

Conceptualising religious hate speech in cross-cultural contexts

A case study analysis of European foreign aid in
Poso, Indonesia

Roos Feringa – s2224615

31 August 2020

Master's thesis Religion, Conflict & Globalization

First supervisor: dr Erin Wilson

Second supervisor: dr Méadhbh Mclvor

Word count (excluding acknowledgements, index, bibliography & appendix): 21965

Cover picture:

Entrance of Mosintuwu's Hasil Bumi festival featuring Christmas, Mosintuwu's dog.

The picture has been taken by me during my stay in Tentena, October 2016.

Acknowledgements

There are many people whose input and voice have been key to this thesis. I want to thank all those who helped during the fieldwork-part of this thesis for their assistance, information, patience and enthusiasm. In particular I want to thank Lian from Mosintuwu, Ibu Hadra & Imbi for their invaluable input, laughs and assistance.

I would also like to thank my first supervisor Erin Wilson for all her patience and encouragements throughout the process of writing this thesis. Her pragmatism and positive feedback have greatly contributed to the finish of this project. She has been the most important person for me during my Master's study and is the one who initially sparked my interest in politics during a BA course on religion & politics, leading me to conducting this research project in Poso.

Moreover, I would like to thank Méadhbh Mclvor for agreeing to be my second supervisor even though she has already moved to Oxford.

Furthermore, I would like to thank my dear friends Iris, Aukje & Melle for their proofreading, willingness to listen and faith in me. We all decided to enrol in Religious Studies about a decade ago and I wouldn't know what to do without you anymore. I would also like to extend my gratitude to Mijneke, Iris Kr. & Alissa for being amazing study buddies, thanks for the many hours that we've spend writing and complaining.

A special word of appreciation to my parents for their support, feedback and eternal patience with a daughter that has never had studying as a first priority.

Dearest Robin, a special thanks and kiss for you. We spent the COVID-19 lockdown while sat at the dining table working on both our MA's programmes. Without our study sessions and your, mostly silent, support because you know I hate to talk about my thesis process, I doubt I would have graduated this year. You and Emma (the cat) are my rocks.

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Introduction

1.1 Problem analysis

Religious hate speech is receiving increasing attention from governments in both domestic and foreign policy, attracting higher levels of funding and support for development and aid organisations that aim to address this significant issue associated with the coexistence and intersection of different religions and worldviews globally.¹ The European Union (EU) provides funding for action plans to promote democracy and human rights in various locations around the world. Preventing and countering religious hate speech is a topic of one such action plan.² When Euro-American organisations obtain funding for action plans in non-EU contexts, challenges may arise due to Eurocentric assumptions visible in EU policies and in the Euro-American aid and developmental world. The main question of this thesis is therefore:

How is 'religious hate speech' understood across different cultural, religious and political contexts and what are the implications of these differences for cross-cultural policies and programmes aimed at addressing 'religious hate speech'?

This thesis will argue that EU foreign aid policy and in particular religious hate speech policy is dominated by Eurocentric and secular assumptions on human rights while such assumptions are either absent or carry different connotations in non-EU contexts. Through a case study focusing on an anti-hate speech programme implemented in Poso, Indonesia, I will endeavour to unravel the assumptions made about religious hate speech by both EU policy makers and grassroots participants. Over the past years, the relationship between the EU and Indonesia has intensified, including a Framework Agreement on Comprehensive Partnership and Cooperation. Indonesia was identified as a pilot country under the Agenda for Action on Democracy Support in EU external action.³ Through the European Instrument for Democracy and Human Rights (EIDHR), a Dutch faith-based Development Organisation (FBO) named *Mensen met een Missie* (MM) has designed and implemented an action plan on religious hate speech in Indonesia. Poso, a region on the island of Sulawesi, is one of the Indonesian target areas where an anti-hate speech programme will be implemented by MM to counter growing

¹ See: *Mensen met een Missie*. (n.d.). *Halt to hate speech. Engaging religious leaders and the police as key stakeholders in tackling hate speech as a driver of radicalization and intolerance*. Project application EuropeAid/136-980/DD/ACT/ID.

² *Mensen met een Missie*. (n.d.). *Halt to hate speech. Engaging religious leaders and the police as key stakeholders in tackling hate speech as a driver of radicalization and intolerance*. Project application EuropeAid/136-980/DD/ACT/ID.

³ See: Council of the European Union. (2013). *EU annual report on human rights and democracy in the world in 2012* (No. 15144/13). <http://aei.pitt.edu/45422/>

religious radicalisation through religious hate speech.⁴ Indonesia, as a Muslim majority country, presents a case very different from the EU, thus potentially offering different perspectives on religious hate speech, religious life, and notions of religious freedom. These insights on assumptions associated with religious hate speech are necessary to create future anti-hate speech programmes based on a cross-cultural approach instead of written from a Eurocentric human rights perspective. This thesis puts forward that the many actors who are involved in foreign aid work all have and work in different realities. Yet, power dynamics determine whose voice gets to be heard and which view or ideology becomes dominant in the making and implementing of EU action plans. This pattern can be counterproductive, if not dangerous, for target areas where sensitivity to cultural and historical context is of the utmost importance.

1.2 Theoretical framework

This thesis develops out of a combination of theoretical perspectives. First of all, I use a social constructivist lens because it maintains that religion, community, politics, society, identity and culture, amongst others, are fluid as they are constantly shifting and changing as a result of social interactions, affected by political, historical, geographical and cultural context. As such, a fluid understanding of 'religious hate speech' is adopted in this thesis. This thesis aims to explore what religious hate speech means for each of the different actors involved in this research. How EU policy makers might understand religious hate speech may differ from the understandings deployed at grassroots level in local (Indonesian) communities.

A historical constructivist approach is also adopted in regard to the study of religion in politics, instead of a more state- or society-centred explanation. Further, by combining social constructivism with neocolonialism and postcolonialism, this research also aims to stress the power dynamics at play within different interpretations of the concept of religious hate speech. Postcolonialism holds that even though officially colonialism has ended, the effects of colonialism still linger. It draws attention to the presence of a more ideological, and less territorial, colonialism, like for example North American cultural imperialism. Postcolonial scholarship aims to reveal the ongoing effects of colonialism in shaping social, spatial and political structures, as well as the uneven global interdependencies of the world.⁵ A closely related concept is neocolonialism. Neocolonialism can be referred to as the last stage of imperialism, through subtle propagation of socio-economic and political activity former colonial rulers aim to reinforce capitalism, neoliberal globalisation and cultural subjugation of their

⁴ Ziel, van der, A. (2018, November 18). Fatwa's, knokploegen en oppurtunisme: Hoe de radicale islam tolerant Indonesië verandert. *Trouw*. Retrieved January 6, 2020 from <https://www.trouw.nl/nieuws/fatwa-s-knokploegen-en-opportunisme-hoe-de-radical-islam-tolerant-indonesie-verandert~b35e8939/>

⁵ Jazeel, T. (2019). *Postcolonialism*. London: Routledge, 5.

former colonies.⁶ Today in Africa, as elsewhere, neocolonialism has worked to shape political ideology and behaviour in foreign policy by pushing ‘client states’ to adopt policies that suit the West and has given rise to what may be called the diplomacy of neocolonialism.⁷ Bearing in mind the power dynamics that stem from both postcolonialism and neocolonialism is important for the analysis of religious hate speech and religious intolerance outside of Euro-American contexts, because we cannot deny that their presence might affect the understanding of religious hate speech or even explain the presence of the concept in these contexts.

Furthermore, the increased focus and pressure from Euro-American governments to introduce measures to counter violent extremism and radicalisation, alongside global civil society discourses that challenge, and in some cases, oppose this trend, influences national dynamics in Indonesia and local dynamics in Poso as well. International pressure and discourses are not the only aspect that may influence a person’s feeling of religious discrimination and intolerance however. This thesis uses intersectionality, developed by feminist, postcolonial and queer theorists as a tool for analysing different layers of identity (and discrimination) in contemporary politics and society.⁸ Intersectionality is deployed to highlight that while religious hate speech may primarily occur in response to a person or group’s religious identity, the experience of discrimination and intolerance will also be affected by other identity markers such as gender, race, position in the community, political ideologies, level of education and more. Intersectionality helps to take the influence of different levels of politics on local grassroots dynamics into consideration. In the context of Poso, this means that conversations regarding religious hate speech and radicalisation will unavoidably be affected by discourses on these phenomena, both at a local or national level in Indonesia as well as at European and global level.

The idea of multiple ontologies and ontological injustice comes into play here as well. Erin Wilson argues that if we are to “pursue a truly global community, we must also address ontological injustices, that is the devaluing and exclusion of different ‘theories and understandings about what exists’”.⁹ Multiple ontologies theory argues that there ‘ontologies’ can be used in the plural because not all human beings (or perhaps none at all) share the same ontology. Rather, the theory argues that world is actually different for people all over the

⁶ Afisi, O. (N.D.) Neocolonialism. In *Internet Encyclopedia of Philosophy*. Retrieved August 2, 2020 from <https://www.iep.utm.edu/neocolon/>

⁷ Uzoigwe, G. (2019). Neocolonialism is dead: Long live neocolonialism. *Journal of Global South Studies*, 36(1), 59–87: 70. <https://doi.org/10.1353/gss.2019.0004>

⁸ Yuval-Davis, N. (2006). Intersectionality and feminist politics. *European Journal of Women’s Studies*, 13(3), 193–209. <https://doi.org/10.1177/1350506806065752>

⁹ Wilson, E. K. (2017). “Power differences” and the “power of difference”: The dominance of secularism as ontological injustice. *Globalizations*, 14(7), 1076–1093: 1077. <https://doi.org/10.1080/14747731.2017.1308062>; Pedersen, M. A. (2001) Totemism, animism and north asian indigenous ontologies. *The Journal of the Royal Anthropological Institute*, 7(3): 411-427, 413. <https://doi.org/10.1111/1467-9655.00070>

planet. Furthermore, as Wilson argues, “it is not just that the worlds are different, but that they are differently and unequally valued”.¹⁰ Similarly, multiple modernities theory assumes that instead of the world evolving toward a uniform, secular modernity guided by rationality and organised around nation-states, scholars now explore and agree on the idea that no single state is the same and their development does not follow one fixed trajectory.¹¹ Political scientist Jeremy Menchik proposes to map twin projects of our multiple modernities: “tracking the influence of religious organisations on modern secular institutions and the influence of modern secular institutions on religious organisations”.¹² This coevolution results, according to Menchik, in the contemporary Indonesian state neither being a secular democracy nor an Islamic theocracy but rather a religious-secular hybrid that makes the promotion of values like belief in God and communal affiliation of great importance for Indonesian civil society and the state.¹³

The final concept relevant to this thesis that needs highlighting is ‘postsecularism’. Postsecular theory argues that there is a dominant tendency in global politics, society and certain areas of scholarly analysis that makes secularism the norm and religion the exception. Whilst there are various interpretations of postsecularism, I use the definition provided by Mavelli and Petito which describes postsecularism as “a form of radical theorising” that questions whether the secular is the best platform for promoting democracy, freedom, equality and inclusion: “quite the opposite, the secular may well be a site of domination, isolation, violence and exclusion”.¹⁴ Postsecular analysis aims to disrupt the clear lines that are assumed to exist between ‘religion’ and ‘secular’ and between ‘public’ and ‘private spheres’. In section 2.2 I will discuss this nexus in more detail.

A postsecular analysis, supported by the idea of multiple modernities and ontologies, recognises the multiplicity of religious forms and at the same time offers an alternative for dominant secular narratives that attempt to construct religions in order to keep them privatised and separated from other spheres of human existence. The dominance of ‘Western’ secular human rights concepts in international politics, foreign aid work and policy-making has been criticised by postcolonial, postsecular and cross-cultural theorists.¹⁵ By using the different

¹⁰ Wilson, E. K. (2017). “Power differences” and the “power of difference”: The dominance of secularism as ontological injustice. *Globalizations*, 14(7), 1076–1093: 1083. <https://doi.org/10.1080/14747731.2017.1308062>

¹¹ Eisenstadt, S. N. (2000). Multiple modernities. *Daedalus* 129:1: 1-29. <https://www.jstor.org/stable/i20027610>

¹² Menchik, J. (2015). *Islam and Democracy in Indonesia: Tolerance without Liberalism*. New York: Cambridge University Press: 12.

¹³ Idem.

¹⁴ Mavelli, L. and Petito, F. (2012). The Postsecular in International Politics: An Overview. *Review of International Studies* 38(5), 931-942: 931. <https://doi.org/10.1017/S026021051200040X>

¹⁵ See, for example: Ager, A., & Ager, J. (2011). Faith and the discourse of secular humanitarianism. *Journal of Refugee Studies*, 24(3), 456–472. <https://doi.org/10.1093/jrs/fer030>; Asad, T. (2003). *Formations of the secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press; Shakman Hurd, E. (2008). *The politics of secularism in international relations*. Princeton: Princeton University Press; Lynch, C. (2011). Religious humanitarianism and the global politics of secularism. In C. Calhoun, M. Juergensmeyer, & J. VanAntwerpen (Eds.), *Rethinking secularism* (pp. 204–224). New York: Oxford University Press; Mavelli, L. (2012). *Europe’s*

theoretical lenses discussed above in combination, this thesis aims to consider multiple factors that may affect understandings of and attitudes towards religious hate speech within global, national Indonesian and local Poso contexts.

1.3 Methodology

In this thesis a combination of empirical and theoretical research has been conducted. Chapters 2, 3, 4 and a part of both chapter 5 and 6 rely on theoretical research and discussion of ideas and policies with regard to religious hate speech in different settings. The most of chapter 5 relies on empirical research conducted in Indonesia. In Poso, interviews and participant observations have been conducted as part of the data gathering. In chapter 5 the methodology of the empirical research will be discussed in more detail.

1.3.1 Literature review

Analysis of relevant literature was used to get a better overview of European law and the way it structures foreign aid projects, but also on Indonesian law with regards to religious hate speech and to obtain a more nuanced and comprehensive perspective on Poso and its historical/socio-political context. The literature review focused on the translation and transference of the concept of religious hate speech into different (cultural) contexts and the question whether the concept exists outside Western literature and contexts. The literature utilised consisted of academic literature on Freedom of Religion and Belief (FoRB) and relevant laws as well as articles and books based on ethnographic work in Poso Regency. The Jakarta Post, an international Indonesian newspaper, has been a useful source for gaining knowledge on general discourse about religious hate speech in Indonesia (mainly focused on the Ahok-case¹⁶) and on the general 'Indonesian media opinion' of the situation in Poso. Neocolonial literature is used to take this research a step further and think about what Euro-American foreign aid action plans at global scale mean for the Global South and which power dynamics are at play underneath these action plans.

1.4 Case study: Religious hate speech in Poso

The case study used in this thesis is research conducted in an Indonesian region named Poso in Central Sulawesi. Poso has a recent history of conflict between communities that identify with different religions, primarily Christian and Muslim. The conflict began with riots in 1998

Encounter with Islam: The secular and the post-secular. London: Routledge; Gutkowski, S. (2014). *Secular ways of war.* London: IB Tauris; Wilson, E. K. (2012). *After secularism: Rethinking religion in global politics.* United Kingdom: Palgrave MacMillan; Kuru, A. T. (2014). Authoritarianism and democracy in Muslim countries: Rentier states and regional diffusion. *Political Science Quarterly*, 129(3), 399–427. <https://doi.org/10.1002/polq.12215>
¹⁶ Lamb, K. (2016, December 12). Jakarta governor Ahok's blasphemy trial: All you need to know. *The Guardian*. Retrieved, February 15, 2020 from <https://www.theguardian.com/world/2016/dec/12/jakarta-governor-ahoks-blasphemy-trial-all-you-need-to-know>

and lasted for ten years with occasional flare ups thereafter. At first glance it seems that violent retaliations between (religious) groups became a vicious circle due to rumours and a need for revenge. The conflict was multi-layered, however. It had political, ethnic, economic social and religious causes. Yet the media portrayed the violence as '*konflik antaragama*', a religious conflict – Muslim against Christian (or non-Muslim).¹⁷ At the end of 2016, when the fieldwork for this thesis was conducted, it had been quiet in Poso District for several years but peace is still fragile.¹⁸ An interviewee explained that underneath Poso's peace a time bomb kept slowly ticking, waiting to explode at the first sign of trouble.¹⁹ As an ex-conflict zone where the tension is still tangible and as a popular destination for Western NGOs and FBOs, Poso is an interesting region for research on religious hate speech and projects to counter it.²⁰

1.5 Structure

I start this thesis with building on the preceding theoretical framework. Chapter 2 will clarify what is meant by 'religious hate speech' in Euro-American academic context. The chapter will offer an overview of recent Euro-American literature on (religious) hate speech as it will trace the rise of the concept of religious hate speech from blasphemy laws to a secular human rights concept. It also discusses how the discourse on religious hate speech has been shaped in particular with regards to the human rights of Freedom of Expression (FoE) and FoRB. Furthermore, it will unpack the secular nature of human rights (language) and problematise a static interpretation of religion. I am aware that much of the theory in this thesis is Eurocentric but since (religious) hate speech is a Euro-American concept, as explained in chapter 2, the literature and authors are mainly Western.

The third chapter will outline how hate speech and specifically *religious* hate speech is understood in European legislation and in EU foreign policies and how this discourse feeds into concrete projects on the ground through the EIDHR.

The fourth chapter will analyse the history of Indonesia and the contemporary government's ideas and policies on religion and secularism. The chapter will also discuss the Indonesian 'transmigration' policies and its destabilising effect on communities in Poso. Furthermore, it shall discuss the Indonesian government's perspective on (religious) hate speech. This chapter aims to demonstrate that the focus of the Indonesian government is

¹⁷ Schulze, K. (2017). The "ethnic" in Indonesia's communal conflicts: Violence in Ambon, Poso and Sambas. *Ethnic and Racial Studies*, 40(12), 2096–2114: 2097. <https://doi.org/10.1080/01419870.2017.1277030>

¹⁸ McRae, D. (2013). *A few poorly organized men: Interreligious violence in Poso, Indonesia*. Leiden: Brill.1.

¹⁹ Interview #21.

