



# Religion as Moral Governance: Power, Exclusion, and Human Rights in Southeast Asia

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**Abstract:** Religion plays a central role in shaping governance, legal authority, and moral legitimacy across Southeast Asia. While commonly framed as a source of ethical guidance and social cohesion, religion also functions as a system of moral governance that structures public policy, regulates social behavior, and delineates the boundaries of legitimate citizenship. Focusing on the Philippines, Indonesia, Malaysia, Thailand, Myanmar, Vietnam, and Brunei, this study examines religion not merely as belief or identity but as an institutionalized framework through which power, discipline, and exclusion are enacted. Drawing on comparative policy analysis, legal review, and synthesis of secondary qualitative evidence, the analysis demonstrates how religious doctrines are translated into law, enforcement practices, and administrative governance across Christian, Islamic, and Buddhist contexts. The findings show that religious moral frameworks are deeply embedded in state institutions governing family law, gender relations, sexuality, religious freedom, and citizenship. While these frameworks contribute to political legitimacy and social order, they simultaneously generate systematic exclusions affecting women, religious minorities, sexual minorities, indigenous communities, and stateless populations. Moral regulation—often justified as the preservation of cultural authenticity or religious values—renders access to rights and legal protection conditional on conformity to dominant norms, producing governance fragility in which human rights protections are uneven and vulnerable to political mobilization. This study concludes that sustainable human rights protection in Southeast Asia requires recognizing religion as a core component of governance and addressing moral governance as a structural determinant of rights outcomes in plural societies.

**Keywords:** religion and governance, moral regulation, human rights, Southeast Asia, religious nationalism, legal pluralism, social exclusion.

## INTRODUCTION

Moral governance constitutes a central pillar of political legitimacy, social regulation, and state authority across Southeast Asia. Religion, far from operating solely as a private system of belief or cultural identity, functions as a governing framework that shapes law, public policy, and access to rights. Across the region, religious doctrines and institutions define norms of citizenship, regulate intimate and social behavior, and establish moral boundaries that determine who is protected by the state and who remains vulnerable or excluded. This dynamic reveals a structural contradiction at the heart of governance in Southeast Asia: religion is mobilized to sustain social order and political legitimacy while simultaneously producing systematic exclusions that undermine universal human rights.

This paradox is most visible in policy domains where moral authority is institutionalized through law and enforcement. In the Philippines, Catholic doctrine continues to shape family law, reproductive policy, and the legal prohibition of divorce, constraining women's autonomy and access to legal remedies. In Indonesia and Malaysia,

Sharia-influenced regulations govern aspects of personal conduct, sexuality, and religious identity, disproportionately affecting women, religious minorities, and sexual minorities. In Thailand and Myanmar, Buddhist nationalism has become deeply entangled with state power, legitimizing exclusionary citizenship regimes and, in extreme cases, mass displacement and violence against religious minorities. Across these contexts, exclusion is rarely framed as discrimination. Instead, it is justified through moral language—presented as the preservation of religious values, cultural authenticity, or social harmony.

Moments of political crisis, moral panic, and social change have repeatedly exposed the fragility of rights protections under religious moral governance. Enforcement surges targeting “immorality,” restrictions on religious conversion, crackdowns on sexual minorities, and citizenship exclusions reveal how quickly rights can be curtailed when governance relies on moral conformity rather than legal equality. These episodes demonstrate that human rights protections in Southeast Asia are often contingent rather than universal—dependent on alignment with dominant religious norms and vulnerable to reinterpretation by political and religious elites.

This article examines religion as a system of moral governance in Southeast Asia, with particular attention to how religious authority is translated into law, policy, and enforcement practices that shape human rights outcomes. Adopting a comparative and interdisciplinary framework, the study integrates political theology, moral regulation theory, and human rights analysis to assess how Christianity, Islam, and Buddhism operate as governing logics across the Philippines, Indonesia, Malaysia, Thailand, Myanmar, Vietnam, and Brunei. Rather than treating religion as external to governance, the analysis positions it as a core institutional mechanism through which power is exercised, legitimacy is produced, and exclusion is normalized.

The central argument advanced in this article is that religion functions as a structural determinant of human rights outcomes in Southeast Asia. Religious moral governance stabilizes political authority and social order by providing normative legitimacy, yet it does so by externalizing the social and legal costs of moral regulation onto marginalized populations. Women, religious minorities, sexual minorities, indigenous communities, and stateless groups disproportionately bear these costs, experiencing restricted access to legal protection, social services, and full citizenship. Moral governance thus generates a form of governance fragility in which rights are uneven, conditional, and highly sensitive to political mobilization and moral discourse.

This study contributes to existing scholarships in three keyways. First, it reframes religion from a cultural or normative influence into a governance system with measurable legal and policy effects. Second, it bridges debates in political theology and human rights by demonstrating how moral regulation operates as a mechanism of exclusion rather than merely a site of value conflict. Third, it challenges policy frameworks that separate religious freedom from broader governance concerns, arguing instead that religion must be analyzed as an integral component of state power and rights allocation.

