pluralism, 256, 257–60, 267–8, 273–4
 in Iraq, 307–12
 from patronage secularism, 274–5
- legal regulation
 definitions of, 147–8
 essence-based, 147–8
 pattern-based, 147–8
 economic activity through, 148
 macro-political linkages, 148
 in Vietnam, conceptual framework for, 147–50
 as scholarly inquiry, 147–8
 scope of, 147
- legitimacy, in Vietnam, for regulation of reli-
 gion, 168
 through acculturation mechanisms, 166
 under Law on Belief and Religion, 156
- Lenin, Vladimir I., 163
- liberalism
 authority and, 67–8
 regulation of religion and, 52–3
 religious institutions and, state institutions in
 conflict with, 59–60
 secular theory and, 5–6
 state institutions and, religious institutions in
 conflict with, 59–60
- liberal-secular states, 52, 53–4
- liberty, 59–60
- Lina Joy* case, 234–7, 244–53
 administrative law and, 244–7
 Muslim apostasy claims and, 248–53
 federal-state relations and, 251–3
 politicization of, 251–3
 proceduralizing of, 248–9
 regulation of, 249–51
 under state policy, 249–51

- National Registration Department, 244–9, 255
 Wednesbury reasonableness in, 245–6,
 247–53, 255
 literacy rates, for women, 200
 LoveSingapore movement, 269
- madrasas*. *See* religious seminaries
- Mahayana Buddhism, 171
- Maintenance of Religious Harmony Act (MRHA)
 (Singapore), 56, 128–9, 260–1
- Majelis Ulama Indonesia (MUI), 48–9, 116
- Malaysia. *See also* *Lina Joy* case
 administrative reasonableness in, 234–6
 administrative unreasonableness in, 234–6
 anti-colonial national movement in, 237
 bureaucratization of religion in, 46–7
 colonialist history in, 237
 Islam as state religion in, 3
 Islamic Family Law (Federal Territories) Act,
 240, 242
 Jabatan Kemajuan Islam Malaysia in, 46–7, 236,
 243–4, 252
 Johor Administration of Islamic Law
 Enactment, 242
 Kedah Administration of Muslim Law
 Enactment, 240–1
 Muslim apostasy in, 241–2
 National Registration Department in, 236
 in *Lina Joy* case, 244–9, 255
 Parti Islam Se-Malaysia in, 242–3
 regulation of religion in, 46
 religious conversion in, 125
 legal debates over, 238–42
 for Muslims, 237–44
 political debates over, 242–4
 religious freedom in, 254
 religious personal law in, 248
 Selangor Administration of Muslim Law
 Enactment, 240
 shari'ah courts in, 238, 241–2, 246
 United Malay Nationalist Organization, 237,
 242–3
 Zakat administration in, 46–7
- marginalization of religion, 4
- markers, regulatory, 12, 30–5
 capacious definition of religion, 30–1
 dialectical process, 34
 discursive process, 34
 epistemic plurality, 34–5
 essential practices test, 31–3
 regulatory dynamism, 33–4
 scope of, 19
- market regulation
 in Australia, 207
- in China, 222–9
 under Charity Law, 222–3
 rationality and, recognition of, 222–5
 in Law and Religious Market theory, 211–13
- marriage
 in Indonesia, 105
 under Iraqi law, 299, 300, 301
 for dissolution of marriage, 300–1
 Shi'ism and, 299
- Marxist-Leninist atheism, 159, 162
- megachurches, in Singapore, 261–2, 263–4
- militant secularism, rejection of, 120
- Mill, John Stuart, 68
- Ministry of Religion, in Indonesia, 100–1
 recognition of existing religions by, 105–7, 113
 religious holidays under, 106
 social harmony goals of, 103–4
- Ministry of Religious Affairs (MORA), 47
- minorities. *See also* women
 in India, 285–91
 religious, 11, 12, 41, 56
 gender practices by, 54
 in India, 293–4
- minority rights, 15
- Misra Commission, 278, 285, 289–90
- modernity, secular theory and, 8
- modes of religious regulation, 44–51
 co-regulation, 48–9
 through legislative rules, 44–6
 public, 46–7
 self-regulation, 49–51, 54
- Moepyar U Nyana sect, 183–5
- monastic land, 25
- monasticism, Buddhism and, 80–1
- monks
 castes among, 89–90
 in Myanmar, legal orders for, 176–7
saṅgha, 80–1, 82
saṅgha monks
 hierarchical order for, 83
 reform movements for, 84
 in Sri Lanka, 90–2
- in Sri Lanka
 fraternities for, 89–90
 jurisdictional control over, 89, 96
 in political parties, 95–6
 property of, 90–2
saṅgha monks, 90–2
- multiculturalism, rejection of, 120
- Muslims. *See also* India, Muslims in
 increased populations of, 2–3
 in Indonesia, 100–1
 in Myanmar, 169–70
 religious personal law for, 248

- Muslims (cont.)