²⁰ Claim based on a conversation with the head of a local NGO and see: Centre for Humanitarian Dialogue (2011, June). *Conflict management in Indonesia: An analysis of the conflicts in Maluku, Papua and Poso*.

Retrieved June 5, 2020 from <https://www.hdcentre.org/wp-content/uploads/2016/08/5ConflictManagementinIndonesia-June-2011.pdf>. 64; Tri Subagya, Y. (2009). Women's agencies for peacebuilding and reconciliation: Voices from Poso, Sulawesi. In B. Bräuchler (Ed.), *Reconciling Indonesia: Grassroots agency for peace* (pp. 155–179). London: Routledge. 167.

mainly on tackling blasphemous speech as opposed to religious hate speech. Despite the government's acknowledgement of international religious hate speech laws, they do not actively enforce the regulations.

Chapter 5 will examine how the idea of religious hate speech is understood (or not understood), in Poso Regency, Indonesia. The chapter will discuss the fieldwork results and how these can be interpreted.

Chapter 6 will answer the main research question of this thesis. It will deconstruct assumptions about religious hate speech arguing, as demonstrated by the preceding chapters, that they are neither neutral, nor universally applicable. It will also discuss what the implications of these different assumptions on and understandings are for the EIDHR's foreign action plans.

Chapter 7 is the concluding chapter of this thesis. It shall provide a recap of all the preceding chapters and provide concluding remarks, reflections and recommendations for further research.

Chapter 2 Introducing ‘religious hate speech’

Religious hate speech as it is currently used as a concept is embedded in the human rights pantheon. The first part of this chapter will discuss how religious hate speech laws in Euro-American contexts originate from blasphemy laws and how its interpretation has secularised. With the shift to more pluralist, individualistic and secularized societies blasphemy laws became redundant in Euro-American contexts. All that remains is legislation containing religious hate speech restrictions formulated from a human rights perspective. There are voices speaking out against the restriction of speech, even speech that incites hatred because restriction means censoring freedom of speech. Therefore, this chapter will also point out the difficulties that arise with religious hate speech cases as the boundaries between Freedom of Expression (FoE), Freedom of Religion and Belief (FoRB) and hate speech are not always clear. The second part of this chapter will tackle common assumptions about religion and secularism in EU (foreign) policy. Lastly, the third section of this chapter shall address the problematic assumptions on the secular nature of human rights in the humanitarian sector.

2.1 Religious hate speech as restriction on blasphemy

After many centuries of enforcing religious speech restrictions under a variety of theories and names, why have blasphemy (remarks or actions contemptuous of God or the divine or the state’s orthodox religion), heresy (belief or opinion contrary to orthodox religious doctrine), apostasy (abandoning one’s faith including converting to another religion) and defamation of religion (criticism or ridicule of religious practice or belief whether reasoned, satirical or contemptuous) laws lost support in many Euro-American states while religious hate speech laws (incitement to religious hatred, discrimination or violence) survived?²¹ The rationale for blasphemy laws stem from protecting the religious orthodoxy but in Euro-American states the emphasis has moved to preventing offence to religious believers and to maintaining public order.²² According to Professor of Law John Knechtle religious hate speech is the last fragment of blasphemy and one reason for the abandonment of blasphemy is the societal shift from communal rights to individual rights in a Western secular human rights frame:

“Secularism’s focus on religious liberty, equal treatment of people of different beliefs, the marketplace of religious ideas, and harmony among religious and non-

²¹ Knechtle, J. (2017). Blasphemy, defamation of religion and religious hate speech. In J. Temperman & A. Koltay (Eds.), *Blasphemy and freedom of expression: Comparative, theoretical and historical reflections after the Charlie Hebdo massacre* (pp. 194–222). Cambridge: Cambridge University Press. 198.

²² Ahdar, R., and Leigh, I. (2005). *Religious freedom in the liberal state*. Oxford: Oxford University Press. 366 – 368.

religious groups, has demanded the abandonment of civil coercion of religious ideas represented in blasphemy, heresy and apostacy laws.”²³

Until the late eighteenth century, legitimacy of states in Europe and North America was grounded in a shared religious worldview that penetrated all spheres of life. As modernisation and globalisation brought a different set and hierarchy of values and started the mass-migration by people all over the world, the pluralist nature of states grew making it harder to justify blasphemy laws.²⁴

Today, Western liberalism only defends religious hate speech as a legitimate restriction on religious speech and this view is reflected in international human rights law. After Article 19 of the ICCPR guarantees the right to FoE, Article 20(2) provides that ‘any advocacy of [...] religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law’.²⁵ And while the General Assembly and the Human Rights Council have pushed for restrictions on religious defamation over the last decades, United Nations independent experts have been pushing states to narrow rather than widen definitions of punishable speech.²⁶ In fact, over the past fifty years, most Western democracies have either repealed blasphemy laws or ruled them unconstitutional. The UN Human Rights Committee reflected this trend when it, in July 2011, adopted General Comment 34 on the International Covenant on Civil and Political Rights (ICCPR) which made it clear that ‘prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant’.²⁷ General Comment 34 states that countries with blasphemy laws in any form that have signed the ICCPR are in breach of their obligations concerning freedoms of opinion and expression under the ICCPR. “Instead of protecting religions and religious symbols, religious hate speech protects individuals and groups from religious insults that demean their human dignity”, argues Knechtle.²⁸ The Exodus’ phrase “You shall not revile God”, has thus been changed to: “You shall not revile individuals because of their religion.”²⁹

2.2 Religious hate speech in relation to Freedom of Religion & Belief and Freedom of Expression

²³ Knechtle, J. (2017). Blasphemy, defamation of religion and religious hate speech. In J. Temperman & A. Koltay (Eds.), *Blasphemy and freedom of expression: Comparative, theoretical and historical reflections after the Charlie Hebdo massacre* (pp. 194–222). Cambridge: Cambridge University Press. 217.

²⁴ Idem, 213.

²⁵ See Article 19 & 20: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed on 13-04-2019.

²⁶ Temperman, J. (2015). *Religious hatred and international law: The prohibition of incitement to violence or discrimination*. Cambridge: Cambridge University Press. 8.

²⁷ See: <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>, accessed on 13-04-2019.

²⁸ Knechtle, J. (2017). Blasphemy, defamation of religion and religious hate speech. In J. Temperman & A. Koltay (Eds.), *Blasphemy and freedom of expression: Comparative, theoretical and historical reflections after the Charlie Hebdo massacre* (pp. 194–222). Cambridge: Cambridge University Press. 211.

²⁹ Ibidem.

Religious hate speech has been cut loose as a category from religious blasphemy legislation and is now a human rights concept on its own connected with both FoE and FoRB. For the sake of clarity, it is important to specify what is meant by hate speech in this thesis. I utilise the definition given by Professor of Law, Richard Moon:

“Hate speech is said to cause injury to others, either directly by intimidating or harassing the members of a racial or other identifiable group, or indirectly by persuading a more general audience that the members of such a group are dangerous or undesirable and should be treated accordingly.”³⁰

Moon argues that there are two dimensions to (religious) hate speech, the direct speech that harms people due to its cruel offensiveness and the part of hate speech that incites hatred and hate crimes in other people. Through its separation from blasphemy laws a ban on religious hate speech in practice means that it applies only to assertions that the members of a certain group are less worthy or less human than others or that they share certain undesirable traits, and should be treated accordingly. Attacks on belief are a different matter. Religious beliefs, including beliefs about human dignity and virtue, address issues of truth or right and so must be open to criticism even if it is harsh or uncivil.³¹ Moon claims that there are two difficulties when making a distinction between belief and believer. The first difficulty has to do with the fact that most religions have a very large and diverse following, the attribution of a certain belief that is said to be part of that religion to the entire group is often a generalisation. To explain this further; simply because a Hindu, through religious motives, once attacked another human, a speaker may not make the generalisation that all Hindus are therefore terrorists. Such speech ignores the diversity of belief within the Hindu population and presents the objectional belief (violence is justified to advance the faith) as a rooted part of the group. The second difficulty with making a distinction between belief and believers is that because religious beliefs are deeply held, attacking an individual's belief can be experienced as a personal attack.³² However, Moon argues;

“It is a mistake, to see the harm of hate speech as personal offense, resulting from the emotional force or uncivil tone of the expression. The purpose of the hate speech ban is to prevent the spread of falsehoods that may undermine the standing

³⁰ Moon, R. (2018). *Putting faith in hate: When religion is the source target of hate speech*. Cambridge: Cambridge University Press. 19.

³¹ Moon, R. (2019, January 18). *Religion and hate speech* [Blog Post]. Retrieved March, 3, 2019, from <https://tif.ssrc.org/2019/01/18/religion-and-hate-speech/>.

³² Idem.

or security of some community members and encourage radical or violent action against them.”³³

Advocates of religious hate speech legislation say that a ban is important because it changes the landscape of the public debate by excluding speech that incites hatred and creates a safer and more accessible space for religious minorities to participate.

Religious hate speech cases are difficult however as there is disagreement about whether or to what extent the restriction of hate speech can be reconciled with the public commitment to FoE. One could argue that liberal states have a fundamental contradiction at their core. On the one hand, they cherish the right to FoE. On the other hand, they insist that citizens should be treated equally and protected from discrimination and violence. In most European countries FoE is limited. These limitations are in respect of libel, hate speech, invasion of privacy, protection of national secrets and antisemitism. Critics of such policies respond that the only effective response to extreme speech is more speech.³⁴ Extreme statements will trigger counter-response and the ‘marketplace of ideas’ will do its work. A ‘marketplace of ideas’ is a rather utopian, liberalist idea where citizens meet as equals, and no idea is suppressed.³⁵ The idea is that in this marketplace a hearing of all viewpoints takes place and when this is censored, the marketplace will become unbalanced. Therefore, all forms of speech should be protected, even extremist speech. An argument used for complete free speech is that little harm can come from ‘mere speech’ as it is speech, not acts.³⁶

For a variety of reasons this is not the case, especially when it involves marginalized minority groups. Free speech absolutists actively ignore harm to target groups, as some forms of speech can be gender, religion and class biased. Further, not everyone is equally able to engage effectively in counter-speech because of differences in social position and power, some of which are due to the very speech that needs to be countered.³⁷ Furthermore, no rights and freedom can be absolute, Professor of Law Kathleen Mahoney argues:

“All important values in a free and democratic society must be qualified and balanced against other important and often competing values. This process of definition, qualification and balancing is as much required with respect to the value of ‘freedom of speech’ as it is with other values.”³⁸

³³ Idem.

³⁴ Temperman, J. (2015). 1.

³⁵ Mahony, K. (1994). 357.

³⁶ Idem, 358.

³⁷ Maitra, I., & McGowan, M. (2012). *Speech and harm: Controversies over free speech*. Oxford: Oxford University Press. 9.

³⁸ Mahoney, K. (1994). 356.

It is difficult to imagine how the uncensored promotion of group hatred could be elemental to the structure of democracy or how it is important to the protection of freedom. In fact, is there really a conflict or contradiction between the FoE and FoRB? FoE is a human rights category concerned with speech and other forms of expression and FoRB is concerned with religion. Although these concepts may clash, like for example in the Danish Cartoon case³⁹, a human rights perspective shows that FoE and FoRB can and should be complementary and are indeed mutually reinforcing. Many actions, to manifest one's religion for instance, are protected by both FoE and FoRB. Further, there is as much potential for tension between two individuals' right to FoRB (or FoE) as there is between one person's right to FoE and another's right to FoRB without having to disrupt each other.

Where to draw the line though? In the *Religion and Human Rights* journal, Francesca Klug stresses that the license to offend is included in FoE and offence is not a legitimate reason for states to limit free speech.⁴⁰ She argues however, that a distinction should be made between offence and incitement to national, religious or racial hatred. Hate speech creates a risk of harm when it plays to an audience's fears and resentments and builds on their existing prejudices, especially when it circulates within racist subcultures that operate at the margins of public discourse, away from critical scrutiny, whereas offence does not have that power.⁴¹ Similarly, political philosopher Jeremy Waldron, argues that offence is inherently a subjective reaction or feeling.⁴² With regard to offences to religious sensibilities, Waldron argues that the key to the matter is not to try to eradicate the appearance of offence, but to make a clear distinction between offence and harm.⁴³ By harm, Waldron is mainly referring to the harms of denigration, defamation, and exclusion.

A relevant question to ask in this discussion is whether the harm of hate speech outweighs the harm of limiting it? Kathleen Mahoney stresses that whatever form hate speech takes, the purpose and effect of hate propaganda is to lay the foundation for the mistreatment of members of the victimised group.⁴⁴ Speech is then not 'mere speech' but has much larger implications than free speech absolutists may make us believe. Also, by reducing hate speech to merely 'offensive' speech, it wrongly places the harm within the victim's control. It is the victim's own fault for they can just 'not listen' or 'not take offence'. Mahoney argues that this form of victim blaming ignores the essence of discrimination as it is not about how (religious)

³⁹ See for example: Langer, L. (2014). *Religious offence and human rights: The implications of defamation of religions*. Cambridge: Cambridge University Press, 31-50.

⁴⁰ Klug, F. (2006). Freedom of expression must include the license to offend. *Religion and Human Rights* 1(3). 225-227, 226. <https://doi.org/10.1163/187103206781173014>

⁴¹ Moon, R. (2018). 20.

⁴² Waldron, J. (2012). *The harm in hate speech*. Cambridge: Harvard University Press. 105-107.

⁴³ Idem: 129-130.

⁴⁴ Mahony, K. (1994). 353.

minorities view themselves but rather about how they are viewed by members of the dominant majority.⁴⁵

Furthermore, the argument that (religious) hate speech does not form a clear and present danger ignores the ways in which racism and hate propaganda works. They can have a slow and subtle effects. Through socialising, an environment is created in which hate speech is permissible and expected.⁴⁶ So, although FoE is a fundamental human right, demarking its boundaries with other fundamental human rights, such as equality, human dignity, LGBTQA+ rights and FoRB is more complicated than free speech absolutists might argue. The next two sections shall discuss how these human rights and religious hate speech specifically, relate to interpretations of religion and secularism.

2.3 ‘Religion’ and ‘secularism’ in European policymaking

This thesis discusses ‘religion’ and ‘secularism’ frequently, it is therefore important to discuss what is meant by these terms, what their relationship to each other is and how they are relevant for this thesis. Calhoun, Juergensmeyer and VanAntwerpen state that “in all cases, secularism is defined in tandem with its twin concept, religion, and how we think about one of these paired concepts affects the way we think about the other.”⁴⁷ The assumption that religion and secularism can be clearly separated and are, in fact, in binary opposition may not make sense in all contexts, particularly in non-Western contexts. Drawing inspiration from work of anthropologists of religion such as Talal Asad, this thesis wants to challenge the view of religion as something identifiable and distinct from other spheres and in contrast to secularism.⁴⁸ In fact, the tendency to insist on treating religion as something distinct has in some cases actually exacerbated differences in identities and contributed to discrimination and abuse of certain religious groups, especially religious minorities.⁴⁹ Elizabeth Shakman Hurd argues that “to rely on the category of religion as an object of foreign policy and human rights advocacy privileges certain forms of expression and ways of life while marginalizing others. It puts pressure on nonestablished, unorthodox, nonconforming ways of being religious, and of being human.”⁵⁰ In a *Washington Post* article she claims that religion should rather be understood as:

⁴⁵ Idem: 362.

⁴⁶ Waldron, J. (2012). *The harm in hate speech*. Cambridge: Harvard University Press. 72.

⁴⁷ Calhoun, C., Juergensmeyer, M. & VanAntwerpen, J. (2011). Introduction. In C. Calhoun & M. Juergensmeyer & J. VanAntwerpen (Eds.). *Rethinking Secularism* (pp. 3-30). New York: Oxford University Press. 6.

⁴⁸ Asad, T. (2003). *Formations of the secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press.

⁴⁹ Mahmood, S. (2016). *Religious freedom in a secular age: A minority report*. Princeton: Princeton University Press.

⁵⁰ Hurd, E. (2015). *Beyond Religious Freedom*. Princeton: Princeton University Press. doi: <https://doi-org.proxy-ub.rug.nl/10.1515/9781400873814>. 111.

“[...] other intersected categories such as gender, race and class: it is deeply enmeshed with legal forms of collective governance in complex and context-specific formations. The religious-secular opposition is itself unstable, shaped by social forces, institutions and practices that cannot be reduced to either of the two sides of the binary.”⁵¹

Wilson and Mavelli observe a similar dualist approach to religion with narratives on ‘good religion’ versus ‘bad religion’.⁵² Religion only seems to be deemed to be good as long as it conforms to standards that support peace, human rights, development, gender equality and so on. Religion that does not adhere to secular standards is bad and contributes to violence, intolerance and chaos in the world. To reduce religion to either good or bad confirms the assumption that religion is subordinate to the secular in contemporary public discourses. Furthermore, this thesis takes issue with language that describes religion in the singular. Religion is not the same thing in all times and in all places, it might be more appropriate to speak of ‘religions’ instead. Similarly, there is not one ‘Islam’, ‘Christianity’ or ‘Buddhism’ but there are multiple variations of each of these, perhaps as many as they have followers.⁵³ Such assumptions are critical to address when talking about phenomena like religious hate speech, since often hate speech is built on exclusivist definitions and descriptions of different religious doctrines and dogmas. I do not aim to dismiss secularist theory in this thesis however, rather I want to argue that the binary relationship between the secular and the religious constructed by secularists may become harmful, when that idea serves to secure power, especially when secularist ideas of the world are identified as applicable to all contexts and societies in the world.

2.4 Secular human rights (language)

One of these secularist ideas that may not be universally applicable is the Euro-American concept of human rights. Human rights advocates commonly assume that what the human society has in common is the idea that human rights are ‘the highest aspiration’ and that the Universal Declaration of Human Rights (UDHR) is the ‘common standard for all’.⁵⁴ According to Michael Freeman, Emeritus Professor specialized in Human Rights, “the question of

⁵¹ Shakman Hurd, E. (2015, July 9). How international relations got religion, and got it wrong. *Washington Post*. Retrieved June 21, 2020 from <https://www.washingtonpost.com/news/monkey-cage/wp/2015/07/09/how-international-relations-got-religion-and-got-it-wrong/?noredirect=on>

⁵² Mavelli, L. & Wilson, E.K. (2016). *The refugee crisis and religion: Secularism, security and hospitality in question*. London: Rowman and Littlefield. 5.