The sections that follow develop this argument systematically. The next section presents the statement of the problem and research questions guiding the analysis. This is followed by a review of the literature on religion, moral regulation, and human rights, situating Southeast Asia within broader comparative debates. Subsequent sections outline the methodological approach and present comparative findings on how religious moral

governance shapes legal structures and rights outcomes across different national and religious contexts. The article concludes by discussing policy implications and proposing pathways for reconciling religious authority with inclusive and resilient human rights governance in plural societies.

### **Statement of the Problem**

This study examines the role of religion as a system of moral governance in Southeast Asia and the structural mechanisms through which religious authority shapes public policy, legal access, and human rights outcomes. Across the region, religious doctrines and institutions are deeply embedded in state structures, influencing legislation, administrative practices, and enforcement regimes governing family life, sexuality, religious freedom, and citizenship. While these arrangements are often justified as necessary for maintaining social order, moral integrity, or cultural authenticity, they raise critical questions regarding equality before the law, protection of minority rights, and the universality of human rights.

Despite extensive scholarships on religion and politics, existing studies frequently treat religion as a cultural or ideological influence rather than as an institutionalized governance framework with measurable policy effects. As a result, the structural relationship between religious moral regulation and rights exclusion remains insufficiently theorized and empirically integrated, particularly in comparative analyses of Southeast Asia. This gap limits the ability of policymakers, scholars, and human rights practitioners to assess how religious authority operates within legal systems to produce patterned forms of inclusion and exclusion.

This study addresses this gap by analyzing religion as a governing logic that conditions access legal protection, social recognition, and full citizenship. Specifically, it investigates how religious moral norms are translated into law and policy, how enforcement practices operationalize moral regulation, and how these processes affect marginalized populations across different religious and political contexts in Southeast Asia.

Guided by this objective, the study seeks to answer the following research questions:

1. How does religion function as a system of moral governance within Southeast Asian states, beyond its role as belief or cultural identity?
2. Through what legal, institutional, and enforcement mechanisms are religious moral norms incorporated into public policy and state governance?
3. Which populations experience systematic exclusion or vulnerability under religious moral governance regimes, and in what policy domains are these exclusions most pronounced?
4. How do religious moral regulation and religious nationalism affect access to citizenship, legal protection, and the realization of human rights?
5. What policy and governance interventions can mitigate rights exclusion while accommodating religious authority within plural and democratic frameworks?

By addressing these questions, this study aims to clarify the structural foundations of moral governance in Southeast Asia and to assess its implications for human rights protection, social inclusion, and political stability. Understanding how religion operates as a governing system—rather than merely a moral discourse—is essential for developing

policies that promote legal equality, protect vulnerable populations, and strengthen human rights resilience in religiously plural societies.

## **LITERATURE REVIEW**

### **Religion as Moral Governance and the Regulation of Social Order**

Religion has long been understood as a foundational source of moral authority, collective identity, and social cohesion. Classical sociological theorists emphasized religion's role in producing shared moral norms that stabilize societies and generate collective conscience (Durkheim, 1912/1995). In this view, religion functions as a unifying moral force that undergirds social order by delineating acceptable behavior and reinforcing communal values. While this perspective remains influential, contemporary scholarship increasingly challenges purely normative interpretations of religion by emphasizing its institutional, political, and regulatory dimensions.

Recent interdisciplinary research conceptualizes religion as a system of moral governance—an institutionalized framework through which moral norms are translated into law, public policy, and administrative practice (Fox, 2018; Hurd, 2015). Moral governance refers to the processes by which authorities define moral standards, institutionalize them through legal mechanisms, and enforce compliance across society (Hunt, 1999). When religious doctrine supplies the normative content of these standards, religion becomes a governing logic rather than a private belief system. This shift in analytical focus is particularly relevant in Southeast Asia, where religious authority is deeply embedded in state institutions and political legitimacy (Casanova, 2019).

Scholars argue that religious moral governance is most powerful when it operates simultaneously at legal, institutional, and cultural levels. Religious norms shape legislation and judicial decisions, guide administrative enforcement, and inform social expectations that encourage voluntary compliance (Foucault, 1978; Fox, 2018). As a result, religion influences not only individual morality, but also structural outcomes related to citizenship, rights allocation, and access to state protection. This perspective reframes religion as a structural determinant of governance outcomes rather than a background cultural variable.

### **Historical Foundations of Religious Authority in Southeast Asian Governance**

The entanglement of religion and governance in Southeast Asia is historically rooted and institutionally durable. Pre-colonial political systems derived legitimacy from religious cosmologies that linked rulers to divine or moral authority, positioning religion as foundational to political order (Tambiah, 1976). Kings were expected to embody religious virtue and protect religious institutions, establishing a reciprocal relationship between moral authority and political power.

Colonial administrations frequently reinforced these arrangements rather than dismantling them. By governing through religious elites and codifying religious norms into law, colonial powers preserved existing moral hierarchies while facilitating indirect rule (Anderson, 1990). This strategy enabled colonial regimes to maintain control while minimizing resistance, as religious authorities conferred legitimacy on colonial governance structures.