 Rohingya, 169–70
 in Singapore, 141
- Myanmar
 British colonization of, 173
 Buddhism in
 sects of, 175–6
 types of, 171
 as CPC, 169–70
 deviant sects in, 179–85
 definition of, by State Sangha Maha Nayaka
 Committee, 177–9
 Moepyar U Nyana, 183–5
 punishment of, 186
 regulation of, 186
 Vinaya tribunals, 179–81
 Emergency Provisions Act, 184
 human rights violations in, 169–70
 Law Relating to the Sangha Organization, 172,
 182, 184–5
 Law to Protect Solution of Cases and Conflicts
 in Accordance with the Rules of the Order,
 182, 184
 National League for Democracy in, 169
 nuns in, 182
 regulation of religion in, 46, 173–4
 legal acts for, 173
 under Monastic Code of Conduct, 173–4
 Rohingya Muslims in, 169–70
 Saffron Revolution in, 169
 State Sangha Maha Nayaka Committee, 170,
 179–85
 definition of deviance for, 177–9
 purpose of, 179
 Theravāda Buddhism in, 169–70, 171–7, 185
 Buddhist Councils and, 172
 definitions of, 171–2
 Doctrine of the Elders in, 171–2
 legal orders for monkhood, 176–7
 Vinaya rules in, 176
 Vinaya in
 as deviant sect, 179–81
 Theravāda Buddhism and, 176
- Najaf, 302, 304–7, 309, 310, 311–12. *See also*
 Sistani, Ali
 as center of learning, 192
 jurists in, 305, 312
 al-Najafi, Mohammad Hasan, 309
 National League for Democracy, 169
 National Registration Department (NRD), 236
 in *Lina Joy* case, 244–9, 255
 nationalism, 77–8
 ‘Neturei Karta’, 76–7
- New Order regime, in Indonesia, 114
 NRD. *See* National Registration Department
- OBCs. *See* other backward classes
 official control, 81
 in Thailand, 81–9
 Ordinance on Belief and Religion (2004)
 (Vietnam), 45, 151–2
 implementation provisions in, 152
 scope of, 151–2
 orthodox beliefs, 24
 other backward classes (OBCs), 284–5
- Pakistan, Islam as state religion in, 3
 Parti Islam Se-Malaysia (PAS), 242–3
 patriotism
 constitutional, 126
 in Vietnam, 161
 patronage secularism, 256, 257–60, 268–9
 development of, 260
 legal pluralism as consequence of, 274–5
 renewal of, 269–70
 pattern-based definitions, of legal regulation, 147–8
 Personal Status Code, in Iraq, 300, 304, 305, 310
 personal status law, in Iraq, 309
 physical abuse, under Iraqi law, 301
 pluralism. *See also* principled pluralism
 defined, 120–1
 democracy and, 144
 legal, 256, 257–60, 267–8
 from patronage secularism, 274–5
 religious, 2
 religious regulation influenced by, 39
 plurality. *See* epistemic plurality
 polycentric regimes, 42, 43–4
 post-secularism
 in Asia, 7–9
 definitions of, 7–8
 principled pluralism
 core values of, 121–7
 public squares under, 122
 reasonable accommodation principles, 122
 recognition of religion, 122
 religious autonomy, 123
 religious diversity, 123
 religious liberty, 121–2
 defined, 120, 144
 militant secularism and, rejection of, 120
 multiculturalism and, rejection of, 120
 scope and definition of, 121–3
 in Singapore, 123–7, 137–8, 144–5
 Singapore Constitutional Order and, 123–7
 anti-establishment clause, 125–6
 religious identity under, 124–5

- theocracy and, rejection of, 120
- privatization thesis, 5
- prophetic Christianity, in Singapore, 260–74
 - growth of megachurches for, 261–2, 263–4
 - homosexuality and, 264–5
 - National Council of Churches and, 262, 268
 - treatment of adultery in, 264–70
- Provisional Constitution of 1950 (Indonesia), 102–3
- public interest
 - regulation in name of, 207
 - religious regulation and, 43
 - in Vietnam, 149
- public regulation, 46–7, 49, 50, 58, 148
 - private self-regulation and, 48, 50
- public religions, 6
- public spheres, differentiation from private
 - spheres, 4, 6
- public square, 122, 136–8
- Qom, as center of learning, 190, 192, 197
 - Society of Teachers of the Qom Seminaries, 194, 195