⁵³ Ibidem.

⁵⁴ Freeman, M. (2004). The problem of secularism in human rights theory. *Humans Quarterly* 26(2), 375-400: 376. <https://doi.org/10.1353/hrq.2004.0020>

'culture' [in human rights theory] is either how cultural barriers to the implementation of human rights standards might be removed, or to what extent concessions might legitimately be made to cultural diversity from the standpoint of universality.⁵⁵ He however questions the 'universality' of the UDHR in a culturally diverse world and has reservations about whether the priority that human rights discourse gives to human rights over other values, is itself a universally valid value.⁵⁶ He argues that "the most fundamental problem of contemporary human rights theory is that, while the concept of human rights seems necessary to oppose abuses of power, there is no consensus on its religious and philosophical foundations."⁵⁷ He argues that this is largely due to the secular language used in human rights theory.

After the Second World War, when the UDHR was drafted, religion was prevalent in public life in Western democracies but politics had however become predominantly pragmatic and secular.⁵⁸ Politically, human rights were articulated in secular language in order to attract universal support. Freeman says:

"The Universal Declaration grounded human rights in the secularized, neo-Kantian formula of 'the dignity and worth of the human person' rather than on any particular religious doctrine. This formula is not itself very controversial, but its implications still are. Wars are not fought for and against the dignity and worth of the human person, but they are fought over what political practices and institutions this idea entails."⁵⁹

Grüll & Wilson argue that the secular language used in human rights undermines the legitimacy of the universal character of human rights. The language makes it a "specific historic and cultural construct of the 'West' imposed by European and North American powers on unwilling populations in the Global South."⁶⁰ Grill & Wilson continue by arguing that the language used in human rights concepts may be perceived as the influence of foreign powers by indigenous populations. However, the values within these human rights concepts may resonate, simply through different concepts and language.⁶¹ Finding a middle way in which human rights (language) is not thrown overboard and where indigenous concepts and language are not glorified is perhaps more effective when promoting human dignity.

⁵⁵ Ibidem.

⁵⁶ Idem, 377.

⁵⁷ Idem, 392.

⁵⁸ Idem, 391.

⁵⁹ Ibidem.

⁶⁰ Grill, C. & Wilson, E. K. (2018). Universal or particular... or both? The right to freedom of religion and belief in cross-cultural perspective. *The Review of Faith and International Affairs*, 16(4), 88-101, 91. <https://doi.org/10.1080/15570274.2018.1535046>

⁶¹ Grill, C. & Wilson, E. K. (2018). Universal or particular... or both? The right to freedom of religion and belief in cross-cultural perspective. *The Review of Faith and International Affairs*, 16(4), 88-101, 93. <https://doi.org/10.1080/15570274.2018.1535046>

A similar process in which principles and policies of organisations are increasingly being articulated in secular terms, can be distinguished in humanitarianism. CSOs are increasingly working within intergovernmental structures and with governmental agendas.⁶² In secularised, bureaucratised and rationalised humanitarian processes there is lack of space for faith or religion, the phenomena that are not visible or tangible. Ager & Ager argue:

“[...] while secularism is in principle ‘neutral’ to religion, in practice the secular framing of the humanitarian regime marginalizes religious practice and experience in the conceptualization of humanitarian action at both global and local levels. Further, such framing serves to privilege certain liberal materialist assumptions implicit within the discourse of western elites, representing a form of neocolonialism.”⁶³

In reality, Ager & Ager point out that when religion is part of secular humanitarian programmes, it often is so for what religion can ‘bring to the table’, for instance, community cohesion, social capital or societal structure.⁶⁴ That human rights are often articulated in secular language is of great importance for this these because it means that the concept of religious hate speech may not be known or easily understood outside Euro-American contexts, this could have implications for the success of action plans promoting democracy and human rights.

2.5 Concluding remarks

In this chapter I have illustrated where the concept of ‘religious hate speech’ has been disconnected from blasphemy laws and is now part of the human rights pantheon closely linked to FoRB and FoE. Religious hate speech has two dimensions, the direct speech that harms people due to its cruel offensiveness and the part of hate speech that incites hatred and hate crimes in other people. The part that harms people due to its offensiveness is largely debated because how do you determine what is ‘offensive’. FoE and FoRB and sometimes said to be conflicting human rights. Similarly, religion and secularism are often argued to be in a dichotomous relationship. This chapter has problematised these binary oppositions. As this idea may lead to assumptions about religious hate speech, human rights, religion and secularism that are rather Eurocentric. Furthermore, I have discussed the secular nature of

⁶² Ager, A. & Ager, J. (2011). Faith and the discourse of secular humanitarianism. *Journal of Refugee Studies* 24(3), 456-472: 457. <https://doi.org/10.1093/jrs/fer030>

⁶³ Ibidem.

⁶⁴ Ager, A. & Ager, J. (2011). Faith and the discourse of secular humanitarianism. *Journal of Refugee Studies* 24(3), 456-472: 460. <https://doi.org/10.1093/jrs/fer030>

human rights and its language and how this language may not resonate in non-Euro-American contexts.

In the next chapter I will build on the concepts presented in this chapter but shift the focus towards European legislation and policies. The chapter aims to create insight on how EU policy makers understand religious hate speech. It will also outline the framework of the European Instrument for Human Rights the instrument through which the EU sets up foreign aid action plans that promote democracy and human rights. The EIDHR is relevant for this thesis as it has sponsored the action plan on religious hate speech in Poso.

Chapter 3 European legislation on religious hate speech & the EIDHR

In the previous chapter I have discussed the concept of religious hate speech. In this chapter I will take this further and unpack the EU's policy makers understanding of religious hate speech and their relevant internal policies and legislation on religious hate speech, FoRB and FoE. This is important because the EU's understanding of religious hate speech is reflected in their foreign action plans for promoting democracy and human rights worldwide. I will describe how internally the 'margin of appreciation' in hate speech laws contributes to a non-uniform understanding of (religious) hate speech as concept and legislation in the EU. In the second part of this chapter I will address the EU's external policies through which they finance action plans that aim to counter religious hate speech as part of democracy and human rights promotion outside the EU borders. The aim of this chapter is to give a broad idea of the framework of religious hate speech policies internally and externally in the EU and to highlight a difference on human rights in approach when comparing internal and external policies.

3.1 EU internal (religious) hate speech legislation

Firstly, it is important to understand the framework in which religious hate speech legislation in the EU can be understood, before moving on to the EU's foreign policies. EU law on religious hate speech is tightly linked to both the International Covenant on Civil and Political Rights by the United Nations and the European Convention of Human Rights. In the next two sections I will outline both. In the section 3.1.3 I will discuss the European Court of Human Rights where the aforementioned legislation is practiced and the EU's internal 'margin of appreciation' doctrine that allows for variation in interpretation of religious hate speech in the EU.

3.1.1 International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) sets out a legal basis for obligations of states that have signed the ICCPR between 1966 and 1976 and lists the entitlements of individuals all over the world. It provides, amongst other things, a framework for resolving tension between FoE and FoRB (Article 18 & Article 19) that can arise in specific cases and it aims to prevent religious hate speech through their limitation clauses (Article 20). The ICCPR has 3 relevant Articles and Paragraphs in relation to religious hate speech:⁶⁵

Article 18 (ICCPR)

⁶⁵ Human Rights Committee. (2011). *International Covenant on Civil and Political Rights*. United Nations. Retrieved January 4, 2020 from <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 19 (ICCPR)

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20 (ICCPR)

...

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

While the ICCPR underwrites its signers' intentions, it legally does not bind states to the covenant and it grants much lee-way in addressing religious hate speech; individual states

use their own 'margin of appreciation' to judge any religious hate speech case. The ICCPR's human rights perspective (in contrast to national blasphemy laws that had a religious origin) on FoE and FoRB allows significant diversity in how states address extreme speech and insults to religions, beliefs and believers. Further, compared to some other areas of international human rights law, there is relatively little machinery or guidance for determining whether states are doing enough to prohibit advocacy of religious hatred.

3.1.2 European Convention of Human Rights

The European Convention on Human Rights (ECHR), which came into force in 1970 but has since been amended several times, most recently in 2010, in its Articles 9 and 10 respectively, contains similar provisions to those in ICCPR Articles 18 and 19. ECHR Article 9 and 10 provide that:⁶⁶

Article 9 (ECHR)

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and the freedoms of others.

Article 10 (ECHR)

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the

⁶⁶ *European Convention on Human Rights*. (1945). Council of Europe. https://www.echr.coe.int/Documents/Convention_ENG.pdf

prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

In Article 10 of the ECHR, FoE is granted protection under §1 of Article 10 but may be limited under §2. However, any such restriction must pass some 'tests': in addition to several legal requirements, it also needs to be 'necessary in a democratic society'. This final requirement has been held by the European Court of Human Rights to mean that any restriction must 'correspond to a pressing social need', must be proportionate to whichever legitimate aim is being pursued and the reasons given for the interference must be 'relevant and sufficient'.⁶⁷ As a consequence the Court is required, one way or another, to perform a balancing act in which the right is weighed against the public interest. A flaw in this system is that determining what a 'pressing social need' is depends upon who determines the 'need' and the 'public interest'.

What is remarkable when comparing the ICCPR and the ECHR is that the ECHR does not have an explicit equivalent to ICCPR Article 20 provision that specifically mentions hate speech and incitement to hatred directly. When the European Court of Human Rights (ECtHR) finds itself confronted with hate speech, it must build its case-law in the (relative) absence of international anchors and texts. At the universal level, only Article 20 of the ICCPR is available while at the regional level, only the American Convention on Human Rights of 22 November 1969 explicitly prohibits hate speech in its Article 13 §5 concerning freedom of thought and expression.⁶⁸ As former Judge and Vice-President of the ECtHR says:

"Against this background [the lack of specific legislation], the European Court of Human Rights is called upon to develop a 'constructive case-law', linked to the conceptions that prevail today in democratic societies and to the evolution of European law in relation to incitement to hatred."⁶⁹

"Linked to conceptions that prevail today in democratic societies" is of course a very vague anchor to build case-law upon, it leaves much room for interpretation and it puts a lot of power at the institutional level, the ECtHR in this case, that does the interpreting. A similar

⁶⁷ Lewis, T. (2017). At the deep end of the pool. In J. Temperman & A. Koltay (Eds.), *Blasphemy and freedom of expression: Comparative, theoretical and historical reflections after the Charlie Hebdo massacre*. (pp. 259–293). Cambridge: Cambridge University Press. 262.

⁶⁸ Tulkens, F. (2015). *When to say is to do freedom of expression and hate speech in the case-law of the European Court of Human Rights*. European Court of Human Rights. Strasbourg, France. 2.

⁶⁹ *Ibidem*.

mechanism can also be found within the ‘margin of appreciation’ doctrine the ECtHR upholds that will be discussed in the next section.

3.1.3 The European Court of Human Rights and the margin of appreciation doctrine

The ECHR and its ECtHR are part of an overarching legal system for the EU. The ECHR and ECtHR are both part of the Council of Europe which has 47 member states including Russia and Turkey. The ECtHR’s approach has been to uphold laws criminalizing religious hate speech, despite their impact on free speech, because it has treated them as being necessary for the protection of public interest. In doing so however, states have been accorded a wide ‘margin of appreciation’ in determining what is appropriate in their own societies. With so many European states included in one legal system, the ECtHR has to appreciate cultural differences between the states. The margin of appreciation, or deference, is an interpretational tool that determines which matters require a uniform international human rights standard and which allow legitimate variations from state to state.⁷⁰

The application of the previous mentioned legal ‘tests’ is thus made less predictable by the influence of the margin of appreciation doctrine as this variable discretion allows national systems to assess for themselves the need for legal restrictions, based on local and cultural differences.⁷¹ For instance, the Dutch penal code prohibits the incitement of hatred, discrimination, or violence against community members because of their race, religion, or life philosophy, among other grounds in general.⁷² Similarly, yet differently, other jurisdictions have enacted hate speech prohibitions that are concerned specifically with the protection of religious individuals or groups. In the United Kingdom, s. 29B of the Racial and Religious Hatred Act, 2006 provides that, “a person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intended thereby to stir up religious hatred”.⁷³ A number of European jurisdictions however, have laws that restrict the ridicule or disparagement of religious beliefs, symbols, or practices. The Austrian Penal Code, for example, makes it an offence to disparage religious doctrines and the Swiss Penal Code includes the offence of maliciously offending or ridiculing the religious convictions of others or to disparage a person’s convictions, objects of veneration, places of worship, or religious articles.⁷⁴ Lack of a uniform European legal consensus, significant cultural or religious variations among European societies, and variable notions of morality are examples

⁷⁰ Mahoney, P. (1997) Universality versus subsidiarity in the Strasbourg case law on free speech: Explaining some recent judgments. *European Human Rights Law Review* 4, 364-379: 364.

⁷¹ Leigh, I. (2011). Damned if they do, damned if they don’t: The European court of Human Rights and the protection of religion from attack. *Res Publica: A Journal of Moral, Legal and Social Philosophy*, 17(1), 55-73: 56. <https://doi.org/10.1007/s11158-011-9143-5>

⁷² Dutch Penal Code. Art. 137d. Wetboek van Strafrecht (Sr.)

⁷³ The Racial and Religious Hatred Act, 2006 (UK) s. 29B c. 1, amending The Public Order Act 1986 (UK) c. 64.

⁷⁴ The Austrian Penal Code, Art. 188, Strafgesetzbuch (StGB).

of reasons to invoke the margin of appreciation doctrine. The aforementioned examples seem to provide sufficient justification to uphold the appreciation doctrine as they look quite similar but are not. But more importantly, these examples are all from Western European countries with relatively similar historic contexts. This is not the case for all countries affiliated with the ECtHR however. Compare for instance the historic/social/cultural/legal differences between contemporary Netherlands and Turkey. While the idea of the margin is an appealing one in the context of a treaty that respects the sovereignty of States, a more considered examination reveals serious flaws in the doctrine

The margin of appreciation doctrine is controversial as it leaves the width of the margin up to interpretation and is based on the relative weight the court puts on the factors involved.⁷⁵ The growing recognition of LGBTQA+ is a relevant modern example. Why has the ECtHR not allowed more morally conservative states to invoke the margin of appreciation when it comes to national court decisions with LGBTQA+ rights involved, while on matters of religious expression the ECtHR leaves verdicts largely untouched? It would seem that for European judges, apparently well practised in protecting personal sexual autonomy from state interference, religion in Europe is still taboo.⁷⁶ There are more flaws with the doctrine but in light of the scope of this thesis I will not discuss those here. It is sufficient enough to have pointed out that partly due to the margin of appreciation doctrine, uniform religious hate speech legislation does not exist in the EU.

Additionally, the acceptance of a wide variety of interpretations of the ECHR make it a confusing and unpredictable convention. It is difficult to have a European legislative standard on FoRB and FoE when every EU state is free to interpret it. Furthermore, even though the EU recognises the lack of international (and internal) consensus on how human rights are interpreted, it still sees it as its duty to enhance democracy and human rights in non-EU contexts.⁷⁷ The EU's website refers to *protection* of human rights *within* the EU but specific actions and programmes for human rights *promotion* seems only to take place *outside* the EU.⁷⁸ This difference between educating the 'Other' but not the 'Self' is a common theme in

⁷⁵ Hutchinson, M. (1999). The margin of appreciation doctrine in the European Court of Human Rights. *The International and Comparative Law Quarterly* 48(3), 638-650: 341. <https://doi.org/10.1017/s0020589300063478>

⁷⁶ Leigh, I. (2011). Damned if they do, damned if they don't: The European court of Human Rights and the protection of religion from attack. *Res Publica: A Journal of Moral, Legal and Social Philosophy*, 17(1), 55-73: 57. <https://doi.org/10.1007/s11158-011-9143-5>

⁷⁷ European Parliament & Council of the European Union. (2014, March 15). *Regulation (EU) No 235/2014 of the European parliament and of the council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide*. Retrieved May 7, 2019 from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0085:0094:EN:PDF>

⁷⁸ See: European Union. (n.d.) *Human rights and democracy*. Retrieved May 7, 2019 from https://europa.eu/european-union/topics/human-rights_en#:~:text=Promoting%20and%20protecting%20human%20rights&text=The%20EU%20Charter%20of%20Fundamental,they%20are%20implementing%20EU%20law; European Commission. (n.d.). *International cooperation and development: Human rights*. European Union. Retrieved May 7, 2019, from https://ec.europa.eu/international-partnerships/topics/human-rights_en

post-colonial literature and suggests an implicit bias, that may be tied to assumptions about modernity and secularism, which leads us to assume humans in Euro-American contexts know what religious hate speech and human rights intrinsically mean.⁷⁹ Professor of literature Afaf Al-Saidi argues that the Self and Other are a “perceived binary dichotomy between civilized/savage that has perpetuated and legitimized Western power structures favoring ‘civilized’ white men”.⁸⁰ It seems contradictory that the EU recognises the significance of the lack of international consensus on the interpretation of human rights but advocates for these rights in non-EU contexts regardless, yet not in its own contexts. This attitude hints at a (neo)colonial and Eurocentric attitude by the EU and requires further analysis, consideration and research. Historian G. Uzoigwe argues that political leaders of both Euro-American countries and the Global South have an obligation to confront the phenomenon of colonialism and neocolonialism. “[...] not as superior or inferior partners, or as colonizer and colonized but as partners in the pursuit of global peace, security, and prosperity. This is a goal that twenty-first-century progressive scholarship on the subject perhaps needs to pay more attention to”.⁸¹

As the EU website mentions, the EU has action plans promoting democracy and human rights, and by extension religious hate speech, in non-EU contexts. It does so specifically through the European Instrument for Democracy and Human Rights (EIDHR). What the EIDHR is and how this instrument is set up, will be outlined in the next section.

3.2 EU external human rights promotion

The European Parliament and Council have adopted an instrument for the promotion of democracy and human rights all around the world, the European Instrument for Democracy and Human Rights.