Following independence, post-colonial states inherited these institutional configurations. Religious authority became embedded in constitutions, legal systems, and national identities, often framed as essential to cultural authenticity and social cohesion (Casanova, 2019). In many Southeast Asian countries, dominant religious traditions were aligned with national identity, transforming religion into a marker of legitimate citizenship. This historical trajectory explains why religious moral governance remains a powerful and persistent feature of contemporary governance, even in formally secular states (Fox, 2018).

### **Legal Pluralism and the Institutionalization of Moral Norms**

Legal pluralism constitutes a central mechanism through which religious moral governance operates in Southeast Asia. Rather than establishing a uniform legal system, many states maintain parallel or overlapping legal regimes in which religious law governs specific populations or domains such as family life, marriage, divorce, inheritance, and religious conversion (Hooker, 2008). This arrangement allows governments to claim respect for religious traditions while selectively enforcing moral norms through institutional channels.

Scholars have shown that legal pluralism often produces unequal access to rights and legal remedies. When religious courts or regulations override constitutional guarantees of equality, individuals' rights become contingent on religious affiliation and conformity (Peletz, 2018). Women, religious minorities, and converts are particularly affected, as religious law frequently institutionalizes gender hierarchies and restricts individual autonomy (Bowen, 2003). Although framed as cultural accommodation or religious freedom, legal pluralism can function as a mechanism of exclusion that legitimizes differential treatment under the law (Hurd, 2015).

This institutionalization of moral norms blurs the boundary between religious authority and state power. Legal pluralism enables states to externalize responsibility for rights restrictions onto religious institutions, while simultaneously benefiting from the moral legitimacy those institutions confer. As a result, moral governance becomes embedded within legal systems in ways that are difficult to challenge through conventional rights-based advocacy.

### **Moral Regulation, Enforcement, and Social Control**

Religious moral governance operates not only through formal legal structures but also through enforcement practices and informal systems of social control. Enforcement is often carried out by a combination of state agencies, religious authorities, and community actors who monitor behavior and sanction moral transgressions (Buehler, 2016; Peletz, 2018). This diffusion of enforcement responsibility limits accountability and normalizes moral surveillance.

Empirical studies indicate that moral policing disproportionately targets women, sexual minorities, and lower-income populations, reflecting broader gender and class hierarchies embedded in religious governance (Peletz, 2018). These practices are frequently justified as protective or corrective measures, obscuring their coercive and exclusionary effects. Foucault's (1978) analysis of disciplinary power is particularly relevant here, as

religious norms are internalized by individuals who regulate their own behavior in anticipation of sanctions.

Through this process, moral governance operates productively rather than merely repressively. Religious norms shape subjectivities, producing citizens who self-police and internalize moral expectations. This internalization deepens the reach of moral regulation, embedding religious discipline within everyday life and rendering exclusion socially acceptable and politically defensible.

### **Religion, Nationalism, and the Politics of Exclusion**

Religious moral governance is frequently reinforced through nationalist narratives that equate dominant religious identity with national belonging. Religious nationalism frames minority groups as moral or cultural threats, legitimizing exclusionary policies as necessary for protecting social order and national integrity (Gravers, 2015; Walton, 2017). In this context, exclusion is presented not as discrimination but as moral defense.

Scholars argue that religious nationalism transforms moral regulation into a political project that consolidates power while marginalizing dissenting voices (Casanova, 2019). By presenting religious values as synonymous with national identity, governments can deflect human rights criticism and portray rights claims as foreign or culturally inappropriate (Mahmood, 2016). This dynamic enables states to maintain domestic legitimacy while restricting rights under the guise of moral preservation. The politicization of religion thus intensifies the exclusionary effects of moral governance. Religious nationalism not only legitimizes restrictive policies but also mobilizes popular support for them, embedding exclusion within broader narratives of national survival and moral duty.

### **Human Rights, Universality, and Religious Relativism**

The relationship between religion and human rights is often framed as a conflict between universal norms and religious or cultural particularism. Critics of human rights invoke religious values to argue that international standards are incompatible with local moral traditions (Merry, 2006). However, human rights scholars caution that such arguments frequently obscure power relations, privileging dominant interpretations of religion while silencing dissenting voices within religious communities (Mahmood, 2016).

Importantly, religious traditions are internally diverse and contested. Progressive religious actors, feminist theologians, and faith-based human rights advocates challenge exclusionary interpretations and articulate alternative moral frameworks grounded in equality and dignity (Hefner, 2011; Clarke, 2013). These internal debates demonstrate that religion itself is not inherently opposed to human rights; rather, rights violations emerge from specific institutional arrangements and political alliances that privilege conservative moral authority.

