

# Tolerating religious and sexual diversity.

## A contextual conundrum.

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Paper for the conference Costly Tolerance, March 9-14, 2015, Organised by the Netherlands-Indonesia Consortium for Muslim-Christian Relations

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### **Introduction**

In many countries including Indonesia and The Netherlands, the historical tolerance of religious diversity has come at significant cost and remains contested to this day. Religious freedom can never be taken for granted but is crucial to the debates about the nature of the nation-states, their identity, and the configuration of power between the nation and its citizens. Freedom of religion counts among the oldest human rights. In the Netherlands it has been inscribed in the treaties and constitution from the emergence as a nation. The Union of Utrecht in 1579 that marked the foundation of the Republic of the Seven United Provinces, stated explicitly: "... that each person shall remain free in his religion and that no one shall be investigated or persecuted because of his religion." The current Dutch constitution states: "Everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law."

This fundamental freedom is heavily contested in contemporary debates. To be honest, the age-old history of constitutionally entrenched religious freedom has not prevented religious majorities (notably protestants) to deny equal rights to religious minorities (notably Roman Catholics, Jews, atheists, and later on also Muslims). Religious equality was slowly implemented over the past two centuries and until today some legal constraints still result in unequal treatment. As recent as 2010 the permission to start a Buddhist primary school was denied by the government because Buddhism was not a "clear and discernable current" in Dutch society. Although this was not an intentional action against the Buddhist community, it is a direct result of the way in which religion is institutionally defined and legally addressed in Dutch educational law.

In our days, however, the most significant threats to religious tolerance in the Netherlands don't come from the government but from societal, cultural, and political movements that stand up against religion as a whole or against specific

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religions, notably Islam. Some would argue that religion should be removed from the public sphere and only allowed in the private realm of people's lives. This would for example imply a ban on religious education in schools and on religious schools per se. Others target the Muslim community in their protest against religion. They claim that Islam is incompatible with the Western democratic rule of law and detrimental to for example the emancipation of women and sexual minorities.

The debate in the Netherlands then regards the question how a secular or post-secular society can accommodate religious diversity. In secular terms, the neutrality of the state usually means that the state expresses no preference of one religion over another. This inclusive neutrality (Van de Burg) treats every religion in the same manner. Some argue for a more distanced, exclusive neutrality, which means that religious organizations would lose all their benefits, including public funding for broadcasting, schools, and healthcare institutions. Although this is voiced more intensely over the years, Dutch government and politics would be hesitant to take interpret their secular role as anti-religious.

In Indonesia, on the other hand, religion is taken as an essential dimension of society and organized under the rubrics of Pancasila. Indonesia does not regard itself as a secular state. This is shown by the fact that the first "sila" or principle of the Pancasila is "Belief in the One and Only God".<sup>1</sup>The Indonesian theologian Eka Darmaputera calls this the spirit of openness that has been able to maintain the unity of the nation, while acknowledging the differences of ethnic, cultural, and socio-religious values of each community and group. In his dissertation with the title *Pancasila and the Search for Identity and Modernity in Indonesian Society - An Ethical and Cultural Analysis*, Darmaputera argued that the ideology of Pancasila is very appropriate for Indonesia's diverse society, because it is an inclusive ideology. In this way, the Indonesian system of Pancasila acknowledges the religious diversity and the right of different groups and individuals to express their religious identities. This is a different interpretation of Pancasila than the way the New Order government used it, especially in its later years when it used Pancasila to repress dissent and diversity within Indonesian culture or from the forced choice for one of the established religions that for example Chinese Indonesians experienced.

The history of religious diversity in Indonesia is of course much older. The different parts of the country have their own history of indigenous traditions on the one hand and the influx of world religions on the other, first Hinduism and Buddhism and much later Islam and Christianity. Sometimes these world religions were spread gradually through trade and migration, building peaceful encounters and coexistence. Sometimes they were brought by force and occupation. And sometimes somewhere in between as is the case in many countries' histories. The Dutch-colonial period plays a significant role here as

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<sup>1</sup>Another translation offered is "Belief in One Supreme God" (Darmaputera, 1989).

the tradesmen and rulers also brought protestant ministers with them. These ministers soon expanded their work from taking care of the Dutch to building Christian community, as Yusak Soleiman, a student of Darmaputera, has described in his dissertation *Pangumbaraning Bang Wetan, The Dutch Reformed Church in late eighteenth Java*. The Dutch rule of those days was deeply allied with the Protestant church and there is a history of repression of other faiths.