- quasi-autonomous non-government organization (quango), 48–9
- Quietism, 302–3, 304–6, 312
- Qur'an, 204
- radicalization, 33
- Rāmañña Nikāya* fraternity, 89–90
- rationality
 - market regulation and, recognition of, 222–5
 - in religious economic model, 209–10
- reasonable accommodation principles, 122
- regulation. *See also* legal regulation; market
 - regulation; public regulation; self-regulation
- contexts for, 20–7
 - demographic, 20–2
 - intra-faith challenges, 25–6
 - polarization, 26–7
 - religious diversity, 21
- definition of, 10
 - challenges with, 22–5
- markers, 12, 30–5
 - capacious definition of religion, 30–1
 - dialectical process, 34
 - discursive process, 34
 - epistemic plurality, 34–5
 - essential practices test, 31–3
 - regulatory dynamism, 33–4
 - scope of, 19
- public interest as justification for, 207
- scope of, 10–11, 36–7
- states' role in, 27–30
 - administrative, 28–9
 - bureaucratic, 28–9
 - legislative, 27
 - political statements and, 29
- table of cases, 37
- regulation of religion, 9–11
 - in Asia, 9–11. *See also specific countries*
 - authoritative rules in, 42
 - bureaucratization in, 46–7
 - command and control model, 42
 - communitarian influences on, 40
 - conceptualization of, 40–1, 42
 - in confessional states, 38, 40
 - constitutional law and, 39–41, 43, 52
 - co-regulation processes, 43
 - definitions of, 38–9, 42
 - essence-based, 39
 - in egalitarian societies, 40–1
 - expansion of, 41–4
 - in individualist societies, 40–1
 - intentionality in, 44, 57–8
 - through Islamic Religious Council, 48–9
 - judicialization and, 40
 - under Law on Belief and Religion, 45
 - liberalism and, 52–3
 - in Malaysia, 46
 - modes of, 44–51
 - co-regulation, 48–9
 - through legislative rules, 44–6
 - public, 46–7
 - self-regulation, 49–51, 54
 - non-binding rules in, 42
 - non-economic goals of, 43
 - non-state processes, 42
 - under Ordinance on Belief and Religion, 45
 - pluralism as influence on, 39
 - public interest and, 43
 - purpose of, 39–44, 143
 - regimes of, 51–7
 - liberal-secular states, 52, 53–5
 - in non-liberal regimes, 55–7
 - polycentric, 42, 43–4
 - religious market theory and, 187–8
 - religious uniformity through, 56–7
 - social, 42
 - social policies through, 43
 - under Society Act, 44–5
 - through state agencies, 46–7
 - in Thailand, 96–8
 - unintentional processes, 42
 - as universal phenomenon, 187–90
- relational constitutionalism, 120–1, 127

- religion, in Asia. *See also* civil religion; freedom; regulation of religion; religious authority; state religion; *specific countries*
 anthropologists of, 188
 authority of, 60, 80. *See also* theocracy
 women and, 201, 202
 bureaucratization of, 46–7
 in women's religious education, 189–90
 charity and, 9
 civil, 77
 through colonialism, 1
 competition and. *See* religious competition
 definitions of, 99, 101, 102
 capacious, 30–1
 diversity of, 2–3. *See also specific countries*
 accommodation demands and, 3
 geopolitical factors for, 3–4
 inter-faith, 25
 intra-faith, 25–6
 as regulatory marker, 21
 economic model. *See* religious economic model
 education and. *See* religious education
 harmony as result of, 56
 law and, 9–11
 marginalization of, 4
 minorities and, 11, 12, 41, 56
 gender practices by, 54
 pluralism and, 2
 public, 6
 separation of state and, in secular theory, 7, 8–9
 sociologists of, 188
 state, 3
 religious authority, 60, 68–71
 'hurting feelings' argument, 68
 women as, under Islamic law, 201, 202
 religious competition, 213–14
 in China
 entitlements and, 228–9
 extrinsic factors for, 228–9
 freedom of religion influenced by, 227
 in Law and Religious Market Theory, 213–14