### **Religion as a Structural Determinant of Human Rights Outcomes**

The literature demonstrates that religion functions as a structural determinant of human rights outcomes in Southeast Asia. When religious moral norms are institutionalized through

law, enforcement, and nationalist discourse, they shape access to rights in systematic and predictable ways (Fox, 2018; Hurd, 2015). Marginalized populations experience exclusion of rights not as isolated failures but as routine consequences of governance systems that prioritize moral conformity over legal equality. Despite growing recognition of these dynamics, existing scholarships often remain fragmented across disciplines. This study synthesizes political theology, legal analysis, and human rights scholarship by conceptualizing religion as a governance system with measurable policy effects. By situating moral regulation within broader structures of state power and legitimacy, literature provides a foundation for analyzing how religious authority simultaneously stabilizes governance and generates persistent human rights fragility in Southeast Asia.

## **METHODOLOGY**

### **Research Design**

This study employs **comparative qualitative research design** grounded in policy analysis, legal-institutional review, and thematic synthesis of secondary qualitative evidence. The research is designed to examine how religion functions as a system of moral governance in Southeast Asia and how religious authority is translated into public policy, legal frameworks, and enforcement practices that shape human rights outcomes. A qualitative comparative approach is appropriate for this study because it allows for in-depth analysis of institutional mechanisms, normative frameworks, and governance processes that cannot be adequately captured through quantitative indicators alone (Creswell & Poth, 2018).

The study adopts an interpretive and analytical orientation, drawing on political theology, moral regulation theory, and human rights scholarship to examine patterns of governance across multiple national and religious contexts. Rather than testing causal hypotheses, the research seeks to identify **structural mechanisms and recurring governance logics** through which religious moral norms shape legal and policy outcomes. This approach aligns with comparative political and socio-legal research that emphasizes explanation through institutional configuration and normative ordering rather than statistical generalization (George & Bennett, 2005).

### **Comparative Case Selection**

The study focuses on seven Southeast Asian countries: **the Philippines, Indonesia, Malaysia, Thailand, Myanmar, Vietnam, and Brunei**. These cases were selected using a most-different systems design, allowing for comparison across diverse religious traditions, political regimes, and legal structures while examining a common phenomenon—religion as moral governance (Przeworski & Teune, 1970). The selected cases represent three dominant religious traditions institutionalized in governance:

- **Christianity** (Philippines; minority Christian governance in Vietnam),
- **Islam** (Indonesia, Malaysia, Brunei), and
- **Theravāda Buddhism** (Thailand, Myanmar).

They also vary across regime types, including democratic, hybrid, authoritarian, and monarchical systems. This variation allows the study to assess how religious moral

governance operates under different political conditions while identifying convergent patterns in rights regulation, exclusion, and moral enforcement. The inclusion of both constitutionally secular and explicitly religious states strengthens the comparative validity of the analysis by demonstrating that moral governance is not limited to formally theocratic systems.

### **Data Sources and Materials**

The study relies on **three primary categories of data**, all of which are appropriate for qualitative comparative and policy-oriented research:

#### ***Legal and Policy Documents***

These include constitutions, statutory laws, religious court regulations, administrative decrees, and policy guidelines governing family law, sexuality, religious freedom, citizenship, and moral conduct. Legal texts were analyzed to identify how religious norms are codified into formal governance structures. Policy analysis followed established qualitative approaches to legal interpretation and institutional analysis (Hall & Taylor, 1996).

#### ***Secondary Qualitative Sources***

Peer-reviewed journal articles, academic books, reports by international human rights organizations, and reputable regional policy analyses were used to document enforcement practices, governance outcomes, and lived experiences of affected populations. Secondary qualitative synthesis is widely used in comparative human rights research where primary data collection is constrained by access, safety, or ethical considerations (Merry, 2006).

#### ***Documented Case Evidence***

Publicly documented cases—including court rulings, enforcement actions, controversies, and reports of rights violations—were examined to illustrate how moral governance operates in practice. These cases were treated as **analytical exemplars** rather than as exhaustive case studies, consistent with qualitative comparative methodology (George & Bennett, 2005).

### **Analytical Framework and Data Analysis**

Data analysis followed a **thematic and structural coding strategy**, informed by theories of moral regulation, legal pluralism, and political legitimacy. The analysis proceeded in four stages:

#### ***Identification of Governance Domains***

Policy domains most affected by religious moral governances such as family law, gender relations, sexuality, religious conversion, and citizenship—were identified across all cases.



### ***Coding of Moral Governance Mechanisms***

Legal texts and policy documents were coded to identify mechanisms through which religious norms are institutionalized, including legal pluralism, moral policing, religious courts, and administrative enforcement.

### ***Assessment of Rights Outcomes***

The analysis examined how these mechanisms affect access to legal protection, equality before the law, and recognition of rights for marginalized populations. Attention was given to patterns of exclusion affecting women, religious minorities, sexual minorities, indigenous groups, and stateless populations.

### ***Cross-Case Comparison***

Findings were compared across countries to identify recurring governance logics and structural similarities, despite differences in religion and regime type. This comparative synthesis enables analytic generalization regarding religion as a structural determinant of rights outcomes (Yin, 2018).