“The European Instrument for Democracy and Human Rights (EIDHR) is a thematic funding instrument for EU external action aiming to support projects in the area of human rights, fundamental freedoms and democracy in non-EU countries. This instrument is designed to support civil society to become an effective force for political reform and defence of human rights.”⁸²

⁷⁹ Al-Saidi, A. A. H. (2014). Post-colonialism literature the concept of Self and the Other in Coetzee's *Waiting for the Barbarians*: An analytical approach. *Journal of Language Teaching and Research* 5(1). 95-105: 95. <http://doi:10.4304/jltr.5.1.95-105>

⁸⁰ Al-Saidi. (2014). Post-colonialism. 95.

⁸¹ Uzoigwe, G.N. (2019). Neocolonialism is dead: Long live neocolonialism. *Journal of Global South Studies* 36(1), 59-87: 69. <https://doi.org/10.1353/gss.2019.0004>

⁸² See: European Commission. (n.d.). *European Instrument for Democracy & Human Rights (EIDHR)*. European Union. Retrieved May 8, 2019 from https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en/

The EIDHR was adopted by the European Parliament and the Council in March 2014 (Regulation No. 235/2014) for the period 2014-2020 during which the EU intends to aid with the development of democracy, human rights and fundamental freedoms worldwide. The budget for this regulation is €1,332,752,000.⁸³ Some of the EIDHR's specific objectives are:⁸⁴

- to support human rights and human rights defenders in situations where they are most at risk,
- to support and target key actors and processes, including international and regional human rights instruments and mechanisms,
- to support democracy and,
- to support other priorities of the Union in the field of human rights.

To achieve the before mentioned objectives the EIDHR provides several types of support, such as:⁸⁵

- grants to local civil society organisations (CSOs) and Human Rights Defenders (HRDs) under the EIDHR Country Based Support Scheme (CBSS) using the standard EU call for proposals process. Such grants are awarded, managed and monitored by EU Delegations in partner countries,
- grants to CSOs and HRDs through 'Global' calls for proposals (directly managed by DG DEVCO headquarters in Brussels), which are launched every year to support specific human rights priorities,
- emergency grants to HRDs at risk under the EIDHR Emergency Fund for HRDs at risk, which allows the headquarters or the Delegations to channel modest-size emergency grants of up to €10,000,
- direct and confidential grants under the Human Rights Crisis Facility to CSOs and HRDs in recognised crisis situations,
- targeted actions identified in the Annual Action Programmes to support key actors.

⁸³ European Parliament & Council of the European Union. (2014, March 15). *Regulation (EU) No 235/2014 of the European parliament and of the council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide*. Retrieved 7 May, 2019 from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0085:0094:EN:PDF>

⁸⁴ See: European Commission. (n.d.). *European Instrument for Democracy & Human Rights (EIDHR)*. European Union. Retrieved May 8, 2019 from https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en/

⁸⁵ Idem.

The objectives and types of support above clearly illustrate how promotion of human rights and democracy through grants provided to CSOs and HRDs is the main goal of the EIDHR. To make these action plans in a context-sensitive manner, programmes in specific countries include a Country Based Support Scheme (CBSS) that is implemented directly by EU Delegations. The EIDHR claims that the CBSS are designed to support locals and local CSOs by taking the characteristics and the specific needs of each country into consideration in the grant proposal. Whilst EIDHR's aim to incorporate CBSSs into their proposals is admirable, the fieldwork conducted in Indonesia as part of this thesis (chapters 5 and 6) will illustrate that having local characteristics written in grant proposals for the EIDHR does not ensure that the programme has a cross-cultural approach.

To obtain an EIDHR grant, mostly European NGOs, CSOs or FBOs hand in proposals based on the grant application that the EIDHR sets out. In their proposal CSOs ensure that CBSS are incorporated, as it is one of the requirements for obtaining such a grant. A proposal including CBSS does not mean necessarily that these action plans are context-sensitive or that these schemes are applied in practice. The fact remains that these proposals are written and rolled out by pre-dominantly Western CSOs sometimes with, sometimes without, the cooperation of local communities from the target areas in the organisation of these programmes. These considerations raise the question whether the €1,332,752,000 set aside by the EU for the EIDHR could be applied more effectively by involving experts from target areas through the EIDHR from the earliest stage of drafting the call or application until the finish of the project.

3.3 Concluding remarks

In this chapter I have given an outline of European regulations with regards to religious hate speech and of EU foreign action regulations. The ECtHR relies heavily on the ECHR and the ICCPR for guidance when dealing with human rights or religious hate speech cases. Due to the margin of appreciation doctrine internal consensus on the interpretation by state courts of human rights is difficult. The chapter also argues that while it is admirable that the EU allocated €1,332,752,000 to promote human rights and democracy outside of the EU borders, they do not have a similar budget promoting the human rights and democracy inside the EU for similar purposes. This implies a Eurocentric bias that assumes that the promotion of human rights and democracy is not necessary in the EU. While I have no intention to take a stand against the promotion of human rights, it is firstly important to consider the (implied) power imbalance that comes with the EU funding educational/promotional programmes on democracy and human rights worldwide. Secondly, it is important to question whether the foreign action plans

approached from a secular human rights point of view, despite the CBS schemes that are incorporated, will fit in the social, cultural, political and historical contexts of the target areas.

The next chapter will provide a different view on religious hate speech, namely the view that the Indonesian government holds through their legislation and policies. This is relevant because Indonesia is a frequent target area for the EIDHR and because Poso's context has to be viewed in light of its national governments historic and social background.

Chapter 4 Indonesia and religious hate speech

This chapter will focus on one of the countries where the EU promotes democracy and human rights, namely Indonesia. The chapter will provide a background of Indonesia's colonial and post-colonial history. That part of Indonesian history needs to be discussed because it provides an important part of the framework of the relationship between the EU and Indonesia. The following chapter will also shed light on 'Indonesian' secularism in order to underline that secularism is a fluid concept and may hold a different meaning in Indonesia than it does in the Euro-American contexts discussed in chapter 2. Furthermore, tension in contemporary Indonesia, former transmigration policies and communal violence will be discussed as these are relevant socio-historical backgrounds that help explain the current situation in Poso. These tensions are often at the root of the religious radicalisation phenomenon in Indonesia and part of the cause for (religious) hate speech by several ethnic and religious groups in Indonesia. Lastly, this chapter will highlight relevant Indonesian legislation on religious hate speech, or the lack thereof.

4.1 Indonesia in the 20th century

Indonesia's 20th century is characterised by (religious) oppression both externally through Dutch imperialism and later by its own government. As former colony Indonesia has a tight history with Europe and especially with Portugal, the United Kingdom and The Netherlands. The islands that now form Indonesia, were partly colonized by the Portuguese in the 16th century, who lost the colony to the Dutch in the 17th century after extensive warfare between the two.⁸⁶ In the 19th century the British defeated the Dutch but handed the captured Indonesian territories back to the Dutch not much later. The Dutch extended their rule and exploitation over even more Indonesian islands than they did before, including over Sulawesi in 1905, the island where the case study of this thesis takes place.⁸⁷

With the establishment of the Indonesian Nationalist Party (PNI) in 1927, Sukarno emerged as a leading advocate of Indonesian unity, independence, and the separation of state and religion. About 15 years later the Dutch colonial rule ended abruptly, not by the Indonesians but when the Japanese invaded the Dutch East Indies in March 1942. And finally, when in 1945 the Japanese defeat seemed imminent, the nationalist leaders of the PNI headed by Sukarno, declared the independence of Indonesia on August 17.⁸⁸ World War II and several years of decolonisation guerrilla warfare in Indonesia had weakened the Dutch

⁸⁶ Weber, R., Kreisel, W., & Faust, H. (2003). Colonial Interventions on the Cultural Landscape of Central Sulawesi by "Ethical Policy": The Impact of the Dutch Rule in Palu and Kulawi Valley, 1905—1942. *Asian Journal of Social Science*, 31(3), 398–434: 403. <https://doi.org/10.1163/156853103322895324>

⁸⁷ *Idem*, 398.

⁸⁸ Emmer, P. (2016). Decolonization of the Dutch East Indies/Indonesia. In *Encyclopédie pour une histoire nouvelle de l'Europe*. Retrieved April 8, 2020 from <http://ehne.fr/en/node/1560>.

and after much international condemnation and pressure from the United Nations, the Dutch recognized Indonesian independence in 1950.⁸⁹

Sukarno became president under the 1950 constitution. Forming a stable government however was difficult to achieve because of divisions among political parties.⁹⁰ From the birth as an independent nation, Indonesia has been divided on the legal status of Islam. Two major groups can be distinguished in this division, that of Islamist leaders and of secular nationalists. The major difference between the two is that the former wanted to affirm Indonesia as an Islamic state following Shari'a, whereas the latter called for Indonesia to be impartially religious.⁹¹ The secular nationalists prevailed and the first constitution of Indonesia (*Jakarta Charter*) was based on *Pancasila*, the five principles of the state philosophy, namely: monotheism, humanitarianism, national unity, representative democracy by consensus, and social justice.⁹²

A combination of factors, including unsuccessful rebellions in Sumatra, Sulawesi and West Java in 1958 and the failure of the constituent assembly to agree on a new constitution, enabled Sukarno in 1959 to establish broad presidential powers. He then used his newly gained powers to impose an authoritarian regime in what he called *Guided Democracy*.⁹³ However, the tensions between the left and right wing of an increasingly polarized society, the collapse of the economy, Sukarno's inflammatory rhetoric, together with reckless political gambles, such as his flirtations with Asian communist states and the Indonesian Communist Party (PKI), left the nation in a state of unrest.⁹⁴

In October 1965, after a coup d'état attempt by the Indonesian Communist Party, Major General Suharto was able to gain control over Jakarta. Violent outbreaks swept throughout Indonesia in the aftermath of the coup attempt, and hundreds of thousands of alleged communists and their sympathizers were killed.⁹⁵ On March 1967 General Suharto was named acting president and Sukarno was forced into house arrest until his death, in 1970. After Suharto defeated the enemy on the left, in the form of communism, he was not about to cede ground to radical Islamism on the right. During the prime of Suharto's authoritarian *New Order* regime, suppression of immoderate Islamists was systematic.⁹⁶ Public discussion or the promotion of an Islamic State or greater Shari'a law implementation was prohibited. Suharto's regime could be seen as secularist and in favour of Indonesia's Christian minority. Many

⁸⁹ Ibidem.

⁹⁰ Na'im, A. A. (2008). *Islam and the Secular State*. Cambridge: Harvard University Press. 223.

⁹¹ Idem, 224.

⁹² Idem, 223.

⁹³ Ibidem.

⁹⁴ See: Barton, G. (2010). Indonesia: legitimacy, secular democracy, and Islam. *Politics & Policy*, 38(3), 471-496: 483. <https://doi.org/10.1111/j.1747-1346.2010.00244.x>; Na'im, A. A. (2008). *Islam and the secular state*. Cambridge: Harvard University Press, 224.

⁹⁵ Ibidem.

⁹⁶ Barton, G. (2010). Indonesia: legitimacy, secular democracy, and Islam. *Politics & Policy*, 38(3), 471-496: 483. <https://doi.org/10.1111/j.1747-1346.2010.00244.x>

activists were arrested and imprisoned for long periods, often suffering physical abuse and after their release, continued to suffer from discrimination and economic marginalization.⁹⁷ Radical Islam networks were forced to go underground and Suharto held harsh Islamic depoliticization campaigns.⁹⁸

After the fall of Suharto's New Order regime in 1998, conditions changed dramatically. Muslims were able to form political parties and compete in elections, as well as form organizations without hindrance from the state.⁹⁹ Under Dutch colonialism, Sukarno's *Guided Democracy* and Suharto's *New Order* politics, Indonesians have suffered decennia of (religious) oppression. As a consequence, the nation has recently been undergoing rapid pietisation within its Muslim community, resulting in Islam being far more prominent in public life now than at any time in the past.

4.2 'Indonesian secularism'

Even though Indonesian Islam is flourishing, Islam is not the only recognized religion in Indonesia. There are six major religious groups, including Muslims, Protestants, Catholics, Hindus, Confucians and Buddhists in Indonesia. Muslims constitute about 87% of Indonesia's population compared to 8.7% Christians and just over 4% of other religions.¹⁰⁰ Muslims (and other denominations) in Indonesia subscribe to a wide range of understandings and practices of Islam, some of which may not be recognized as Islamic at all by some Muslims in other parts of the world due to Indonesian Islam being closely entangled with previously existing local religious customs and social habits (*adat*).¹⁰¹ A wide variety of local religions and emerging sects still exist in Indonesia. It is therefore difficult to classify many Indonesians as belonging to one particular religion, let alone a uniform or monolithic understanding and practice of that religion. The Indonesian state however does not acknowledge religions other than the six previously mentioned.¹⁰² It avoids the difficulty of Indonesian local religions in practice by deeming people to be believers in one supreme God.¹⁰³

⁹⁷ Fealy, G. & Funston, J. (2016, January). Indonesian and Malaysian support for the Islamic state. *United States Agency for International Development*. 16. Retrieved April 24, 2020 from <https://www.globalsecurity.org/military/library/report/2016/PBAAD863.pdf>

⁹⁸ Bruinessen, van, M. (2002). Genealogies of Islamic radicalism in post-Suharto Indonesia. *South East Asia Research*, 10(2), 117-154: 124-125. <https://doi.org/10.5367/000000002101297035>

⁹⁹ Fealy G. & Funston, J. (2016). Indonesian and Malaysian support for the Islamic state. *United States Agency for International Development*, 16. Retrieved April 24, 2020 from <https://www.globalsecurity.org/military/library/report/2016/PBAAD863.pdf>

¹⁰⁰ Kuru, A. T. (2014). Authoritarianism and democracy in Muslim countries: Rentier states and regional diffusion. *Political Science Quarterly* 129(3), 399-427: 405. <https://doi.org/10.1002/polq.12215>

¹⁰¹ Na'im, A. A. (2008). *Islam and the Secular State*. Cambridge: Harvard University Press, 227.

¹⁰² Idem, 236.

¹⁰³ See Article 29 §1 of the 1945 Indonesian constitution: Republic of Indonesia. (1945). *Constitution of the Republic of Indonesia*. International Labour Organization. Retrieved March 3, 2020 from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

Over the years the Indonesian state has developed its own version of secularism in order to manage the nation's religions and their majority–minority relationship.¹⁰⁴ According to Myengkkyo Seo, specialist in Indonesian Studies, secularism has two types of meanings in Indonesia:

“One interpretation is held by Islamist groups, who view it [secularism] as Christian aggression within the Muslim society of Indonesia or as an anti-religious ideology. Alternatively, it is considered the separation of ‘politicised’ Islam and the state for moderate Muslim and non-Muslim Indonesians. It is of note that political leadership in Indonesia has adopted the latter view of secularism, seeking to repress the radicalisation of Islam in the political sphere. For example, the former president of Indonesia Abdurrahman Wahid (1940–2009) used the term “mild secularism”, a concept similar to moderate secularism, claiming that Indonesia should be an example of the compatibility of Islam and democracy by resisting both religious majoritarianism and anti-religious or irreligious secularism.”¹⁰⁵

Wahid's statement on mild secularism seems to be the cornerstone of the management of religion and the coexistence of Islam, Christianity and secularism by the Indonesian state. Islam in Indonesia has been influenced by pre-Islamic Hindu, Buddhist and animist traditions, all of which differentiate Indonesia from Muslim societies in the Middle East.¹⁰⁶ Turkey and Indonesia are often compared by scholars as the leading examples of successful secular democracies in Muslim-majority states.¹⁰⁷ I argue, however, that though they are both secular democracies in Muslim-majority countries, the comparison stops there. The founder of the Turkish Republic, Mustafa Kemal Atatürk, intended for Turkey's secularism be anti-religious as a reply to the totalitarian, religious rule of the Sultans in the Ottoman Empire.¹⁰⁸ Atatürk's goal was to create a Turkish society in which religion only existed in the margins of society and then would slowly disappear. Indonesian secularism however is neither anti-religious nor irreligious. Indonesia is not an Islamic state as Islam is not the instituted state religion, nor is Islam the sole state religion in Indonesia. Yet, Indonesia is neither a ‘full’ secular state since

¹⁰⁴ Seo, M. (2012). Defining ‘religious’ in Indonesia: toward neither an Islamic nor a secular state. *Citizenship Studies* 16(8), 1045-1058: 1046-1047. <https://doi.org/10.1080/13621025.2012.735028>

¹⁰⁵ Ibidem: 1047.

¹⁰⁶ Geertz, C. (1960). *The religion of Java*. New York: Free Press, 125.

¹⁰⁷ See for example: Barton, G. (2010). Indonesia: legitimacy, secular democracy, and Islam. *Politics & Policy*, 38(3), 471–496. <https://doi.org/10.1111/j.1747-1346.2010.00244.x>; Hashemi, N. (2009). *Islam, secularism, and liberal democracy: Toward a democratic theory for Muslim societies*. New York: Oxford University Press; Kuru, A.T. (2009). *Secularism and state policies toward religion: The United States, France, and Turkey*. New York: Cambridge University Press; Na'im, A.A. (2008). *Islam and the secular state: negotiating the future of Sharia*. Cambridge: Harvard University Press.

¹⁰⁸ See: Kuru, A.T. (2009). *Secularism and state policies toward religion: The United States, France, and Turkey*. New York: Cambridge University Press.

religion and the state are clearly intertwined as various laws and policies illustrate. An example of such a law is Article 29 from the Indonesian constitution from 1945 in Chapter XI:¹⁰⁹

Article 29 (1945 Constitution of the Republic of Indonesia)

1. The State shall be based upon the belief in the One and Only God.
2. The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.

The Indonesian version or vision of secularism is characterised by both equality toward the six recognized religions but also by the violation of freedom in religion and citizenship.¹¹⁰ Indonesians that identify as atheist or who belong to a religious denomination that is not part of the six before mentioned denominations, experience discriminatory practices. Since 2013 an Indonesian identity card needs to mention one of the six main religions. People that leave that section blank face potential issues accessing education services, finding employment, travelling, registering births and legalizing marriages.¹¹¹ In 2018, under international pressure, the 2013 law has been found to be unconstitutional but a new law has yet to be implemented.¹¹²

Indonesia's type of state secularism enables Indonesia to be governed somewhere on the continuum between an Islamic state and an assertively secular state, and its position moves back and forth depending on the religio-political realities of the time.