For contemporary Indonesia freedom of religion and religious diversity are essential characteristics. However, several examples show that this is not without problems or contestation. In recent years there has been an increasing tension between moderate Muslims and more radical groups like the Islamic Defenders Front, Hizbut Tahrir Indonesia, Betawi United Front, that call for the implementation of the sharia in the society and the installment of a “khilafah Islamiyah” to replace the democratic system that Indonesia adopted in 1945. Because of its partial autonomy, the province of Aceh has indeed adopted a sharia-based system of law that applies to both Muslims and non-Muslims. This in fact means that the freedom to make one’s own worldview based moral choices is restricted. Moreover, there have been quite some complaints of churches and chapels being closed by local authorities and of Christians, Ahmadi Muslims, and others that religious repression and violence are not uncommon. Another example of more implicit threat to religious diversity is experienced by religious minorities wishing to establish a building for their faith community. As they depend on the assent of the surrounding population, their freedom to express their religion and build their community is in fact much more limited than the religious majority’s.

The Indonesian government takes the clear position of defending Pancasila and religious diversity. It understands Indonesia to be a religiously pluralist society, but it struggles with these – perhaps increasingly visible – intolerant powers that defy the principles of Pancasila and seek to impose their specific religious worldview on others.

### **Sexual and Religious diversity in the Dutch context**

Now let us move to the other aspect of diversity that we want to bring to the table. One of the debates in the Netherlands in which religious diversity is seen as problematic regards the issue of tolerating sexual diversity. In the past half century, we have witnessed increasing attention for and acceptance of non-heterosexual and transgender persons. The Netherlands is often mentioned as one of the most tolerant countries in the world. This is not only a matter of explicit laws to ensure equal rights for sexual minorities, including the possibility of same-sex marriage. It is also a matter of public opinion. In a recent comparative study of attitudes in Europe <sup>2</sup>, The Netherlands ranked first with 93 % answering affirmatively to the statement “Gay men and lesbians should

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<sup>2</sup> Kuyper, Iedema & Keuzenkamp (2013) *Towards Tolerance*. SCP

be free to live their lives as they wish.” The lowest score in this study, 29 %, was found in the Russian Federation.

The debate about acceptance of sexual diversity is complex and multi-layered and the intersections with religious diversity provide an excellent case to study the quandaries of tolerance. There is of course an ethical debate about the question whether acceptance of sexual diversity can be reconciled with the moral teachings from the various religious traditions. Several liberal churches were fast to approach sexual diversity primarily as a matter for pastoral concern. Already in the 1960s some Roman-Catholic priests and protestant ministers extended their ministry explicitly to what is now called the LGBT-community: lesbians, gays, bisexuals, transgenders. Their pastoral experiences led them to calling church and society to more tolerance. Obviously they were a minority within the church and their views were contested, but it is significant that churches were present in these early days of emancipation of sexual minorities. At present, the position of churches runs the gamut from full acceptance to strong disapproval. A majority of non-believers, Roman Catholics and mainline Protestants is in favor of equal rights for homosexuals and would accept their children when they would disclose being homosexual.<sup>3</sup> Conservative Protestants and Evangelicals usually have more problems in this respect.

Other religious communities are equally diverse. The Islamic communities are in the initial stage of talking about sexual diversity. Their position is usually disapproving of homosexuality. They are even less favorable toward equal rights or same-sex marriage than the conservative protestants and 75 % of Dutch Muslims would have a hard time accepting their child to have a same-sex partner. Sunni or Shia Muslims tend to be more disapproving than Alevis, and there is a clear presence of highly educated liberal Muslims that publicly champion more tolerance toward sexual minorities. In comparison, Buddhists tend to be more tolerant, but one should bear in mind that Dutch Buddhists are predominantly Western converts. Hindu communities seem to be less accepting but the narratives we have collected in research focus more on family and gender values than on religious moral norms.

Clearly the moral debate is not the only intersection of religious and sexual diversity. Both fields are closely connected to the debates about cultural identity. This is perhaps even more evident in major parts of Africa and Central and Eastern Europe, where strong disapproval of homosexuality factors in with nationalism and anti-Western values. Here religious, political, and cultural expressions co-construct a form of religious and sexual nationalism that leaves no space for the tolerance of sexual minorities.<sup>4</sup> But the same connection,

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<sup>3</sup> Huijink (2014) *De acceptatie van homoseksualiteit door etnische en religieuze groepen in Nederland*. SCP

<sup>4</sup>Sremac & Ganzevoort (forthcoming, eds.) *Religious and sexual nationalism in Central and Eastern Europe: Gods, gays, and governments*. Leiden: Brill.

although with a different outcome, can be observed in the Netherlands. Based on the constitutional prohibition of discrimination on the grounds of race, gender, and religion – and sexuality is considered to be a similar ground – the government has implemented several tolerance-promoting measures. These include attention for sexual diversity in primary and secondary education, but also in integration programs directed at immigrants from non-European countries applying for residence, explicitly including religious officials. One of the topics in these integration programs is the full acceptance of sexual minorities. More recently, the minister of emancipation issued a statement that she would work with ‘ambassadors of emancipation’ within the various religious and ethnic minorities, not much to the liking of these communities that see this statement as unnecessary and unacceptable. Apparently acceptance of sexual diversity is claimed as part of the Dutch cultural identity that immigrants have to adapt to and that even long existing religious communities have to accommodate.