Throughout the analysis, the study distinguishes between religion as doctrine and religion as governance, focusing on institutional translation rather than theological content. This distinction is essential for avoiding religious essentialism and for situating outcomes within political and legal structures (Hurd, 2015).

### ***Validity, Reliability, and Ethical Considerations***

To enhance analytic validity, the study employs triangulation across legal texts, policy documents, and secondary qualitative sources (Denzin, 2012). Consistency across multiple data types strengthens confidence in identified patterns of moral governance and rights exclusion. Reliability is supported through transparent case selection, explicit analytical criteria, and systematic coding procedures.

Ethical considerations are central to research design. The study relies exclusively on publicly available documents and published materials, minimizing risks to vulnerable populations. When referencing documented cases involving marginalized groups, the analysis prioritizes structural interpretation over sensationalized detail, consistent with ethical standards in human rights research (Merry, 2006).

### ***Methodological Limitations***

As a qualitative comparative study, the findings are **analytically generalizable** rather than statistically representative. The research does not claim to capture the full diversity of religious practice or governance within each country, nor does it measure prevalence of rights violations quantitatively. Instead, the study aims to illuminate structural mechanisms through which religion shapes governance and rights outcomes. These limitations are offset by the depth of institutional analysis and the comparative scope of the study, which together provide robust insights into moral governance in Southeast Asia.

## RESULTS AND DISCUSSION

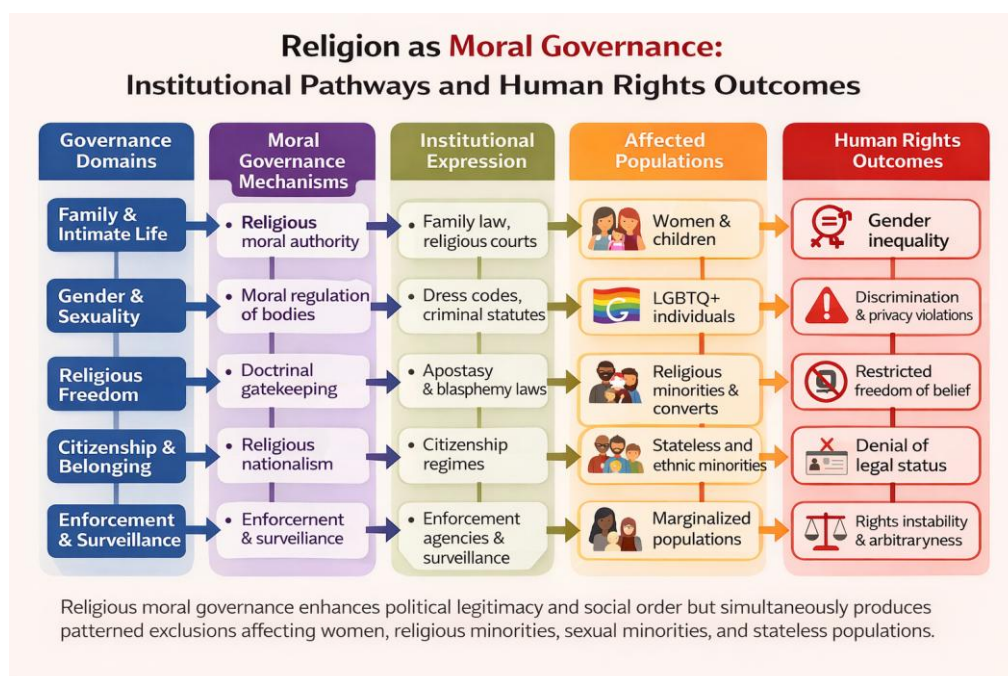
### Overview of Comparative Findings

The comparative analysis reveals that religion operates as a **system of moral governance** across Southeast Asia, shaping public policy, legal authority, and enforcement practices in ways that systematically affect human rights outcomes. Across all seven cases examined—the Philippines, Indonesia, Malaysia, Thailand, Myanmar, Vietnam, and Brunei—religious norms are institutionally embedded within governance structures, though through differing legal forms, political regimes, and religious traditions. Despite this variation, the analysis identifies convergent structural patterns in how moral authority is translated into governance and how exclusion is produced.

Five interrelated governance domains emerged as central sites of religious moral regulation:

1. family law and intimate life,
2. gender and sexuality,
3. religious freedom and conversion,
4. citizenship and national belonging, and
5. enforcement and moral policing.

Across these domains, religion enhances political legitimacy and social order while simultaneously generating patterned exclusions that undermine universal human rights commitments.



**Figure 1: Religion as Moral Governance: Institutional Pathways and Human Rights Outcomes**

Note: The figure illustrates how religious moral authority is translated into governance through five interrelated domains—family and intimate life, gender and sexuality, religious freedom, citizenship, and enforcement. Across these domains, moral governance mechanisms are institutionalized through law, policy, and enforcement practices, producing patterned human rights

exclusions affecting women, religious minorities, sexual minorities, and stateless populations across Southeast Asian states.