 regulation of, 226–9
 restrictions on, 228
 religious conversion, 233. *See also* Lina Joy case
 anti-conversion laws, in India, 277
 in India, 282
 in Malaysia, 125
 legal debates over, 238–42
 for Muslims, 237–44
 political debates over, 242–4
 religious disobedience, 74
 religious economic model, 209–10
 rationality in, 209–10
 success in, 210
 supernatural forces in, 211
 religious education
 in Iran, 189, 190–9, 205–6. *See also* women
 bureaucratization of, 200–5, 206
 under Khomeini, 193–4, 196–9, 205–6
 under Khomeini, 192–6
 in Qom, 190, 192, 194, 195, 197
 through religious seminaries, 190–1, 192–9
 state changes to, 194–5
 Supreme Council of the Seminary, 196–9
 in Iraq, 192
 religious freedom. *See* freedom of religion
 religious harmony
 in Indonesia, 103–4
 in Singapore, 55–6
 Declaration of Religious Harmony, 51
 Maintenance of Religious Harmony Act, 56, 128–9
 religious institutions, state institutions in conflict with, 59–61
 authority and, 66
 over values, 59–60
 political liberalism and, 59–60
 religious organizations, in China
 background for, 217–18
 charitable service provisions in, 217–21, 225–6
 social service provisions in, 217–21
 state encouragement of, 218–20
 religious personal law, in Malaysia, 248
 religious seminaries (*madrasas*), in Iran, 190–1, 195, 196–9
 under Khomeini, 193–4
 under Khomeini, 192–6
 religious uniformity, 56–7
 religious volunteers, 135
 Religious-Zionists, 63–5
 Jewish law and, 64–5
 state authority and, 73
 Rohingya Muslims, 169–70
 sacrality, 75–6
 construction of, 76
 sacred, 60–1
 as concept, 75–6
 protection of, 75–8
 public squares as, 122
 Saffron Revolution, 169
 Saṅgha Act (1902) (Thailand), 85
 Saṅgha Act (1962) (Thailand), 81–5
 origins of, 83
 saṅgha monks under, 80–1, 82, 83, 84
 saṅgha monks
 in Sri Lanka, 90–2
 in Thailand, 80–1, 82

- hierarchical order for, 83
- reform movements for, 84
- SCCR. *See* Supreme Council of Cultural Revolution
- Scheduled Castes (SCs), 282–3, 294
- SCs. *See* Scheduled Castes
- sects. *See* deviant sects
- secular constitutionalism, 277
- secular democracies, 267–8
- secular liberalism, authority and, 67–8
- secular theory, 4–9
 - Asia and, 4–6
 - reconceptualization of theory in, 7–9
 - decline of belief in, 4
 - deprivation phenomenon and, 5
 - differentiation of public and private spheres, 4, 6
 - fragmentation in meaning and, 30
 - liberalism and, 5–6
 - marginalization of religion in, 4
 - modernity and, 8
 - privatization thesis in, 5
 - separation of religion and state in, 7, 8–9
 - in Western contexts, 4, 8–9
- secularism. *See also* post-secularism
 - affirmative action and, 279–80
 - defined, 5
 - in India, 293, 295
 - in Israel, 65
 - militant, 120
 - patronage, 256, 257–60, 268–9
 - development of, 260
 - legal pluralism as consequence of, 274–5
 - renewal of, 269–70
 - secure, 187–8
 - in Singapore, 126–7
 - strict, 5–6
- secure secularization, 187–8
- Sedition Act (Singapore), 130
- self-regulation, of religion, 49–51
 - mandated, 50, 54
- shari'ah courts
 - jurisdictional authority of, 239
 - in Malaysia, 238, 241–2, 246
- Shi'ism
 - intentional injury victims in, 299
 - in Iran, 188–9
 - jurists and, 302–3
 - in Najaf, 305, 312
 - Quietism and, 302–3, 304–6, 312
 - marriage laws in, 299
 - precaution principle in, 299
 - Twelve, 298
- Shiite seminaries, in Iran, 190–1, 192–6
- Shintoism, 2–3
- Sikhism, 2–3
 - in India, 282
- Singapore
 - Administration of Muslim Law Act, 125, 257–8
 - banking reform proposals in, 138
 - Buddhism in, 135–6
 - as capitalist autocracy, 259
 - Charities Act, 259
 - churches as secular corporations, 270–4
 - civil religion in, 126
 - colonial history of, 257, 258
 - Companies Act, 259