In a four year research project we are looking at precisely these intersections. The title of the project is ‘Contested Privates: the oppositional pairing of religion and homosexuality in public discourse’. The main question is how both religion and homosexuality are constructed in relation to each other in efforts to define the public sphere. Religious communities – especially the more conservative ones – object to what they consider to be the government’s interference in religious matters and thereby a transgression of the separation between church and state. For them sexual diversity is the crowbar of secular powers used to force them into a specific liberal understanding of tolerance that comes at the expense of religious freedom.

Advocates of tolerance in sexual issues on the other hand claim that religious freedom indeed is the mother of human rights. These human rights, however, are first and foremost individual rights and therefore there is no real contradiction between religious freedom and sexual freedom. Instead, they argue, religious communities should develop the same kind of tolerance for sexual minorities that they enjoy as religious minorities. Some would go as far as stating that religious freedom in these issues should be interpreted in a more restrictive way because it is overturned by the constitutional demands of non-discrimination.

One of the intriguing elements in the debates, usually just beneath the surface, is the question whether religion and /or sexual diversity is seen as natural and crucial in defining our identity. According to conservative religious voices, religion is essential to identity and therefore needs to be protected from state interference. Sexuality in their view mostly regards the behavioral choices people make and therefore it is object of moral evaluation rather than a foundation of identity. Radical LGBT-activists on the other hand would see sexuality as a constitutive and unalterable dimension of their identity, similar to race and gender and therefore in need of protection by the law. Religion in their view regards mostly socially and culturally enforced beliefs and practices

that need to be adapted to contemporary insights, in other words: religion should be the object of moral evaluation. Both positions claim the concept of 'identity' for either religion or sexuality and deny their opponent the right to do the same. Obviously many actors in the debate would avoid both extreme positions, but the battle over what counts as identity is crucial to the conflicts between religious and sexual diversity.

### **Sexual and Religious diversity in the Indonesian context**

As mentioned before, religious diversity – and also socio-cultural diversity – is crucial to Indonesia's history and deeply engraved in the society and its laws, but also contested and threatened. The intersection with sexual diversity is at least as complicated as in the Netherlands. This is not the time to describe the history of homosexuality in Indonesia<sup>5</sup>, but there are several traditional forms of alternative gender roles that provide space for homosexual relations, for example the Bissu-identity of the Bugis people. But there are also strong cultural tendencies that denounce homosexuality. Religion and cultural traditions often play a role in them.

On the legal and political level, one can observe that there is no legal prohibition of homosexuality but also no strong movement toward equal rights. In its report "Being LGBT in Asia: Indonesia Country Report", the UNDP mentions that there is no law recognizing LGBTs and their rights. In fact, law enforcement often fails to protect LGBT-persons from homophobic violence. There is no openly LGBT person present in any governmental position at the national level. National commissions vary to the degrees of developing LGBT-supportive policies. There is no policy against discrimination of LGBT's and many of them choose to live a closeted life to avoid discrimination.

The LGBT movement itself on the other hand is alive and gaining strength and visibility. It emerged in the 1960s, especially through the activities of *Waria*, transgender women. Today there are quite a number of organizations that are actively working on the grassroots level to offer protection and education to LGBT's and to educate the wider society and champion their cause – until now with modest success according to UNDP. The National Human Right Commission and the National Commission on Violence Against Women are among the high profile organizations that have a strong interest in LGBT related issues.

Given the fact that the majority of its population is Islamic, it is important to note that Indonesia is also home to "the Yogyakarta principles"<sup>6</sup> on the application on International Human Rights Law in relation to sexual orientation and gender identity, debated in 2006 at the Gadjah Mada University. The

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<sup>5</sup>See Boellstorff, Tom, *The Gay Archipelago. Sexuality and Nation in Indonesia*. Princeton University Press, Princeton, N.J. 2005, 48-51; Ichwan, Juswantori. 2014. "The Influence of religion on the development of heterosexism in Indonesia." In *Religion e incidencia publica. Revista de investigacion de GEMPRIP* 2. 5.