4.3 Transmigration policy in and its effect on Sulawesi, Indonesia

¹⁰⁹ Republic of Indonesia. (1945). *Constitution of the Republic of Indonesia*. International Labour Organization. Retrieved March 3, 2020 from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

¹¹⁰ Seo, M. (2012). Defining 'religious' in Indonesia: Toward neither an Islamic nor a secular state. *Citizenship Studies*, 16(8), 1045-1058: 1056. <https://doi.org/10.1080/13621025.2012.735028>

¹¹¹ Cochrane, J. (2018, April 14). Indonesia's ancient beliefs win in court, but devotees still feel ostracized. *The New York Times*. Retrieved February 14, 2020 from <https://www.nytimes.com/2018/04/14/world/asia/indonesia-religious-freedom-.html>

¹¹² Idem.



Figure 1: population movement due to the Indonesian transmigration policy

A very important factor that has contributed to communal violence throughout Indonesia, which is also important in understanding the origination of Poso's conflict which will be explained further in chapter 5, is Indonesia's transmigration policy. After the fall of the *New Order* regime (authoritarianism to democracy) in May 1998, Indonesia experienced an upsurge in Islamist, separatist, and communal violence.¹¹³ Indonesia historian, Kirsten Schulze says the following about the root of the violent outbreaks:

“While the fall of Suharto set the ball rolling, the roots of violence in Indonesia lay far deeper, in the narrow conception of the Indonesian nation and the way in which the conception was institutionalized. New Order policies of development, transmigration, and ‘uniformization’ resulted in resource exploitation and cultural marginalization outside Java and were perceived as ‘Javanese colonialism’.”¹¹⁴

Driven by the need to address overpopulation, impoverished communities from Java, Bali, Madura and Lombok were relocated to less populated areas by the central government through a transmigration policy.¹¹⁵ These transmigration programs were perceived by locals as an unequal process in which local land was appropriated by the state and given to

¹¹³ Crouch, H. (2010). *Political Reform in Indonesia after Soeharto*. Singapore: ISEAS–Yusof Ishak Institute, 23.

¹¹⁴ Schulze, K. (2017). The “ethnic” in Indonesia's communal conflicts: Violence in Ambon, Poso and Sambas. *Ethnic and Racial Studies*, 40(12), 2096–2114: 2096-2097. <https://doi.org/10.1080/01419870.2017.1277030>

¹¹⁵ *Idem*, 2098.

transmigrants along with government assistance in the form of tools and seed.¹¹⁶ Poso, on Sulawesi, is one of the sites where large-scale transmigration as part of New Order 'uniformization' took place causing much societal unrest in the area that was mostly explained by the government as *konflik antaragama*, religious conflict. In Central Sulawesi for example, it was primarily Pamona (ethnic group on Sulawesi) *adat* land that was used for transmigration sites while hundreds of hectares of Mori (another ethnic group on Sulawesi) *adat* land were taken for palm oil plantations.¹¹⁷ Some migrants simply entered Pamona ancestral forests with chainsaws and cut down the trees to clear fields for cacao and other cash crops.¹¹⁸ This not only caused large scale deforestation on Sulawesi but resulted also in friction between transmigrants and indigenous populations and has in fact led to geographical segregation of religious communities in Poso.¹¹⁹ Christians mostly live in Tentena where they farm, while Muslims reside in Poso *Kota* (city) and in Poso *Pesisir* (coastal area) and are mostly fishermen.¹²⁰

On top of the land plunder, a new law, the 'Law on Village Governance', was implemented to standardize village government across the archipelago.¹²¹ This was detrimental for the vast majority of communities in Indonesia as such legislation is not ethnically neutral; it imposes the Javanese system on non-Javanese areas and is referred to as Javanese colonialism.¹²² The direct effect the Law on Village Governance had, is that it removed power from customary leaders as well as customary councils of elders. Power was handed to the national civil service (which mainly employed the higher educated transmigrants) and thus increased the political control by Javanese outsiders which made for very tense socio-political hierarchies.

Furthermore, the migrants coming to Central Sulawesi and other Indonesian sites were overwhelmingly Muslim which changed the local religious balance and led non-Muslims to speculate about the 'actual' agenda of Jakarta.¹²³ Just as the increasing number of transmigrants put a strain on the migrant-local balance, the increasing number of Muslim

¹¹⁶ Idem, 2099.

¹¹⁷ Ibidem.

¹¹⁸ Idem, 2101.

¹¹⁹ McRae, D. (2008). *The escalation and decline of violent conflict in Poso, Central Sulawesi, 1998-2007* [Doctoral dissertation]. Australian National University. <https://doi.org/10.25911/5d74e914a8bfc>. 155; For a discussion of social segregation in Poso during colonialism and the construction of ethnic and religious identity see Aragon, L. V. (2001). Communal violence in Poso, Central Sulawesi: Where people eat fish and fish eat people. *Indonesia*, 72, 45–80. <https://hdl.handle.net/1813/54240>. In the postcolonial period, this social segregation of the society influenced the dynamics of local politics leading up to the violence in 1998.

¹²⁰ Interview #17, #20.

¹²¹ Schulze, K. (2017). The "ethnic" in Indonesia's communal conflicts: Violence in Ambon, Poso and Sambas. *Ethnic and Racial Studies*, 40(12), 2096–2114: 2102. <https://doi.org/10.1080/01419870.2017.1277030>

¹²² Idem, 2097.

¹²³ See: Aragon, L. V. (2001). Communal violence in Poso, Central Sulawesi: Where people eat fish and fish eat people. *Indonesia*, 72, 45–80. <https://hdl.handle.net/1813/54240>; Schulze, K. (2017). The "ethnic" in Indonesia's communal conflicts: Violence in Ambon, Poso and Sambas. *Ethnic and Racial Studies*, 40(12), 2096–2114. <https://doi.org/10.1080/01419870.2017.1277030>

migrants placed considerable strain on the informal Christian–Muslim power-sharing arrangements in Central Sulawesi (and also in other places in Indonesia). Not surprisingly, during the last decade of the New Order and after there have been intermittent outbreaks of violence and (religious) hate speech between locals and Muslim transmigrants throughout Indonesia.

4.4 Religious hate speech legislation in Indonesia

The previous sections in this chapter have illustrated that societal tensions and even violent break outs between the different ethnic and religious groups that inhabit Indonesia are not uncommon, religious hate speech is thus without a doubt present in Indonesia.¹²⁴ Yet, religious hate speech is a relatively new term to Indonesia. During my fieldwork in Indonesia it became clear that many Indonesians, including law-enforcers, are not familiar with the term *ujaran kebencian terhadap agama* (religious hate speech), its concept, scope and limitations yet.¹²⁵ Even though Indonesia's criminal code (KUHP) has at least five articles that make it a crime for individuals to express animosity toward others, the country remains unsuccessful in enforcing these laws and regulations in cases where religious hate speech is present.¹²⁶ The types of hateful expressions defined by these five articles range from slander and insults, to filing a false written or oral report to authorities that could harm the reputation of others. Each carries a maximum prison term of four years.¹²⁷

Indonesia does however enforce blasphemy laws strictly. Article 156a of the KUHP on 'Religious Abuse and/or Defamation' was passed in 1965 and punishes deviations from the central tenets of Indonesia's six officially recognized religions with up to five years in prison.¹²⁸ Strong critiques against Indonesia's blasphemy law by the United Nations and the Indonesian Legal Aid Foundation have been raised as the law is used to oppress and

¹²⁴ See: Schulze, K. (2017). The "ethnic" in Indonesia's communal conflicts: Violence in Ambon, Poso and Sambas. *Ethnic and Racial Studies*, 40(12), 2096–2114. <https://doi.org/10.1080/01419870.2017.1277030>; Centre for Humanitarian Dialogue (2011, June). *Conflict management in Indonesia: An analysis of the conflicts in Maluku, Papua and Poso*. Retrieved June 5, 2020 from <https://www.hdcentre.org/wp-content/uploads/2016/08/5ConflictManagementinIndonesia-June-2011.pdf>; Bräuchler, B. (Ed.) (2009). *Reconciling Indonesia: Grassroots agency for peace*. London: Routledge.

¹²⁵ Feringa, R. and E. K. Wilson. (2017). *Baseline evaluation: Halt to hate speech*. Groningen: Centre for Religion, Conflict and the Public Domain.

¹²⁶ Ibidem.

¹²⁷ Indonesian Penal Code. Paragraph 156, *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from

<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>; Indonesian Penal Code. Paragraph 157 article (1) article (2), *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from

<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>; Indonesian Penal Code. Paragraph 310 article (1) article (2)1 article (3), *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from

<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>; Indonesian Penal Code. Paragraph 311 article (1) (2), *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from

<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>.

¹²⁸ See: Paragraph 156 of the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana -- KUHP*). <https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>.

persecute religious minorities in Indonesia.¹²⁹ One of the recent victims of the blasphemy law is former Jakarta Governor Basuki 'Ahok' Purnama. Ahok was initially charged under Article 156a of the Criminal Code on blasphemy and defaming clergymen for a reference he made to a Quranic verse in September 2016 during a speech.¹³⁰ Prosecutors, however, dropped the blasphemy charge and demanded that Ahok be sentenced to two years' probation. Yet the court sentenced him to a two-year prison term for blasphemy in May 2017 which is highly irregular. Many sources mention that the court has been influenced by public (Muslim) opinion.¹³¹ Verdicts like Ahok's, coupled with the rise of radical and extremist Muslim groups, stoke concern about the seemingly growing religious intolerance in the world's most populous Muslim-majority country.¹³²

Specific legislation dealing with religious hate speech that does not fall under religious blasphemy legislation, does not exist in Indonesia. Indonesia has signed the ICCPR covenant but as discussed in the second chapter, this covenant is not binding and not a solid legal provision. Recently, the Indonesian national police office (Kapolri) has released a letter on religious hate speech which gives the police theoretical and administrative support for acting upon religious hate speech in public.¹³³ While this letter can be used as a point of reference when addressing religious hate speech in the Indonesian public sphere, the letter's influence is small.¹³⁴ Two reasons for the lack of reinforcement of hate speech regulations by law enforcers are:

1. A lack of understanding by law enforcers of the Kapolri letter on religious hate speech and how it is connected to the protection of human rights;

¹²⁹ See: Unspecified (2017, May 22) UN urges Indonesia to free Jakarta governor jailed for blasphemy. *SBS News*. Retrieved February 15, 2020 from <https://www.sbs.com.au/news/un-urges-indonesia-to-free-jakarta-governor-jailed-for-blasphemy>; Setuningsih, N. (2019, November 19). Calls reemerge for revocation of blasphemy laws. *Jakarta Globe*. Retrieved February 16, from <https://jakartaglobe.id/context/calls-reemerge-revocation-blasphemy-laws>

¹³⁰ Ramadhani, N. (2017, May 9). Ahok verdict irregular: Setara. *The Jakarta Post*. February 15, 2020 from <https://www.thejakartapost.com/news/2017/05/09/ahok-verdict-irregular-setara.html>

¹³¹ See: Lamb, K. (2017, May 10). Protests in Jakarta after Christian governor convicted of blasphemy. *The Guardian*. Retrieved February 15, 2020 from <https://www.theguardian.com/world/2017/may/10/jakarta-protests-christian-governor-ahok-guilty-blasphemy>; Ramadhani, N. (2017, May 9). Ahok verdict irregular: Setara. *The Jakarta Post*. February 15, 2020 from <https://www.thejakartapost.com/news/2017/05/09/ahok-verdict-irregular-setara.html>; Cochrane, J. (2017, May 9). Christian governor in Indonesia found guilty of blasphemy against Islam. *The New York Times*. Retrieved February 14, 2020 from <https://www.nytimes.com/2017/05/09/world/asia/indonesia-governor-ahok-basuki-tjahaja-purnama-blasphemy-islam.html>

¹³² See: Amnesty International. (2014). *Prosecuting beliefs: Indonesia's blasphemy laws*. London: Amnesty International; Pearson, E. (2018, August 30). The chance to urge religious freedom in Indonesia. *Human Rights Watch*. Retrieved Marc 3, 2020 from <https://www.hrw.org/news/2018/08/30/chance-urge-religious-freedom-indonesia>

¹³³ See appendix I for a translation of the relevant parts of the letter.

¹³⁴ Feringa, R. and E. Wilson. (2017). *Baseline evaluation: halt to hate speech*. Groningen: Centre for Religion, Conflict and the Public Domain, 27.

2. Offenders of religious hate speech in public are often important community leaders with a large number of followers/community members. Law enforcers are hesitant to act against these highly influential figures due to the possibility of a community back lash, especially in the more rural areas of Indonesia.¹³⁵

These two reasons in combination with the unfamiliarity of Indonesian citizens with the term *ujaran kebencian terhadap agama* lead to little public support for the active combat of religious hate speech especially in the more rural areas of the Indonesian archipelago. More about the Kapolri letter and the police will be discussed in chapters 5 and 6.

4.5 Concluding remarks

This chapter has mostly provided background information on Indonesian history, its state religions and Islam in particular, in order to embed the fieldwork that will be discussed in the next chapter. Chapter 4 has described 'Indonesian' secularism and how it is shaped differently than in, for example, the EU or other Middle Eastern countries. Furthermore, it argues that transmigration is a form of 'Javanese colonialism' which has caused a lot of societal unrest throughout the entire archipelago. Lastly, this chapter has demonstrated that there is no specific religious hate speech legislation in Indonesia but that religious hate speech is part of blasphemy laws which are strictly upheld in the country. Enforcement of religious hate speech regulations appear to be difficult in Indonesia because of a lack of understanding and societal constructions.

The following chapter will focus on one of Indonesian's more rural areas: Poso in Sulawesi. Poso has a recent history of (religious) conflict and much religious hate speech and is a clear example of how 'Javanese colonialism' has lasting effects.

¹³⁵ See: Feringa, R. and E. Wilson. (2017). *Baseline evaluation: halt to hate speech*. Groningen: Centre for Religion, Conflict and the Public Domain, 28; Parulian Sihombing, U., Pultoni, Aminah, S., & Khoirul Roziqin, M. (2012). *Injustice in belief: monitoring the results of cases on blasphemy of religion and religious hate speech in Indonesia*. The Indonesian Legal Resource Centre, 87.

Chapter 5 Religious hate speech in Poso

On the basis of the broader theoretical discussion of religious hate speech and relevant European and Indonesian policies discussed in chapters 2, 3 and 4, this thesis presents an empirical study of religious hate speech experiences at the grassroots in the Indonesian Poso Regency. This chapter will focus on the fieldwork conducted in Poso, Sulawesi in 2016. The chapter shall first discuss the research description, the methodology, the research's limitations, the socio-economic context of Poso and the fieldwork set up. The fieldwork results will conclude that the concept of religious hate speech is not widely known in Poso but the value of the concept not to speak ill of others and incite hatred is known. The fieldwork also illustrates that due to the conflict speaking about religions in public is difficult in Poso which might raise difficulties for an anti-religious hate speech action plan.

5.1 Research description

The aim of the fieldwork conducted at the end of 2016 in Poso was two-fold:¹³⁶

1. To gather data on the number and type of incidents of hate speech occurring, based on observations and interview data;
2. To collect data on levels of knowledge and expertise amongst religious leaders and police on both existing (religious) hate speech legislation and effective methods and strategies for countering intolerance and hate speech.

The fieldwork data illustrates the understanding, or lack thereof, people in Poso have of the concept of religious hate speech. But more importantly so, the fieldwork shows that effects of Poso's conflict still linger in daily life. Trauma and fear stemming from the conflict has consequences for the willingness of people to discuss religion and religious hate speech in Poso. This effect has consequences for an EIDHR action plan that aims to counter religious hate speech but I will go into that in more depth in chapter 6.

5.2 Methodology

This project utilised a combination of deskwork and field research. The desk work consists of setting up the research questions, a literature review and data analysis. The field work consists of semi-structured interviews and participant observations.

5.2.1 Semi-structured interviews

¹³⁶ Feringa, R. and E. Wilson. (2017). *Baseline evaluation: Halt to hate speech*. Groningen: Centre for Religion, Conflict and the Public Domain.

Semi-structured interviews have been conducted with religious leaders and police officers to gather data on religious hate speech in their respective communities. Individuals, like for example social activists and journalists were interviewed to obtain background information necessary to create the context in which the data gathered from the religious leaders and police officers can be analysed and understood.

A semi-structured interview method was selected as part of the fieldwork in order to give space for the researcher to follow the ideas and perspectives of the interviewees, whilst at the same time retaining the basic structure and focus necessary to fulfil the purposes of the research. Also, semi-structured interviews provide a platform through which the interviewer may ask targeted questions without prompting the informant whilst also allowing space for the informant to give their own views and impressions.¹³⁷ The questions for the interviews have been designed specifically so as to determine what local understandings, perspectives and definitions of 'religious hate speech' are, rather than imposing external understandings by explicitly articulating these in the interview questions. Interview questions addressed aspects around the perception of: what religious diversity looks like in their local society; what interlocutors think religious hate speech is; whether religious hate speech can be identified in their surroundings and which groups are the main perpetrators.

In this research project a total of 31 interviews have been conducted of which 21 in Poso (the rest in other places but mainly in Cirebon, Java). I have gained access to the interviewees, that were mostly religious leaders of several religious denominations, through the network of a local NGO. All interviews have been conducted together with an Indonesian researcher/translator.

5.2.3 Participant observation

Participant observation was selected as a method to enable the development of a nuanced understanding of the multiple contexts in which the fieldwork took place.¹³⁸ For instance, during the interviews it became clear that the religious leaders that were interviewed often tried to put their religious communities in the best light. Participant observation enables adding nuances to information provided in interviews and checking the (in)consistency between information provided during the interviews and daily life.¹³⁹ Furthermore, it allowed me to observe and listen to the things that were not mentioned during interviews when the interviewees were put on the spot.

¹³⁷ Kvale, S. (2007). *Doing interviews*. London: Sage Publications.

¹³⁸ DeWalt, K. & DeWalt, B. (2002). *Participant observation: A guide for fieldworkers*. Lanham: Altamira Press.