## Religion and the Governance of Family and Intimate Life

### *Results*

Across all cases, religious moral frameworks are most explicitly institutionalized in laws governing family life, marriage, divorce, and reproduction. In the Philippines, Catholic doctrine continues to shape legal prohibitions on divorce and influence reproductive health policy, constraining women's legal autonomy and access to remedies in cases of marital abuse. In Indonesia, Malaysia, and Brunei, Islamic family law governs marriage, divorce, child custody, and inheritance for Muslims through religious courts operating alongside civil systems. In Thailand and Myanmar, while Buddhist norms are less formally codified, family policy and social expectations reflect dominant Buddhist moral ideals.

These legal structures create **differentiated legal citizenship**, wherein rights related to marriage, divorce, and family life are contingent on religious affiliation and conformity. Women consistently experience disproportionate legal disadvantage across these systems, particularly in access to divorce, custody, and reproductive autonomy.

### *Discussion*

These findings align with scholarship on **legal pluralism as a mechanism of moral governance** (Hooker, 2008; Peletz, 2018). While plural legal systems are often defended as respecting religious freedom, the results demonstrate that they frequently institutionalize unequal rights and normalize gender hierarchy. Family law becomes a primary site through which religious morality is translated into enforceable governance, rendering intimate life subject to moral regulation rather than individual rights (Bowen, 2003).

From a human rights perspective, this governance structure reframes gender inequality as moral necessity rather than legal discrimination. Religious authority thus stabilizes governance by legitimizing restrictions on women's autonomy, while externalizing the social costs of moral order onto women themselves (Merry, 2006).

## Gender, Sexuality, and Moral Regulation

### *Results*

The analysis shows that **gender and sexuality** constitute central targets of religious moral governance across Southeast Asia. In Islamic governance contexts, moral regulation frequently takes the form of dress codes, restrictions on public interaction, and criminalization of sexual conduct, enforced through religious courts and morality policing agencies. In Buddhist-majority Myanmar and Thailand, gender and sexuality are regulated through nationalist moral discourse rather than formal religious law, producing stigma and exclusion without explicit codification.

Sexual minorities experience systematic vulnerability across all cases. Same-sex relationships and nonconforming gender identities are criminalized or socially sanctioned in Indonesia, Malaysia, Brunei, and Myanmar, while legal protections remain weak or absent

in the Philippines and Thailand. Enforcement disproportionately targets women, transgender individuals, and lower-income populations.

### ***Discussion***

These findings illustrate how moral regulation operates as a technology of governance rather than merely a reflection of belief (Hunt, 1999; Foucault, 1978). Regulation of bodies and sexuality functions to maintain moral order and signal political legitimacy, particularly during periods of social change or political instability. Religious morality becomes a tool for disciplining perceived deviance and reinforcing normative citizenship.

The comparative evidence supports arguments that sexual and gender regulation is not incidental but structurally central to religious moral governance (Fox, 2018). By positioning sexual conformity as a moral imperative, states legitimize exclusion while deflecting human rights claims as threats to cultural or religious integrity (Mahmood, 2016).

## **Religious Freedom, Conversion, and Belief**

### ***Results***

Restrictions on religious freedom and conversion emerge as a consistent feature of moral governance. In Malaysia and Brunei, apostasy from Islam is legally restricted and adjudicated through religious courts. In Indonesia, blasphemy laws are frequently deployed against religious minorities and dissenters. In Myanmar, Buddhist nationalist narratives deny full recognition to Muslim minorities, particularly the Rohingya, while Vietnam tightly regulates religious organizations through state oversight.

These restrictions produce **conditional religious citizenship**, where freedom of belief exists formally but is constrained in practice by moral boundaries enforced through law, surveillance, and social sanction.

### ***Discussion***

The results reinforce critiques of **religious relativism** in human rights discourse (Merry, 2006; Mahmood, 2016). While restrictions are often justified as preserving harmony or religious integrity, they function to protect dominant religious authority and suppress dissenting interpretations. Religious freedom becomes unevenly distributed, privileging dominant traditions while marginalizing minority beliefs. This pattern demonstrates how moral governance converts religious authority into a gatekeeping mechanism for legal recognition and social legitimacy. Rather than neutral arbiters, states actively manage belief to sustain political order and religious legitimacy (Hurd, 2015).