 - Constitutional Order, 123–7
 - anti-establishment clause, 125–6
 - religious identity under, 124–5
 - corporatist accommodation in, 257–8
 - cultural mandates in, 270, 272–3
 - culture wars in, 139–43
 - Declaration of Religious Harmony in, 51
 - Employment Act, 266
 - freedom of religion in, 27–8, 258
 - freedom of speech in, 130–1
 - homosexuality in, 140–2
 - Inter-Religious Organization in, 51
 - Islamic Religious Council in, 125, 138
 - judicial court in, 27–8
 - legal pluralism in, 256, 257–60, 267–8, 273–4
 - LoveSingapore movement, 269
 - Maintenance of Religious Harmony Act, 56, 128–9, 260–1
 - missionary history in, 260
 - Muslims in, 141
 - patronage secularism in, 256, 257–60, 268–9
 - development of, 260
 - legal pluralism as consequence of, 274–5
 - renewal of, 269–70
 - principled pluralism in, 123–7, 137–8, 144–5
 - prophetic Christianity in, 260–74
 - growth of megachurches for, 261–2, 263–4
 - homosexuality and, 264–5
 - National Council of Churches and, 262
 - treatment of adultery in, 264–70
 - public squares in, 122, 136–8
 - racial-religious harmony in, 55–6
 - regulation of religion in, 51, 126, 127–43
 - through balancing of religious interests, 132–5
 - through civil orders, 137
 - consultive leaders and, 136–8
 - through controllers, 128–32
 - cooperative partners in, 135–6
 - through public orders, 132–5
 - religious diversity in, 2, 121
 - religious harmony in, 55–6
 - Declaration of Religious Harmony, 51

- Singapore (cont.)
 Maintenance of Religious Harmony Act, 56,
 128–9
 religious volunteers in, 135
 rule of law in, 127
 as secular democracy, 267–8
 secularism in, 126–7
 Sedition Act, 130
 Societies Act, 44–5, 132, 259
 as soft authoritarian state, 128
 soft constitutional law in, 128, 131
 Taoists in, 131
 terrorist threats in, 128
 Undesirable Publications Act, 132
 urban planning in, for religious purposes, 259
 Sistani, Ali (Grand Ayatollah), 298–302, 304–7
Siyam Nikāya fraternity, 89–90
 social complexity, in Vietnam, 147
 social harmony, in Indonesia, 103–4
 social organizations, in China, 220
 social policies, through religious regulation, 43
 social regulation of religion, 42
 social stratification, in India, 294–5, 297
 social welfare, 9
 socialism, in China, 216–17
 socialist institutional space, 158–67
 expansion of, 164–7
 ‘Great Unity’ strategy, 161–3
 for Marxist-Leninist atheism, 159, 162
 socialist legality, in Vietnam, 163–4
 characteristics of, 163
 scope of, 163–4
 socialist regimes, Vietnam as, 159–61
 Societies Act (Singapore), 44–5, 132,
 259
 soft constitutional law, 128, 131
 Sri Lanka
 Buddhism as state religion in, 89–90
 colonialism in, historical legacy of, 92–3
 jurisdictional control in, 89–96
 under Buddhist Temporalities Ordinance, 91
 during nineteenth century, 92–4
 over monastic property, 90–2
 over monks, 89
 monks in
 fraternities for, 89–90
 jurisdictional control over, 89, 96
 in political parties, 95–6
 property of, 90–2
saṅgha monks, 90–2
 regulation of religion in, 96–8
 regulatory crises in, 94–6
 SSMNC. *See* State Sangha Maha Nayaka
 Committee
 state authority, 71–5
 over Gaza disengagement, 73–4
 over religious disobedience, 74
 Religious-Zionists and, 73
 Ultra-Orthodox response to, 71–2
 state institutions, religious institutions in conflict
 between, 59–61
 authority and, 66
 over values, 59–60
 political liberalism and, 59–60
 state religions, 3
 cooperationist model of, 123
 State Sangha Maha Nayaka Committee (SSMNC)
 (Myanmar), 170, 179–85
 definition of deviance for, 177–9
 purpose of, 179
 stateness, 97
 statist human rights, 164
 Statman, Daniel, 68
 stratification. *See* social stratification
 strict secularism, 5–6