¹³⁹ Kawulich, B. (2005). Participant Observation as a Data Collection Method. *Participant Observation as a Data Collection Method*, 6(2), 1–28. <https://doi.org/10.17169/fqs-6.2.466>.

5.2.4 Research ethics

Conducting interviews as part of the fieldwork has allowed me to dive much deeper into the subject of religious hate speech in Poso but these insights come with certain risks that I, as researcher, have addressed *before, during* and *after* the interview process. Interviewees in areas such as Poso place themselves in a vulnerable position and it is important that this research project does not damage the interviewees within the context of their communities.

At the beginning of each interview, I have therefore explained to every interviewee who I and the fellow researcher/translator are and how the interview data fits into the research project. I explained that when the research is published, all names will be omitted from the research paper and the following thesis to guarantee the interviewees' anonymity. I would then ask if it was alright that I turned on my recording device and ask them through a series of questions for their consent to participate in the research project:

The data collected in this interview will remain confidential and participant can retract their statement at any moment. This interview is voluntary. You have the right not to answer any question and to stop the interview at any time or for any reason. Do you have any questions about this interview?

- Do you agree to be interviewed as part of the *Halt to Hate Speech* project you're participating in?
- Do you agree that the purpose and nature of this interview has been explained to you?
- Do you agree that the data collected from this interview is, anonymously, used for the purpose of a baseline of the *Halt to Hate Speech* project?
- Do you agree that the interview will be electronically recorded?
- Do you agree that any questions that you have had about the purpose and nature of the interview have been answered to your satisfaction?

During the interview my fellow researcher/ translator would let me know when an interviewee was uncomfortable, either because they told him so directly or they would evade questions. I would then move away from specific topics and questions that triggered any discomfort. Afterwards, all the data gathered from interviewing and the participant observation has been anonymised. I know where the data comes from but there is no way for a third party to access the data unless I share my sources. All the interview data that will be discussed in section 5.5 and chapter 6 is reported verbatim from the translations that have been recorded during the interviews.

5.3 Limitations

Several limitations of this research project need to be addressed. A limitation of the fieldwork is that all the interviews and most participant observation data was translated by an Indonesian man from Cirebon, Java (where they speak a different dialect of Bahasa than in Poso) who is also not fluent in English. This may cause misinterpretation of data as the translator is firstly not conversing in his native Bahasa dialect with the interviewees and secondly, has to translate the respondents answers from Bahasa to English. It is possible for meaning to get lost in translation when making use of translations. All the interviews have been recorded though, so in case of serious doubt, interview parts can be translated by a professional.

A further limitation was that part of the original data collection plan fell through. Monitors all over Poso Regency were supposed to collect data on religious hate speech incidents. For various reasons this did not happen, resulting in the fact that analysis of any incident reports on religious hate speech in Poso Regency was impossible. The same goes for the part of the research plan where interviews were supposed to take place with the police. Due to power changes at the top of Poso's police force, we were unable to obtain access in time to interview any police members. This seriously restricted the remaining number of people to interview.

Furthermore, as a white foreigner in Indonesia, I drew a lot of attention to myself. This was sometimes useful because important community members would make time for me whereas they most likely would not have for Indonesian researchers. It also served as a hindrance though because people, including the important community members, did not feel comfortable to share sensitive information with someone that is in the spotlight. The military and police would follow me and as I found out later, were in fact building a portfolio on my movements and whom I talked to. This, understandably, scared people off to discuss something as negative as religious hate speech in their communities in depth with me.

During the fieldwork period in Indonesia and afterwards, I have viewed all data through my own framework and biases as a white woman, schooled at a Dutch university. Any data that has been gathered and analysed is thus subjective, though I have actively tried to stay aware of my biases and cultural predispositions as best I could.

5.4 Cultural & historical context Poso

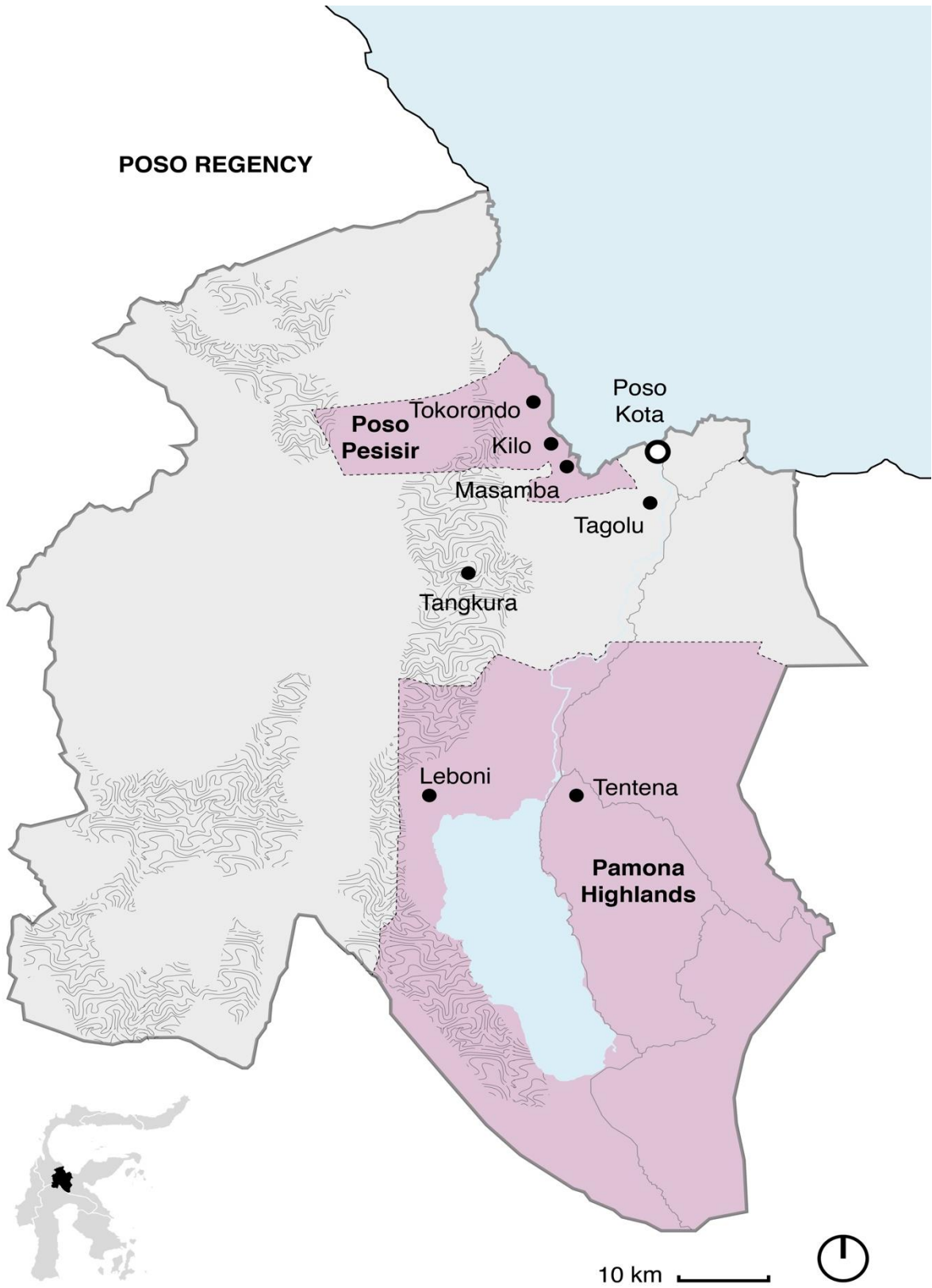


Figure 2: Poso Regency

Poso is one of the ten regencies in Central Sulawesi, Indonesia and is located about 205 kilometres southeast from the province's capital, Palu. Poso Regency has a complex ethnic and religious population composition, made up of groups indigenous to the region as well as migrants from other parts of Indonesia.¹⁴⁰ The indigenous people are Pamona, Mori, Lore, Napu, Bungku, and Ampana, while the migrants include Buginese, Makassarese, Kaili, Javanese, Balinese as well as people from Gorontalo and Minahasa.¹⁴¹ Poso district has a primarily Muslim population in the cities and coastal villages and an indigenous Protestant majority in the highlands. Dutch missionary activity began at the turn of the twentieth century, and members of the Central Sulawesi Christian Church (GKST) constitute the majority of the interior of the district.¹⁴² The indigenous people in the highlands of Central Sulawesi had an animist type of religious worldview and converted to Christianity during the colonial period due to the efforts of the Dutch missionary A.C. Kruyt from 1892 onwards.¹⁴³ The indigenous religion of Central Sulawesi was strongly connected to the land of their ancestors. Moreover, the highland populations traditionally shaped their 'ethnic' identities to their place of origin. This has led to the development of strong insider versus outsider perspectives, based on land and place amongst the highlanders.¹⁴⁴ During the colonial period the highlanders became increasingly aware of their minority status on the island in comparison to the (Islamic) lowlanders. Furthermore, they also realised how insignificant their position in the colony as a whole was compared to the Javanese. Protestantism, brought by the Dutch missionaries was the key to unite the ethnically and geographically divided highlanders.¹⁴⁵

There is a long tradition of Arab traders settling down in the Poso district. In-migration was promoted by the government through transmigration programmes as described in chapter 4. The Muslim community of Poso region is made up of indigenous people, migrants from government funded transmigration programmes and economic migrants of numerous ethnicities.¹⁴⁶ The transmigration has produced a religious shift towards Islam in Central Sulawesi percentage wise. Christians were never a majority in any district, so in-migration did not cause a dramatic shift from majority to minority.¹⁴⁷ What did strain the relationship between

¹⁴⁰ Klinken, van, G. (2007). *Communal violence democratization in Indonesia: small town wars*. London: Routledge, 73.

¹⁴¹ Tri Subagya, Y. (2009). Women's agencies for peacebuilding and reconciliation: Voices from Poso, Sulawesi. In B. Bräuchler (Ed.), *Reconciling Indonesia: Grassroots agency for peace* (pp. 155–179). London: Routledge. 157.

¹⁴² Human Rights Watch. (2002). *Breakdown: Four years of communal violence in Central Sulawesi*. Retrieved April, 4 2020 <https://www.hrw.org/report/2002/12/04/breakdown/four-years-communal-violence-central-sulawesi>. 6

¹⁴³ Klinken, van, G. (2007). 73.

¹⁴⁴ Aragon, L. V. (2001). Communal violence in Poso, Central Sulawesi: Where people eat fish and fish eat people. *Indonesia*, 72, 45–80: 51. <https://hdl.handle.net/1813/54240>

¹⁴⁵ Ibidem.

¹⁴⁶ Human Rights Watch. (2002). *Breakdown: Four years of communal violence in Central Sulawesi*. Retrieved April, 4 2020 <https://www.hrw.org/report/2002/12/04/breakdown/four-years-communal-violence-central-sulawesi>. 6

¹⁴⁷ Klinken, van, G. (2007). 74.

the groups was that the transmigrants were allotted land that the indigenous highlanders regarded as theirs but officially was not registered as owned by anyone.¹⁴⁸ Local-level uncertainties over how different groups could seek and secure access to state employment and contracts in post-New Order Indonesia made tensions rise further.¹⁴⁹ According to political scientist, Jacques Bertrand:

“No one knew to the extent to which patrimonial features of the New Order system would be dismantled or whether the *Pancasila* ideology, which had maintained a quasi-secular orientation for the state, would continue to define the principles of the Indonesian nation.”¹⁵⁰

As a result, Muslims and Christians both felt uneasy about possibly losing their relative positions and access to resources. Muslims had more success in increasing their share of civil service jobs during the last years of Suharto's rule and were concerned that Christians might reassert their regional dominance, whereas Christians were worried their status would erode even more in a state that favoured Muslims. This led to much friction as many Pamona youths found themselves landless as well as jobless by the end of the Suharto regime.¹⁵¹

Poso's communal conflict should be viewed against this backdrop. In 1998 a young man from the Protestant neighbourhood of Lombogia stabbed another from the Muslim neighbourhood of Kayamanya. What started as a brawl between two local youths escalated to urban riots, when supporters started to take revenge upon revenge, then to widespread killings and war-like violence, before a long period of sporadic shootings and bombings. Suddenly the sparsely-populated district of Poso with no recent history of violence came to global attention as one of the most important theatres of operations for the Jemaah Islamiyah terrorist network.¹⁵² Before the outbreak, Poso is a rather unknown district populated by approximately 420,000 people, of whom just over half were Muslims and most of the remainder were Christians.¹⁵³ The violence between civilians in the district began in December 1998, and had not ceased completely even in early 2007. An estimated 600 - 1000 people have been killed in the district, more than half of whom died between 2000 and 2001.¹⁵⁴ Cultural anthropologist Lorraine Aragon lists the following numbers about the conflict:

¹⁴⁸ Idem, 73.

¹⁴⁹ McRae, D. (2008). *The escalation and decline of violent conflict in Poso, Central Sulawesi, 1998-2007* [Doctoral dissertation]. Australian National University. <https://doi.org/10.25911/5d74e914a8bfc>. 6.

¹⁵⁰ Bertrand, J. (2003). *Nationalism and ethnic conflict in Indonesia*. Cambridge: Cambridge University Press. 114.

¹⁵¹ Aragon, L. V. (2001). 56.

¹⁵² McRae, D. (2013). *A few poorly organized men: Interreligious violence in Poso, Indonesia*. Leiden: Brill. 1.

¹⁵³ McRae, D. (2008). *The escalation and decline of violent conflict in Poso, Central Sulawesi, 1998-2007* [Doctoral dissertation]. Australian National University. <https://doi.org/10.25911/5d74e914a8bfc>. 1.

¹⁵⁴ Ibidem.

"[...] by the end of July 2000, hundreds of people were seriously injured, from three hundred to eight hundred were killed, and nearly 150 corpses had been burned, decapitated, and dumped into the Poso River or other mass graves. At least 3,500 houses, two schools, and nine places of worship were destroyed in twenty towns. More than seventy thousand persons fled their homes. By July 2000, Poso was virtually empty, referred to as a dead city, (*kota mati*)."¹⁵⁵

Interestingly, after the *Malino I* peace accord in 2001 a shift occurred in the main actors of the conflict. Civilian driven actions were replaced by actions carefully planned by fundamentalist groups like Jemaah Islamiyah and Mujahidin Kompak who came to Poso to help their Muslim brothers.¹⁵⁶ The target was no longer religious groups, but persons in public areas.¹⁵⁷ Centres of radical activity by these groups around Poso have been quiet since January 2007 however.¹⁵⁸

While the conflict reportedly occurred along 'religious' lines it is important to recognize that 'religion' in Poso is entangled with Poso Regency's economic and political structure in complex and at times, destructive ways, linked to Indonesia's broader national and international problems.¹⁵⁹ This fight was not about religious doctrines or practices but about the political economy of being Christians or Muslim.¹⁶⁰ As identity is not made up from clear, distinct sections, religious, political and economic identities are all entangled. Jealousy and envy of the financial benefits for transmigrants and the anger sparked because of the government's policy of taking away ancestral lands became directed at the parts of the transmigrants distinctive identity markers: their religious identities. A classic example of the 'them versus us' principle.

It has been quiet in Poso District for several years but peace is still fragile.¹⁶¹ An interviewee described Poso's situation as "underneath Poso's peace a time bomb is slowly ticking, waiting to explode at the first sign of trouble".¹⁶² People in Poso District are very aware of this time bomb and whilst ignorance and distrust about other religions are prevalent, as they

¹⁵⁵ Aragon, L. V. (2001). 47.

¹⁵⁶ McRae, D. (2008). 136.

¹⁵⁷ Tri Subagya, Y. (2009). Women's agencies for peacebuilding and reconciliation: Voices from Poso, Sulawesi. In B. Bräuchler (Ed.), *Reconciling Indonesia: Grassroots agency for peace* (pp. 155–179). London: Routledge. 158.

¹⁵⁸ International Crisis Group. (2008, January). Indonesia: Tackling radicalism in Poso. *Asia Briefing*, 75. 3.

¹⁵⁹ See this recent Jakarta Post article for background information on the government's view on the aftermath of the conflict that led to this fragile situation, radicalization and its solution: Afrida, N. (2016, March 12). Govt to address causes of conflict in Poso. *The Jakarta Post*. Retrieved January 10, 2020 from <http://www.thejakartapost.com/news/2016/03/12/govt-address-causes-conflict-poso.html>.

¹⁶⁰ Aragon, L. V. (2001). 47.

¹⁶¹ McRae, D. (2013). *A few poorly organized men: Interreligious violence in Poso, Indonesia*. Leiden: Brill. 1.

¹⁶² Interview #21.

are in any part of the world, people seem to guard carefully what they say and think twice before they criticize particular religious groups.¹⁶³ The next part will illustrate this point as it discusses the data collected during fieldwork conducted in Poso.

5.5 Fieldwork in Poso

The Dutch FBO, *Mensen met een Missie* (MM) supported by EIDHR funds, is in the process of implementing an anti-religious hate speech programme in Indonesia. Part of this programme is a baseline evaluation to see whether important community members, like religious leaders and police men, are familiar with 'religious hate speech' and what kind of religious hate speech incidents occur. An anti-religious hate speech programme can be tailor-made to the specific target areas premised on the baseline evaluations. MM invited the Centre for Religion, Conflict & Globalization affiliated to the University of Groningen to conduct a baseline evaluation. A male researcher/translator from Cirebon, Java and myself conducted this baseline evaluation through fieldwork in Poso and Cirebon. As these are two very distinctive areas and analysis of both is beyond the scope of this thesis, it will specifically focus on the data gathered in Poso.

Religious leaders were chosen as the main target group since they have great societal outreach. Most religious leaders were embedded in Poso society as well due to the fact that they were only part time religious leaders. So, they enjoyed the status of religious leader but are also 'just' working people like most others as farmers and or market sales people. In the next section the fieldwork results will be discussed.

5.5.1 Fieldwork results

Early on during the fieldwork it became clear that most interviewees were not familiar with the term religious hate speech. During interviewing we asked several religious leaders in Poso with a Christian, Muslim or Hindu background "*are you familiar with the term religious hate speech?*" (*ujaran kebencian terhadap agama* in Bahasa), most of the interviewees replied with "*no*". Interviewee #6 and #17 did know of the concept however, as they have both studied on Java and came into contact with the term there. According to them, religious hate speech is "*provocative speech, speaking negatively of other religions*"¹⁶⁴ and "*hate speech is spreading hatred about religion, outside of your own religion*"¹⁶⁵. Interviewee #6 also refers here to the 'Ahok case' in Jakarta. These two answers address both dimensions of religious hate speech: the direct speech that harms people due to its cruel offensiveness and the part of hate speech that incites hatred and hate crimes in other people.