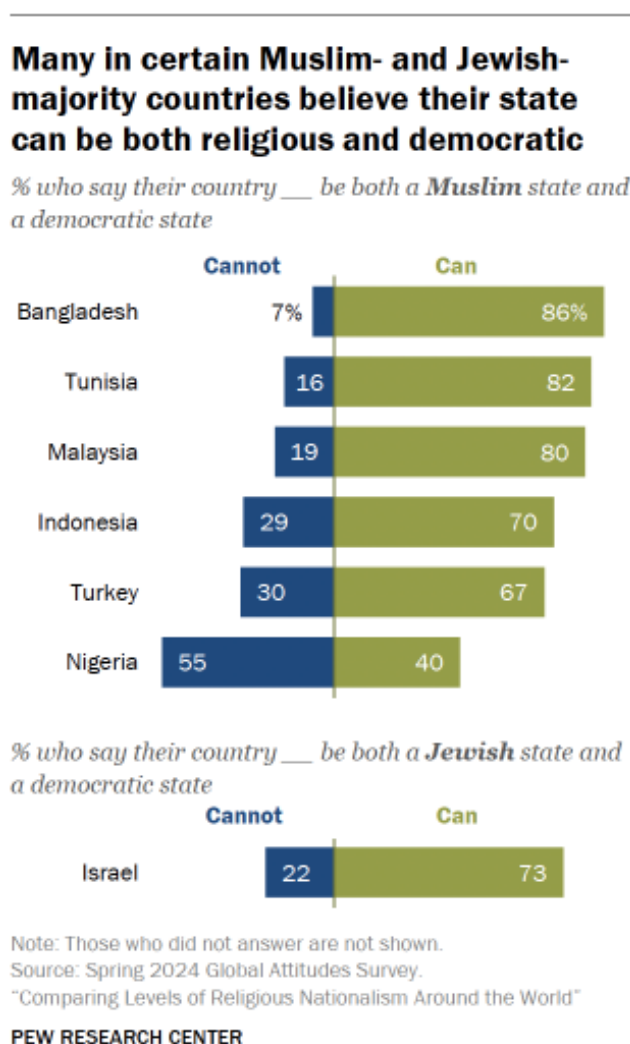
## **Citizenship, Nationalism, and Moral Belonging**

### ***Results***

Religion operates as a marker of moral belonging and national identity across multiple cases. In Myanmar and Thailand, Buddhism is deeply entwined with nationalism, positioning religious minorities as moral outsiders. In Malaysia and Brunei, Islamic identity is closely

linked to citizenship and political legitimacy. In the Philippines, Catholic moral norms shape public discourse on national values, even in a formally secular state.

These dynamics contribute to moral stratification of citizenship, where full inclusion depends not only on legal status but on conformity to dominant religious norms.



**Figure 1: Public Beliefs About Compatibility of Religious Identity and Democracy in Selected Countries**

Note: The figure presents the percentage of respondents in selected Muslim-majority and Jewish-majority countries who believe their country can or cannot be both a religious state and a democratic state. Percentages are based on survey responses from Bangladesh, Tunisia, Malaysia, Indonesia, Turkey, Nigeria, and Israel. Respondents who did not provide an answer are not shown. Data are from the Pew Research Center's Spring 2024 Global Attitudes Survey, Comparing Levels of Religious Nationalism Around the World.

## Discussion

These findings support scholarship on religious nationalism as moral governance (Gravers, 2015; Walton, 2017). By conflating religion with nationhood, states convert moral conformity into a criterion for political belonging. Human rights claims are reframed as

foreign or destabilizing, enabling governments to restrict rights while maintaining domestic legitimacy (Casanova, 2019).

The Rohingya crisis exemplifies the extreme consequences of this logic, where moral exclusion legitimizes mass displacement and statelessness under the guise of protecting religious and national integrity.

### **Enforcement, Moral Policing, and Governance Fragility**

#### ***Results***

Across cases, enforcement mechanisms, religious courts, morality police, administrative surveillance, and informal community monitoring—play a critical role in translating moral norms into lived governance. Enforcement is often selective, inconsistent, and disproportionately directed at marginalized populations. Responsibility is diffused across state and non-state actors, limiting accountability.

The reliance on enforcement produces governance fragility, as rights protections become contingent on political context, moral panic, and elite mobilization.

#### ***Discussion***

These findings demonstrate that moral governance enhances short-term legitimacy while undermining long-term rights stability. By externalizing the costs of moral order onto vulnerable populations, states insulate dominant religious institutions from accountability while rendering human rights protections uneven and reversible (Fox, 2018).

This structural paradox mirrors findings in other governance domains: religion stabilizes authority but destabilizes rights. Human rights fragility is thus not accidental, but a predictable outcome of governance systems grounded in moral regulation rather than legal equality.

### **Integrated Discussion: Religion as a Structural Determinant of Rights Outcomes**

Taken together, the results demonstrate that religion functions as a **structural** determinant of human rights outcomes in Southeast Asia. Across diverse religious traditions and political regimes, moral governance produces recurring patterns of exclusion affecting women, religious minorities, sexual minorities, indigenous communities, and stateless populations. These exclusions are not episodic but institutionalized through law, policy, and enforcement.

The findings confirm the central argument of this study: religion operates not merely as belief or culture, but as governance infrastructure. Addressing human rights violations in Southeast Asia therefore requires engaging religion as a core component of governance rather than treating it as external to public policy. Without confronting the institutional mechanisms of moral governance, human rights protections will remain uneven, conditional, and vulnerable to political mobilization.