 Sufi brotherhood, 111
 supernatural forces, in religious economic
 model, 211
 suprarationality, 35
 Supreme Court, in Israel, 62, 64

Talmud, 68–9
 Taoists, 131
 Taylor, Charles, 5, 257, 274
 Thailand
 official control in, 81–9
 regulation of religion in, 96–8
 regulatory crises in, 85–9
 Saṅgha Act (1902), 85
 Saṅgha Act (1962), 81–5
 origins of, 83
saṅgha monks under, 80–1, 82, 83,
 84
 Wat Phra Dhammakaya movement in, 86–9
 Theravāda Buddhism, in Myanmar, 169–70,
 171–7
 Buddhist Councils and, 172
 definitions of, 171–2
 Doctrine of the Elders in, 171–2
 legal orders for monkhood, 176–7
 Vinaya rules in, 176
 Thirty Years Religious War, 1
 Tibetan Buddhism. *See* Vajrayana Buddhism
 Tin Maung Maung Than, 170
Torah, 64
 tribal law, 307–9, 310,
 312
 Twelver Shi’ism, 298

- UBSV. *See* Unified Buddhist Sangha of Vietnam
 UDHR. *See* Universal Declaration of Human Rights
 Ultra-Orthodox Judaism, 63–5
 authority and, 66–71
 ‘Da’as Torah’ doctrine, 69–71
 by ‘gdolei hador’, 69–70
 state, 71–2
 in *Talmud*, 68–9
 disengagement from Jewish population and, 76
 ‘Neturei Karta’ and, 76–7
 UMNO. *See* United Malay Nationalist Organization
 Undesirable Publications Act (Singapore), 132
 Unified Buddhist Sangha of Vietnam (UBSV), 160
 United Malay Nationalist Organization (UMNO), 237, 242–3
 United States (US), separation of church and state in, 33, 187
 United States Commission on International Religious Freedom (USCIRF), 169–70
 Universal Declaration of Human Rights (UDHR), 102–3, 234
 US. *See* United States
 Vajrayana Buddhism, 171
 VBC. *See* Vietnam Buddhist Church
 Vietnam
 acculturation mechanisms in, 165–7
 complexity in state management of religion, 167
 human rights and, 166
 internalization of freedom of religion, 166–7
 legitimacy through, 166
 Buddhism in, 160
 Catholicism in, 160–1
 communist ideology in, 161
 Degar Republic in, 159
 freedom of religion in, 155–6
 acculturation mechanisms and, 166–7
 as highly-regulated state, 146
 Law on Belief and Religion, 45, 152–6, 167–8
 legitimacy of, 156
 scope of, 156
 legal regulation in, conceptual framework for, 147–50
 as scholarly inquiry, 147–8
 scope of, 147
 methodological approach to, 146–7
 officially recognized religions in, demographics for, 146
 Ordinance on Belief and Religion, 45, 151–2
 implementation provisions in, 152
 scope of, 151–2
 patriotism in, 161
 regulation of religion in
 binding standard-setting in, 150–6
 in Constitution, 150–1
 defined, 149
 framework for, 150–8
 institutional theories for, 149
 through laws, 150–6
 legitimacy of, 168
 through monitoring institutions, 156–7
 private interest theories for, 149
 public interest theories for, 149
 revolutionary approach to, 162–3
 through sanctioning, 157–8
 statist rights and, 164
 regulatory space in, 149–50
 social complexity in, 147
 socialist institutional space in, for religion, 158–67
 expansion of, 164–7
 ‘Great Unity’ strategy, 161–3
 for Marxist-Leninist atheism, 159, 162
 socialist legality in, 163–4
 characteristics of, 163
 scope of, 163–4
 as socialist regime, 159–61
 Unified Buddhist Sangha of Vietnam in, 160
 Vietnam Buddhist Church (VBC), 160
 Vinaya
 as deviant sect, 179–81
 Theravāda Buddhism and, 176
 Wat Phra Dhammakaya movement, 86–9
 Weber, Max, 60–1
Wednesbury reasonableness, 245–6, 247–53, 255
 welfare. *See* social welfare
 women
 religious authority of, in Islam, 201, 202
 religious education for, in Iran
 administrative changes for, 203–5
 bureaucratization of, 200–5, 206
 in girls schools, 201
 hawza system for, 203–5
 under Khomeini, 203–5, 206
 under Khomeini, 201–2
 literacy rates, 200
 during 1979 Revolution, 201–3
 Qur’an, 204
 Zakat administration, 46–7, 239