<sup>6</sup><http://www.yogyakartaprinciples.org/principles.en.about.htm>

Principles were adopted to enhance the individual sovereignty of subjective identity. It was argued that human rights standards can be interpreted in terms of sexual orientation and gender identity when come to the issues of torture and violence, extrajudicial execution, access to justice, privacy, freedom from discrimination, freedom of expression and assembly, access to employment, health-care, education, and immigration and refugee issues. The Principles maintain that States are obliged to ensure equal access to human rights, and each principle recommends how to achieve this, highlighting international agencies' responsibilities to promote and maintain human rights.

Culturally, the acceptance of homosexuality seems to be relatively low and the cultural discourse in for example the media is usually unfavorable to sexual diversity or negatively biased. There are examples of efforts to censure publications, for example when recently Jakarta's biggest bookstore chain was forced to withdraw a sex education book for teenagers because it was allegedly spreading LGBT propaganda.<sup>7</sup> More recently, and more explicitly drawing on religious discourse, the Indonesian Council of Ulama (MUI) addressed homosexuality. Though not for the first time, the council's statement stood out for its harsh words against not only homosexuals, but also those defending LGBT-civil rights. The council intently associated homosexuality with rape and child abuse, despite the lack of any empirical proof for that association. According to the UNDP report mentioned earlier, religion – especially in its more conservative Christian and Islamic versions – is one of the main sources of problems for LGBT-people (the other being the traditional cultural value of starting a procreation-oriented family).

In Indonesia the acceptance of sexual diversity is often regarded as a 'foreign' issue that should not be imposed on Indonesian culture. This belief is false since there are local indigenous practices that accept and recognize same-sex relationship, and the presence of the fifth gender, as we mentioned before.<sup>8</sup> The silence surrounding this issue and the critical perspectives from both Christian and Muslim voices are – according to liberal voices – to the detriment of sexual minorities. The work that has been done by Jakarta Theological Seminary is based on the understanding that religion is one detrimental factor in our understanding and acceptance of LGBT people. Therefore, the seminary has made the effort to get churches engaged in this issue, and seriously deal with LGBTs that are actually present in the congregation and the wider society. So far, the progress is encouraging. We learn now that there are a few synods in Indonesia that have started opening themselves to learning this challenge.

## ICCH

At this point we want to reflect on a particular recent event on the intersection of religious and sexual diversity. In November 2014, Jakarta Theological

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<sup>7</sup><http://www.suaranews.com/2014/08/alhamdulillah-akhirnya-buku-propaganda.html>

<sup>8</sup> Sharyn Graham, "Sulawesi's Fifth Gender" in *Inside Indonesia* (<http://www.insideindonesia.org/sulawesis-fifth-gender>).

Seminary and the National Council of Churches of India organized the “International Consultation on Church and Homophobia”.<sup>9</sup> JTS organized this conference because of its experience of almost 20 years of engagement with LGBT issues, now organized in its Center for Gender and Sexuality. This was the first conference on the topic by a Christian organization in Asia outside the LGBT communities.<sup>10</sup> The conference was attended by participants coming from 12 countries all over the world, including Indonesia. This is a unique opportunity for the LGBT movement in the Christian churches because it was the first time that theologians from the mainline heterosexual churches met with queer and LGBT theologians and activists from the LGBT and accepting churches.

Although the Conference was designed just prior the deans meeting of the ATESEA (Association of Theological Education in Southeast Asia), none of them attended. The Asian participants came mainly from the LGBT churches and Christian communities. Among the Indonesian participants, it is important to note that – although not officially representing their churches – seven pastors of Indonesian Christian Church (GKI) and 4 pastors of the Protestant Church in Western Indonesia (GPIB) -- were part of the conference, showing the shift of thought among the mainline churches on the issue.<sup>11</sup>

The Consultation issued “The Jakarta Statement on Church and Homophobia”, which calls churches and Christian communities in particular, to “affirm that sexuality is a divine gift, and hence God intends us to celebrate this divine gift in life-giving, consensual, and loving relationships. It is in such celebrations of our sexuality that we grow into the fullness of our humanity, and experience God in a special way.” It further affirms that the Church is called to become a just and inclusive community, to reach out to people who are stigmatized because of their sexual orientation and gender identity and expression, and to be a listening community to understand their pains, desires, and hopes. Therefore, the Statement calls Christian communities to engage in dialogue with people with different sexual orientations, gender identities and expressions, and “to listen to their stories and struggles as acts of love”. The consultation urges churches, seminaries, and Christian communities to engage

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<sup>9</sup>The Consultation was supported by several other church organizations such as the PGI, CCA, WCC, KerkinActie, the World Student Christian Federation – Asia Pacific, the Department of Theology of Dutawacana Christian University and the Fellowship of Woman Theologians in Indonesia.