¹⁶³ Interview #7, #11, #12, #13, #16, #17, #21, #22.

¹⁶⁴ Interview #17.

¹⁶⁵ Interview #6.

In order not to intimidate the interviewees with academic terms they were not familiar with, religious hate speech was replaced for the remainder of the interview, by 'negative gossip about religion' (*gossip negative tentang agama lain*). As the examples hereafter show, the translator continued to use the term religious hate speech when translating Indonesian to English but he used *gossip negative tentang agama lain* in conversation with the interviewees. When asked if the interviewees could explain what 'negative gossip about religion' means we got a wide range of answers. Some examples are:

*"The Muslim community reacts with anger on certain things and that is hateful speech"*¹⁶⁶ (what those 'things' are she could not say however);

*"Religious hate speech on religion is a lack of understanding of a person's own religion. It is discrimination. In the name of Allah, the most merciful, if you hate on others then you clearly don't understand your own religion. In some verses it becomes clear that God loves all humans no matter their religion";*¹⁶⁷

*"Religious hate speech is when someone is being arrogant in the name of religion";*¹⁶⁸

*"Religious hate speech is revenge in your heart. It is rubbish and this rubbish will become poison that poisons your body which means you'll behave badly if you're too poisoned";*¹⁶⁹

*"The definition of religious hate speech is the memory of the conflict in Poso".*¹⁷⁰

These answers all demonstrate that 'negative gossip about religion' is regarded by the religious leaders as something 'bad' but that their reasoning why this is 'bad' varies. The first reaction listed here is on the one hand quite striking, as it was a Christian woman describing religious hate speech to be something that only Muslims do. The comments defining religious hate speech as "*lack of understanding*", "*being arrogant*" and "*poisoned*" are all descriptions illustrating that something is 'wrong' with the person conducting the hate speech and as such has a quite personal origin, whereas the "*religious hate speech is the memory of the conflict*" reply suggests that religious hate speech in Poso has a larger, societal origin. Furthermore,

¹⁶⁶ Interview#13.

¹⁶⁷ Interview #5.

¹⁶⁸ Interview #3.

¹⁶⁹ Interview#1.

¹⁷⁰ Interview#2.

the answer indicates that religious hate speech carries different connotations depending on the audience and the location, a person that did not live to Poso's conflict would never equate religious hate speech with the conflict. Some examples of religious hate speech/negative gossip about religion that the interlocutors provided are:

"'Why are there so many bird houses in front of your house?' this is degrading. Even though it's not hateful, it can be considered as religious hate speech";¹⁷¹

"Questions like 'why do Muslim women wear a headscarf' can be considered as negative gossip about religion";¹⁷²

"An example of religious hate speech is: 'Christians eat pig'".¹⁷³

Despite the descriptions given above, 'religious hate speech' or 'negative gossip about religions' remains a vague concept that the religious leaders did not explain or clarify in more detail or with many examples. The answers however do illustrate that the value of not speaking ill about other religions or incite hatred is present but that inciting hatred is just not called 'religious hate speech'. This implies that even though the language of religious hate speech as a human rights concept is not known, that may not matter to the commitment of people not to spread religious hate speech. Values consistent to not preach hate are thus be articulated in different ways.

Interestingly, most religious leaders had no trouble with being interviewed about their communities but when asked about 'religious hate speech' and examples, the answers were always short and vague. In fact, during some interviews the translator whispered to me that we should move on from the topic because the interviewees would let him know they did not want to discuss the topic.¹⁷⁴ What became clear during some interviews is that people are hesitant to talk about the concept of religion and other religions than their own, especially in a negative manner.¹⁷⁵ Partly because speaking ill over other religions is not a virtuous thing to do but apparently also because of the consequences it may have in Poso's fragile peace after the conflict.¹⁷⁶ One Christian interviewee told that she purposely never interacts with victims of negative gossiping as *"people know that such small things like speaking of such [religious hate speech] incidents can ignite the conflict again".¹⁷⁷* Another Christian interviewee said

¹⁷¹ Interview #6.

¹⁷² Interview #5.

¹⁷³ Interview #2.

¹⁷⁴ Interview #1, #7.

¹⁷⁵ See interview #11, #12, #13, #16, #17.

¹⁷⁶ Interview #3, #11, #12, #13, #16, #17.

¹⁷⁷ Interview #7.

something similar: *“We don’t talk really about other religions in this village as most are Christian. But also due to the conflict, people avoid talking about religion. [...] They are hesitant to become friends”*.¹⁷⁸ At the end of the interview one of the interviewees informed us that her husband was not happy about her doing this interview because it could be dangerous. When I ask what the danger exactly was, she would not give me a straight answer, merely that *“she had promised her husband to be careful and not say dangerous things”*.¹⁷⁹ Her husband’s reaction underlines the general ‘time bomb’ atmosphere in Poso. A Christian leader confirmed this idea, she said *“That’s why we need to keep our preaching far away from hatred, especially there [Poso Kota], because it could easily escalate.”*¹⁸⁰

Not only civilians hold this view. The military and police kept a close eye on everything during this research project. In Poso Pesisir the translator and I were followed by a police man for a day. He drove after us and sat in on all the interviews, taking notes. He told my fellow researcher that it was for our own security because there were terrorists in the mountains nearby. Yet, one must also consider the possibility that he was endeavouring to find out more about what was being discussed during the interviews. A day later, when we travelled to the mountains, a group of military men confiscated our passports in exchange for entering the area. They later interrupted an interview to question the Hindu leader we were talking to, listened to our tape and read my notebook. This suspicion by the military and police is a daily reality for the people living in Poso Regency and it is no wonder that they are very careful and fearful discussing anything that is related to religion or the conflict with outsiders.

The restraint around speaking openly about religion and the conflict can also be seen when the question *“does negative gossiping about religion happen in this area?”* was posed to interviewees. I chose to say ‘area’ in an attempt to prevent giving the respondents the idea that they had to defend their own religious community but could refer to the entire Poso Regency. Most religious leaders, answered that no negative gossiping about religions can be detected in Poso. Some added that if it can be detected, it happens in Poso Kota and not in the Pamona part of Poso.¹⁸¹ One interlocutor said however: *“Hate speech happens in Indonesia, especially with politics, elections and during demonstrations.”*¹⁸² Another interlocutor added that in his village no religious hate speech is conducted but, *“there is a village nearby though that has a pesantren [Islamic boarding school] in which the imam preaches hatred.”*¹⁸³ Religious hate speech is, according to the interviewees, not or sparsely present but not in their own respective communities. The overall narrative about religious hate

¹⁷⁸ Interview #3.

¹⁷⁹ Interview #7

¹⁸⁰ Interview #1.

¹⁸¹ See for example interview #3 and #4.

¹⁸² Interview #19.

¹⁸³ Interview #17.

speech that is presented throughout the interviews is as follows: before the conflict in Poso, hate speech was present but when the conflict had lasted for a few years, everyone, regardless of what religious background, realised that the violence and hate had to stop. In order to maintain peace, everyone agreed to not speak of theology, especially not theology of other religions, in public anymore. This silent, unofficial agreement, a truce if you will, is the reason why there is no religious hate speech in Poso Regency.

Even though the interviewees did not confirm direct religious hate speech or similar hostilities in their respective surroundings, the tense atmosphere did become clear during interviewing in a subtler way. For example, interviewee #5 asked at the start of the interview whether his contribution could be anonymous as he was part of the minority Muslim community in Tentena. This suggests he has something to fear as a minority or at least something to be nervous about, as no Christian interviewees in the same area asked for anonymity. Strikingly, when asked whether any negative gossip is present in the Pamona area, he denied and stated that the relationships between Muslims, Christians and Hindus are healthy. This statement is not in line with his earlier request for anonymity and supports the idea that people in Poso are very careful with explicitly designating the societal tensions between the several religious denominations.

According to interviewee #21 the lack of religious hate speech is just appearance and there are, especially in Poso Kota, radical religious groups that profess religious hatred during sermons.¹⁸⁴ Our personal experience during the fieldwork confirms similar unfriendly tension: one evening in Poso Kota a man dressed in white robes, including a white Songkok (or peci/kopiah, a traditional cap worn by Indonesian men) and a beard approached the male Islamic boarding school where we were spending the night. The man had seen my fellow researcher and myself entering the building together and had seen me interacting with the boys. He became very concerned about my presence and came to warn the men, boys and my colleague. He told them that I would try to convert them to Christianity (assuming that I am Christian), that I was dangerous and that they should make me leave. My fellow researcher talked to the man shortly after signalling to me that I should stay behind and then the man walked to the other side of the street to sit and watch us. This incident left me quite rattled, as a white woman who has had the privilege of not being judged by skin colour usually. The men and boys present at the scene however were seemingly unimpressed. *“He’s just a radical”*, was explanation enough and everyone went on with their evening. The casual reaction of the boys and men suggests a level of familiarity to situations that in Euro-American contexts could be considered by some as religious and/or racial discrimination. In Poso it seems to fall into a category of high piety however and is really not that significant at all.

¹⁸⁴ Interview #21.

What stood out furthermore from the fieldwork results is that despite the fact that there are guidelines for police with regards to religious hate speech, they are not enforced. The guidelines were distributed all over the country through the different police levels.¹⁸⁵ Interviewees claim however that in Poso the police either are not aware of the legislation or that they are simply not enforcing it.¹⁸⁶ When interviewing a high-ranking police officer in Cirebon, he even admitted that his men do not care about the letter with guidelines for religious hate speech.¹⁸⁷ From interviews with a newspaper editor and a social activist it became clear that the police in Poso are afraid of public opinion as arresting someone for religious hate speech could be interpreted as a restriction on their right of FoE. Public opinion of the police is quite negative due to the slow reaction of the police during and after the conflict. Consequently, maintaining the people's goodwill is a high priority for the police.¹⁸⁸

Lastly, whilst many interlocutors claim that there are no conflicts or religious hate speech cases in their communities, the work CSOs do in the area proof differently. A prominent local NGO, Mosintuwu runs several women empowerment programmes in Poso.¹⁸⁹ Mosintuwu's programmes, like for example the women's school, aim to work through Poso's collective trauma, bringing people of different denominations together to heal together and to address any biases caused by the conflict.¹⁹⁰ Mosintuwu addresses divisions in Poso's society through informal school activities that aim to empower women from different religious backgrounds by teaching them about their rights and help them to discover their talents. By developing together with a focus on tolerance and peace they learn to forget the pain and division the conflict has caused.¹⁹¹ The reconciliation work Mosintuwu does tells a story of division and tension in Poso. One Muslim woman told me that she was petrified by Christians, she did not dare to be near them. Mosintuwu's womens school has helped her to overcome her fear and hatred through their meetings and that she in fact even visited a church to learn more about Protestantism.¹⁹² During and after the conflict many NGOs/FBOs/CSOs travelled to the area.¹⁹³ Most had no experience with peacebuilding and conflict resolution, so during

¹⁸⁵ See appendix 1.

¹⁸⁶ Interview #20, #21, #23

¹⁸⁷ Interview #23.

¹⁸⁸ Interview #21.

¹⁸⁹ Mosintuwu vision & mission. Retrieved from <http://www.mosintuwu.com/visi-misi/>; Mosintuwu programmes. Retrieved from <http://www.mosintuwu.com/program-program/>

¹⁹⁰ Conversation with head of Mosintuwu and informal conversation with informant.

¹⁹¹ Conversation with head of Mosintuwu and informal conversation with informant. See also: Mensen met een Missie (2020). *Freedom of Religion and Belief*. Retrieved September 3, 2020 from

<https://www.mensenmeteenmissie.nl/en/freedom-of-religion-and-belief/when-youre-not-the-only-one-who-suffers/>

¹⁹² Informal conversation with informant.

¹⁹³ Tri Subagya, Y. (2009). Women's agencies for peacebuilding and reconciliation: Voices from Poso, Sulawesi. In B. Bräuchler (Ed.), *Reconciling Indonesia: Grassroots agency for peace* (pp. 155–179). London: Routledge. 167.

the conflict they mainly focused on humanitarian aid.¹⁹⁴ The focus of these CSOs shifted later to peacebuilding and reconciliation initiatives.¹⁹⁵ The post-conflict situation has been characterised by the dominant discourses on conflict resolution which emphasizes the grand narratives of formal peace accords (like the *Malino I* peace accord) followed by official rehabilitation programs and reconstruction activities.¹⁹⁶ These official programmes and activities have sadly enough not gained much success due to bad coordination and large scale corruption.¹⁹⁷ Several people mentioned that there is a general distrust toward CSOs in Poso, especially towards foreign CSOs because after the conflict most of them left. The person from Mosintuwu that helped us finding religious leaders to interview even told me that she expected difficulties finding people that I could interview for this project due to lack of faith in the work CSOs do, “*they build up bands with people, create dependency and then leave*”.¹⁹⁸ There were no difficulties finding interviewees that I know of in the end but knowing that this distrust exist is valuable information for future CSOs that want to roll out action plans in the area.

5.6 Concluding remarks

This chapter poses that religious hate speech is not lacking from Poso as most interviewees argued but that for two reasons it is difficult to identify. One reason is that religious hate speech as a human rights concept is just not known, identifying religious hate speech as such is difficult. Despite the fact that the term religious hate speech is not actively used in Poso, the value of the concept to not offend, hurt or spread hatred about other denominations is known. This does not mean that religious hate speech is not present. Based on the accounts discussed in this thesis it becomes clear that ‘religious hate speech’ is just differently articulated, mostly through conflict. The second reason is that since the conflict, ‘religion’ is a sensitive topic in Poso that is largely avoided in public out of fear for a reignition of the conflict. This taboo made it difficult to discuss religious hate speech with the interlocutors. Religious hate speech is not absent in Poso but the interviewees were reluctant to identify it out of fear and distrust: fear that the conflict will erupt again, fear that others will think badly about their religious communities and a distrust towards (foreign) CSOs, as so many have come and

¹⁹⁴ Centre for Humanitarian Dialogue. (2011, June). *Conflict management in Indonesia: An analysis of the conflicts in Maluku, Papua and Poso*. Geneva: Centre for Humanitarian Dialogue. Retrieved June 5, 2020 from <https://www.hdcentre.org/wp-content/uploads/2016/08/5ConflictManagementinIndonesia-June-2011.pdf>. 64.

¹⁹⁵ Ibidem.

¹⁹⁶ Tri Subagya, Y. (2009). Women’s agencies for peacebuilding and reconciliation: Voices from Poso, Sulawesi. In B. Bräuchler (Ed.), *Reconciling Indonesia: Grassroots agency for peace* (pp. 155–179). London: Routledge. 163.

¹⁹⁷ Aragon, L. V. (2007). Elite competition in Central Sulawesi. In H. Nordholt & G. Klinken, van (Eds.), *Renegotiating boundaries: Local politics in Post-Suharto Indonesia* 39–66. Leiden: Brill. 58; Centre for Humanitarian Dialogue. (2011, June). *Conflict management in Indonesia: An analysis of the conflicts in Maluku, Papua and Poso*. Geneva: Centre for Humanitarian Dialogue. Retrieved June 5, 2020 from <https://www.hdcentre.org/wp-content/uploads/2016/08/5ConflictManagementinIndonesia-June-2011.pdf>. 58 – 65.

¹⁹⁸ Informal conversation with the head of Mosintuwu.

gone.¹⁹⁹ This outcome is a very important one because it leads to considerations about Poso society that are vital to be incorporated in a foreign aid action plan.

The next chapter will consider what these research outcomes mean for Poso and for European foreign aid policies and projects. It will pose the question whether the current project methods are effective based on the fieldwork results.

¹⁹⁹ Claim based on a conversation with the head of a local NGO, Mosintuwu. Many CSOs arrived for emergency help and left after a certain level of 'peace' was attained.

Chapter 6 Conceptualising religious hate speech in cross-cultural contexts

The previous chapters have helped to answer the first part of the main question - *how is 'religious hate speech' understood across different cultural, religious and political contexts?* An analysis of the difference in interpretation of religious hate speech in the EU and Poso, Indonesia will be given in the beginning of this chapter in order to answer the first part of the main research question fully.

The rest of the chapter will go into the second part of the main question – *what are the implications of these differences for cross-cultural policies and programmes aimed at addressing 'religious hate speech'?* I will reflect on the results of my fieldwork in light of the several contexts discussed in the previous chapters and with regards to the EIDHR and discuss what Poso can tell us about EIDHR action plans in practice. This section has been divided into two parts, the first will discuss the Halt to Hate Speech programme and foreign aid policies in general in Poso. In the second section I will discuss some issues with the set-up of the EIDHR and some avenues for further research.

6.1 Religious hate speech as human rights concept or as blasphemy?

Religious hate speech laws and regulations in the EU and Indonesia and Poso are interpreted from different starting points.²⁰⁰ One view on dealing with religious hate speech in the public domain is led by the Organisation of Islamic Cooperation (OIC). The OIC seeks to restrict FoE when that expression is used to 'defame' religions or certain religious adherents. A second view, led by the European Union, wants to underscore the central importance of FoRB as a central tenet (in addition to full respect for other core freedoms such as free speech) of international efforts to combat intolerance.²⁰¹ Indonesia condemns religious hate speech for its blasphemous properties whereas in contrast, the EU's focus is on the protection of human rights. The EU states are in fact actively moving away from blasphemy laws, as of yet there are only a few states left that have them. The concept of human rights in the EU is written in secular language as discussed in chapter 2 and therefore religious hate speech legislation also. Indonesia identifies as a secular country as well but secularism is a fluid term and can differ in 'look' from state to state. Whereas religious language and ideas are less prevalent in Brussels' politics, in Indonesia religion is an intrinsic part of daily public life, and therefore also in politics. How religious hate speech legislation is framed, as part of blasphemy laws or as a human right, may seem insignificant, because in the end, they both reject the concept.