## **CONCEPTUAL TABLE**

**Table 1: Religion as Moral Governance: Mechanisms and Human Rights Outcomes**

<b>Governance Domain</b>	<b>Moral Governance Mechanism</b>	<b>Institutional Expression</b>	<b>Affected Populations</b>	<b>Human Rights Implications</b>
Family & Intimate Life	Religious moral authority	Family law, religious courts, marriage/divorce regulations	Women, children	Gender inequality, limited legal remedies
Gender & Sexuality	Moral regulation of bodies	Dress codes, criminalization of sexual conduct, moral policing	Women, LGBTQ+ individuals	Discrimination, privacy violations
Religious Freedom	Doctrinal gatekeeping	Apostasy laws, blasphemy statutes, registration controls	Religious minorities, converts	Restricted freedom of belief
Citizenship & Belonging	Religious nationalism	Citizenship laws, exclusionary identity narratives	Ethnic/religious minorities, stateless groups	Denial of legal status, exclusion
Enforcement & Surveillance	Discretionary moral policing	Religious enforcement agencies, community monitoring	Marginalized populations	Arbitrary enforcement, rights instability

Note: The table summarizes recurring governance mechanisms identified across Southeast Asian cases. It illustrates how religious moral authority is translated into institutional practices that condition access to rights and legal protection.

## **CONCLUSION**

This study examined religion as a system of moral governance in Southeast Asia, demonstrating how religious authority is institutionally embedded in law, public policy, and enforcement practices that shape human rights outcomes. Across diverse political regimes and religious traditions, the findings reveal a consistent structural pattern: religion enhances political legitimacy and social order while simultaneously producing systematic exclusions that undermine universal human rights protections. Rather than operating solely as belief or cultural identity, religion functions as governance infrastructure—defining moral citizenship, regulating intimate life, and conditioning access to legal protection and social recognition.

The analysis shows that moral governance operates most powerfully in domains where law intersects with everyday life, including family relations, gender and sexuality, religious freedom, and citizenship. In these domains, religious norms are translated into enforceable rules through legal pluralism, moral policing, and nationalist discourse. These mechanisms externalize the social and legal costs of moral order onto marginalized populations—particularly women, religious minorities, sexual minorities, indigenous communities, and stateless groups—while insulating dominant religious institutions and political elites from accountability. As a result, human rights protections become uneven, contingent, and vulnerable to political mobilization and moral panic.

The findings advance a central conclusion: human rights fragility in Southeast Asia is not an accidental byproduct of cultural difference but a predictable outcome of governance systems grounded in religious moral regulation. Addressing rights violations therefore

requires moving beyond normative debates about religion and secularism toward a structural analysis of how moral authority is institutionalized within governance frameworks. Without engaging religion as a core component of state power, efforts to strengthen human rights protections will remain partial and unstable.

Future research should build on this framework in several directions. Comparative studies could examine how alternative models of religion-state relations mitigate or exacerbate moral governance, particularly in contexts undergoing legal reform or democratic transition. Empirical work incorporating interviews with policymakers, religious leaders, and affected communities would deepen understanding of how moral governance is negotiated and contested in practice. Finally, cross-regional research could assess whether similar governance mechanisms operate in other plural societies, contributing to a broader comparative theory of religion, governance, and human rights.

### **POLICY IMPLICATIONS AND RECOMMENDATIONS**

The findings of this study carry important implications for policymakers, legal reformers, and human rights practitioners working in religiously plural societies. First, the analysis underscores the need to recognize religion as a governance actor rather than treating it as external to public policy. Legal and policy frameworks that assume religion operates solely in the private or cultural sphere fail to account for how moral authority is institutionalized through law, enforcement, and administrative practice. Explicit recognition of religion's governance role is a prerequisite for meaningful rights protection.

Second, reforms aimed at strengthening human rights protections should prioritize legal equality over moral conformity. This includes reassessing systems of legal pluralism where religious law governs personal status in ways that conflict with constitutional guarantees of equality. While respect for religious freedom remains essential, the findings suggest that unchecked pluralism can entrench structural inequality and should be accompanied by safeguards that ensure equal access to legal remedies, particularly for women and religious minorities.

Third, the study highlights the importance of limiting discretionary moral enforcement. Moral policing agencies, religious courts, and administrative regulators often operate with broad discretion and limited oversight, enabling selective and discriminatory enforcement. Strengthening transparency, judicial review, and accountability mechanisms can reduce the arbitrary application of moral regulation and protect vulnerable populations from abuse.

Fourth, policymakers should approach religious nationalism with caution, particularly where religion is mobilized as a criterion of national belonging. The conflation of religious identity with citizenship legitimizes exclusion and undermines social cohesion in the long term. Policies that affirm pluralism and decouple citizenship from religious conformity are essential for sustaining inclusive governance.

Finally, international human rights engagement in Southeast Asia should move beyond framing conflicts such as clashes between universal norms and local values. The findings suggest that rights advocacy is more effective when it addresses the institutional mechanisms of moral governance, engages internal religious debates, and supports reformist actors within religious communities. Human rights resilience is most likely to emerge where



legal reform, institutional accountability, and religious pluralism are pursued simultaneously.

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