<sup>10</sup> Since 2009 there have been six Amplify Conferences organized by LGBT and accepting churches in Asia. The participants mostly come from Southeast and East Asian countries, such as Malaysia, Singapore, the Philippines, Hong Kong, Taiwan, South Korea, and China.

<sup>11</sup> In 2014, the Synod Council of GPIB held several meetings to reconsider their 1995 Act that condemns LGBT as a sin. More recently pastors of the Central Java and East Java Regional Synods of GKI met separately to study the issue after a statement of GKI’s faith confession calling for a full inclusion of everyone, including LGBT people, was rejected during their Annual GKI Synod meeting.

diverse voices and perspectives in theological reflections, particularly persons of diverse sexual orientations, gender identities and gender expressions.

### **Reflections**

What can we learn from this contextual conundrum where religious and sexual diversity meet. Clearly there is even more at stake than applying certain moral principles or than a debate about contested national, cultural, or religious identities. The intersections between religious and sexual diversities also cannot be addressed only on the political and legal level. There is a dire need for theological reflection on these processes. In this presentation we invite the participants to engage in this. Without any claim to be complete, we offer three following points of entry for that reflection. Although our language and concepts will be primarily Christian, we hope that they will also contribute to our interfaith dialogue.

The first entry point is ecclesiology. In Christian theology ecclesiology regards the fundamental question on the nature of community. Its traditional focus of course is the faith community, the church. But there is an old and convincing theological understanding that this faith community is in fact the model for the entire human community, for society as a whole. Because of that our ecclesiological models and dilemmas can be brought to the task of interpreting society and of reflecting on the issues of religious and sexual diversity in society. We expect that similar issues can be brought to the table based on Islamic theology and the concept of Ummah. The fundamental issues if we take this entry point first regard the question who can and who cannot be part of this community. Is the community defined by the reality of its existing members with all their diversity and varying degrees of conformity? Or is the community defined by a specific ideal that is alien to this reality and therefore has to exclude those who are not conforming? The realistic approach to community can be more inclusive and reflecting the ideals of grace and acceptance. The idealistic approach is more visionary and reflecting the ideals of purity.

The second entry point is ethics. Ethics basically refers to the question what a good life entails. The distinction between sins and virtues or between haram and halal is a crucial marker of wisdom that people use to choose their life path. Eventually this touches on the notion of identity. Who am I? who are we? And what does this mean for our choices? American ethicist Stanley Hauerwas states that we can only answer the question what we should do if we first have answered the question to what narratives and narrative communities we belong. At this entry point of theological reflection we have to resist the tendency to come up with the mere application of absolute truths to individual lives, but we have to first collect the best knowledge possible about the issue. Uninformed, biased, and unreflected moral statements are no proper contribution. We need up to date scholarly knowledge about homosexuality. We need sincere understanding of the life stories of LGBT-people and their families as the Jakarta statement implies. And we need critical studies of our religious traditions. Without those our ethical reflections will do no good. But

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even then, we have to reflect on the ethics of ethics. What is the power dynamics in our ethical decision making? Who is made into the object of debate? Why is our moral debate about the behavior of sexual minorities and not about the neglecting or repressive behavior of sexual and religious majorities? Why do we talk so little about our ethical responsibility to end discrimination, marginalization, intolerance, and exclusion? What is the ethical way to do ethics?

The third entry point for our reflections is the theology of creation and revelation. Here the crucial question regards the ontic and epistemic significance of our real-life and embodied existence. What does it mean that we are human beings with all our experiences and desires? What does it mean when we profess that we are created by God? How do we account theologically for the wide variation in humankind? Are there degrees of perfection in creation? And secondly, how does our knowledge of God, of existence, of wisdom, of truth, relate to this human, embodied, created existence? Is revelation part of this created experience or is completely alien to it? These huge debates within theological traditions becomes crucial as soon as we ask the question whether our sexually embodied experience can become meaningful as a source of theological reflection. Is our theology only a cognitive disembodied exercise, or are we as theologians engaged in a personal, embodied manner? And how would that reveal divine knowledge?

These three entry points – ecclesiology, ethics, and the theology of creation and revelation are by no means exhaustive for our theological challenges in the field of religious and sexual diversity. But perhaps they help us to avoid the foreclosure of these complex issues into simple statements. Perhaps they will help us to navigate the complexities of tolerance.