²⁰⁰ Saad, R. (2019, August 8). The UN strategy and plan of action on hate speech: Tackling discrimination, hostility and violence. *Universal Rights Group*. Retrieved September 1, 2020 from <https://www.universal-rights.org/blog/the-un-strategy-and-plan-of-action-on-hate-speech-tackling-discrimination-hostility-and-violence/>

²⁰¹ Limon, M., Ghanea N. & Power, H. (2015, January 28). UN strategy to combat religious intolerance - is it fit for purpose? *Open Global Rights*. Retrieved September 1, 2020 from <https://www.openglobalrights.org/un-strategy-to-combat-religious-intolerance-i/>.

However, the way in which religious hate speech regulations are framed may lead to vastly different discussions, interpretations and methods to deal with it, both nationally and on the ground. The EU, along with the United States and other 'Western' States, champion the FORB approach, which maintains that freedom of expression should be near-absolute. Contrastingly, the OIC favours the defamation of religion method, which seeks to restrict freedom of expression when used to slander religions or its adherents.²⁰²

This difference is also visible in the fieldwork data gathered from Poso. The concept of religious hate speech has only been recently introduced to Indonesia and the people that were interviewed in Poso mostly did not know the term. Once explained, the conversation about religious hate speech often continued with religious hate speech in a blasphemy framework and in light of the conflict, not in the terms of human rights, FoRB or FOE. It is important that the EIDHR and CSOs working with the EIDHR are familiar with this difference because it determines how the people in target areas will understand and respond to the concept of religious hate speech.

Furthermore, despite the fact that the interviewees in Poso mostly did not know the concept of religious hate speech, it was not necessarily lacking in Poso as the EIDHR's action plan might suggest. It is just not shaped as a secular human rights concept that interacts with FoRB and FoE. The interlocutor's reactions discussed in the previous chapter demonstrated that the value of the concept to not offend, hurt or spread hatred about other religious denominations is very well known. In fact, the taboo on speaking about religion in public is an extreme version of avoiding religious hate speech. By not speaking about other religions in public, even in a positive manner, they make sure in Poso that nothing can be interpreted wrong and cause a possible reignition of the conflict. For Poso, religious hate speech, or 'negative gossip about religion' is tightly linked to the conflict which is something organisations like the EIDHR or a CSO needs to understand and treat accordingly when addressing the phenomenon during action plans.

6.2 Implications for Poso as a target area for an EIDHR action plan on religious hate speech

The fear and trauma some people still carry after by the conflict but also the fact that 'peace in Poso' is described by some interviewees as "*a timebomb waiting to go off*" and the apparent taboo on speaking about religion, signals that there are larger, relevant, underlying societal issues in Poso that the EIDHR should take into account.²⁰³ The taboo on discussing religion,

²⁰² Saad, R. (2019, August 8). The UN strategy and plan of action on hate speech: Tackling discrimination, hostility and violence. [Web log post]. Retrieved from <https://www.universal-rights.org/blog/the-un-strategy-and-plan-of-action-on-hate-speech-tackling-discrimination-hostility-and-violence/>

²⁰³ Interview #21.

theology and anything related to 'other' religions in Poso has serious implications for an action plan such as Halt to Hate Speech that actively deals with religion. It does not necessarily mean that the plan cannot be rolled out in Poso, it means that serious thought needs to go into *how* to set up such a programme in close consultation with the local experts in order to prevent a potential exacerbating effect of current social tensions in the region and/or a waste of resources.

Moreover, even though such action plans may get results in certain settings, it is important for the EIDHR and CSOs to consider the context of each different setting in which they want to implement programmes. In Poso, the conflict is one of the most important parts of 'context' that need to be considered for any social welfare programme. If discussing religion and religious hate speech causes anxiety for the individuals, in this specific programme - religious leaders that have to fear external retributions for spreading 'hate' and police men, who are afraid to enforce religious hate speech regulations due to public backlash - perhaps an 'anti-religious hate speech' programme is not the best programme to help Poso. Focussing on religious hate speech may in fact put emphasis on differences, negative stereotypes and biases between the religious denominations and erode trust in the community further. Elizabeth Shakman Hurd argues that "cornering religion fortifies particular lines of division between communities as social divisions are defined in religious terms."²⁰⁴ In the worst-case scenario, it could even result in bad blood between the groups and a new eruption of violence. Considering the violent nature of the conflict and the large amount of people that became displaced, it is important that organisations who want to conduct peacebuilding projects in Poso realise that many people are still traumatised. A study conducted in post-genocide Rwanda titled 'Trauma and PTSD symptoms in Rwanda: Implications for attitudes toward justice and reconciliation' concludes that:

"traumatic exposure, PTSD symptoms, and other factors are associated with attitudes toward justice and reconciliation. Societal interventions following mass violence should consider the effects of trauma if reconciliation is to be realized."²⁰⁵

The outcome of this study suggests that any training or programmes conducted in areas of the world where large scale violence has taken place, need to be adjusted to participants with traumas from mass violence because they react differently to programmes than participants from areas where no mass violence has taken place.

²⁰⁴ Shakman Hurd, E. (2015). *Beyond Religious Freedom*. Princeton: Princeton University Press. doi: <https://doi-org.proxy-ub.rug.nl/10.1515/9781400873814>. 111.

²⁰⁵ Pham, P.N., Weinstein, H.M., Longman, T. (2004). Trauma and PTSD symptoms in Rwanda: implications for attitudes toward justice and reconciliation. *JAMA* 292(5). 602–612: 602. <http://doi:10.1001/jama.292.5.602>.

Elaborating on this point, the EU's reply to religious radicalisation in Poso with an 'anti-religious hate speech' programme is like carrying water to the sea, as long as the aforementioned societal issues are not addressed at the same time. A programme focussing on religious hate speech exclusively, is symptom relief as long as it does not touch on deeper, disrupted, societal paradigms and structures. Rather, a societal intervention with a peacebuilding approach that addresses systemic and immediate issues at the same time could have more success, for instance the *nested paradigm* approach developed by Maire Dugan.²⁰⁶ The paradigm is developed as "a mechanism for considering both the narrower and the broader aspects of conflict resolution and peacebuilding."²⁰⁷ For instance, for Poso that could mean a training that addresses both religious hate speech but also the top-down introduced, disruptive transmigration structure in which Poso's socio-economic reality functions in which religious hate speech easily manifests itself.

Another approach used by a local NGO, Mosintuwu, is that they place emphasis on positive change in their women's school programmes instead of focusing on what divides the participants, namely what has occurred during the conflict.²⁰⁸ Religious hate speech awareness can of course be part of empowerment programmes such as those of Mosintuwu, as long as the main focus is not on the negative phenomenon of religious hate speech but on a positive or neutral one, such as financial independence, learning a trade or political participation in the village. A similar strategy is used by MM and its partner organisations in their work on the promotion of FoRB in other locations underlines this. In Cirebon and Gujarat, MM and partner organisations bring people from different denominations together to simply 'hang out' or to work together on a project that is *not* about religion.²⁰⁹ By moving attention and emphasis away from religious differences, MM allows space for people who do not usually connect in daily life to find each other through other common denominators like access to water, education or health care. Grull & Wilson argue that the underlying strategy is:

"[...] that differences between religious communities will be addressed more effectively by not focusing explicitly on religion, which can emphasize and reinforce differences and thus potentially exacerbate tensions. [...] The focus is to make people aware of 'discrimination' towards minority communities, which can occur on the basis of multiple identity markers, not only religion."²¹⁰

²⁰⁶ Dugan, M. (1996). A nested theory of conflict. *Women in Leadership* 1(1): 9-20.

²⁰⁷ Lederach, J. P. (1997). *Building peace: Sustainable reconciliation in divided societies*. Washington, DC: United States Institute of Peace Press. 55.

²⁰⁸ From informal conversation with the head of Mosintuwu.

²⁰⁹ Grull, C. & Wilson, E. K. (2018). Universal or particular... or both? The right to freedom of religion and belief in cross-cultural perspective. *The Review of Faith and International Affairs*, 16(4), 88-101, 97.

<https://doi.org/10.1080/15570274.2018.1535046>

²¹⁰ Ibidem.

Mosintuwu uses this approach in the yearly celebration of *Hasil Bumi* a local harvest festival where locals from all religious denominations come together to celebrate a successful harvest and sell their wares. A harvest celebration is a cultural event that surpasses religious identities as it is tied to being a local, no matter of which religion, that celebrates this festival each year. Even though this strategy in these examples specifically target the promotion of FoRB and a harvest celebration, the mechanism behind works the same for any sensitive community topic and be an interesting avenue for research to see if it is an effective approach in addressing religious hate speech/intolerance in an area with a social taboo on discussing religion in public.

6.3 Insights for Euro-American foreign aid policy frameworks

The 'Halt to Hate Speech' project in Poso is constructed mainly to help religious leaders and police officers to understand religious hate speech to be a popular means used by religious extremist to gain followers and to teach the police and religious leaders how to counter such speech.²¹¹ The fieldwork conducted in Poso illustrated that whilst everyone is aware that there are extremists in the region since the conflict, they do not view them necessarily as the real threat. The larger issue is the 'timebomb' underneath Poso's peace that can be ignited by virtually anyone, not just religious extremists. Anyone who says something negative about religion or other religious groups may reignite the conflict, making discussing religion, faith and theology publicly in Poso complicated. There is thus a discrepancy between the what the EIDHR identifies as a problem in Poso and the experiences of the locals of Poso.

Furthermore, the Poso case study signals larger issues with the way the EU structures their external action programmes and their framework for the instrument for the promotion of human rights. Firstly, the current Country-Based Support Schemes (CBSS) requirements mentioned in section 3.2 aim to ensure applicants add data from local CSOs and local cultural characteristics and customs to the proposals the EIDHR processes. Whilst EIDHR's aim to incorporate CBSS into their proposals theoretically makes a lot of sense, the fieldwork conducted in Indonesia has demonstrated that having national characteristics written in grant proposals, does not necessarily ensure that the programme has a successful cross-cultural approach at a local level. Whilst this thesis has not looked into other projects the EIDHR funds and cannot say anything about those, it will be necessary to analyse those processes to reach proper conclusions. The current approach seems counterproductive because involving locals

²¹¹ Mensen met een Missie. (n.d.). *Halt to hate speech. Engaging religious leaders and the police as key stakeholders in tackling hate speech as a driver of radicalization and intolerance*. Project application EuropeAid/136-980/DD/ACT/ID.

and local organisations at an earlier stage could bring information to light that might determine whether a proposed target area is suitable for certain action projects. It also saves time because a proposal can be written based on knowledge of local communities and characteristics. And most importantly, it could help to identify whether certain action projects are actually addressing the most urgent needs in the target area. Using language, concepts and ideas from target areas but moving beyond merely CBSS structures, in cooperation with locals, helps forming a more cross-cultural approach to foreign aid.²¹² To obtain this, the EIDHR could for example *also* involve local organisations in the design of the call for applications, setting up the action projects from the beginning in dialogue with, depending on the type of call, national or local experts instead of only letting CSOs involve local organisations during their applications.

6.4 Concluding remarks

Chapter 6 has aimed to answer the main research question posed in this thesis. It underscores the importance of understanding the legal framework from which religious hate speech is viewed. Whether religious hate speech regulations are part of human rights legislation or part of laws on blasphemy in target areas may influence whether the language used in programmes dealing with religious hate speech will resonate with local peoples.

In the second section of this chapter I argue that in an area where communal violence between religious groups has taken place until relatively recently, an area in which religion has understandably become a sensitive topic, a taboo even, a programme focussing on something as negative as religious hate speech might do more damage than good if not approached very carefully. An alternative approach to restoring trust among the communities is peacebuilding and reconciliation work. For example, the work CSOs like Mosintuwu undertake in empowering women of all religious denominations through group work that does not focus on religious difference specifically, could be a valuable avenue.

Lastly, the last section raises several points about the way the EIDHR functions. I argue that to create more cross-cultural action plans, local or national experts should be included both in writing the call and writing the application to avoid Eurocentric approaches.

²¹² Grüll, C. & Wilson, E. (2018). 'Universal or Particular ... or Both? The Right to Freedom of Religion or Belief in Cross-Cultural Perspective'. *The Review of Faith and International Affairs* 16, 4, 88-101: 14. <https://doi.org/10.1080/15570274.2018.1535046>

7. Conclusion

The aim of this thesis has been to investigate how the concept of religious hate speech can be understood in different geographical contexts and to investigate what the implications of a difference in understanding could mean to foreign aid work. The main research question this thesis answers is:

How is 'religious hate speech' understood across different cultural, religious and political contexts and what are the implications of these differences for cross-cultural policies and programmes aimed at addressing 'religious hate speech'?

The EU creates, through the EIDHR, opportunities for CSOs to obtain grants for action plans that promote democracy and human rights in non-EU contexts. One such action plan is a programme to counter religious hate speech in Indonesia. As part of this thesis, fieldwork was conducted to create a base line evaluation for that specific action plan. Data gathered for that base line evaluation is used in this thesis to analyse the EIDHR's action plan related to religious hate speech. The action plan involves several locations in Indonesia but this thesis focuses on Poso, Sulawesi.

"We don't use the term religious hate speech. But we do have a common understanding amongst this community not to offend other religions."²¹³

This quote taken from one of the interviews illustrates two important points that this thesis highlights. Firstly, despite the fact that the term religious hate speech is not actively used in Poso, the value of the concept to not offend, hurt or spread hatred about other denominations is known. Perhaps differently understood, through other language or concepts but the value behind the concept is similar. Secondly, what this quote illustrates is that religion is a sensitive topic in Poso. There is a 'common understanding amongst this community not to offend other religions' because of the severe consequences this may have for Poso's peace since the end of the conflict. Both meanings of this quote are very important for the approach of an action plan focusing specifically on religious hate speech in this context. Introducing the concept in language that may not resonate or placing too much focus on what divides people (religious hate speech from one group to the other) may exacerbate tensions that people already deal with on a daily basis. Furthermore, the concept of religious hate speech is not necessarily lacking in Poso as the EIDHR's action plan might suggest, it is just not shaped as a secular human rights concept that interacts with FoRB and FoE.

²¹³ Interview #2

Specifically, in European legislation and EU foreign policy, religious hate speech is understood as part of the pantheon of human rights and official laws and legislation is in place to protect people against religious hate speech. An example of such legislation is the ICCPR, a covenant that many states worldwide have signed, including EU member-states and Indonesia. The ICCPR however, is not a binding legal document and states, or collectives of states like the EU, need to put national laws in place to properly protect its citizens. States can do this in several ways, either making religious hate speech part of an exception on FoE in relation to FoRB or it can be cited as part of blasphemy laws. In the EU, religious hate speech has been disconnected from those blasphemy laws and is now a human rights concept on its own, connected to both FoE and FoRB.

EU legislation on religious hate speech is tightly linked to both the ICCPR and the ECHR.²¹⁴ The ECHR allows significant diversity in how states address extreme speech and insults to religions, beliefs and believers. With so many European states included in one legal system, the ECtHR has to appreciate cultural differences between the states. This ‘margin of appreciation’, or deference, is an interpretational tool that determines which matters require a uniform international human rights standard and which allow legitimate variations from state to state.²¹⁵ There is therefore not one specific definition of religious hate speech or one overarching, uniform application of religious hate speech law in the EU.

In Indonesia however, religious hate speech has only been introduced recently. Whilst there are laws protecting people from expressing animosity towards others, enforcing religious hate speech regulations happens infrequently by law enforcers.²¹⁶ Indonesia has no specific legislation referring to religious hate speech. They have signed the ICCPR covenant but this covenant is not binding. Indonesia has blasphemy laws however that are strictly upheld, as can be seen in the Ahok case. The national police, the Kapolri, have however sent a letter about religious hate speech policy and specific instructions on how to enforce to the Indonesian national police. In practice, the police hardly enforce the letter’s instructions though for various reasons as discussed in chapter 4.

A philosophical difference in interpretation of religious hate speech can be found between the EU and Indonesia. Indonesia condemns religious hate speech for its blasphemous properties whereas in contrast, the EU’s focus is on the protection of human rights. The way in which religious hate speech regulations are framed may lead to vastly different discussions, interpretations and methods to deal with it, both nationally and on the ground.

²¹⁴ For the specific definitions and relevant laws/articles see Chapter Two.

²¹⁵ Mahony, K. (1994). Hate vilification legislation and freedom of expression: Where is the balance? *Australian Journal of Human Rights*, 1(1), 353–370, 364. <https://doi.org/10.1080/1323238X.1994.11910919>

²¹⁶ Feringa, R. and E. Wilson. (2017). *Baseline evaluation: Halt to hate speech*. Groningen: Centre for Religion, Conflict and the Public Domain.

In Poso, the specific concept religious hate speech is not actively used and mostly unknown. As a matter of fact, once learning what the term means, interviewees were unable to identify it in their respective communities. As it has only been 20 years since a civil war swept through Poso that placed Christians and Muslims on opposite sides of each other, the latter conclusion seems hard to imagine. The answer of silence by the religious leaders is very valuable however, as it implicates that the time is not there (yet) to discuss religion or religious hate speech with outsiders. Fear and trauma from the conflict that swept through Poso are both present and prevalent.

That the interviewees were not familiar with the concept was not a surprise, it was part of the reason the EIDHR agreed to roll out the 'Halt to Hate Speech' programme in Poso, to introduce the concept. What was unexpected however was the apparent uneasiness of participants to discuss religion, theology and religious hate speech during and after (when the microphone was turned off) interview sessions. In chapter 5 it is made clear that this silence can be explained through the communal and later civil war, commonly referred to as 'the conflict' that took place in Poso. Understandably, the conflict has made a large impact on the lives of Poso's inhabitants, traumatizing many and making most fearsome for a reignition of the conflict, as flare ups have been common. The consequence of the conflict that is very relevant for this thesis is how uncomfortable inhabitants of Poso are discussing religious hate speech, religion and theology with each other and outsiders for fear of personal retribution or causing a reignition of the conflict.

From the fieldwork it can be concluded that the reluctance of people in Poso to discuss religious hate speech and religion and the description of Poso's peace as a 'time bomb' is extremely important for the EIDHR's action plan. It indicates that caution is necessary in following through with an action plan targeting specifically religious hate speech in the area. These fieldwork results also raise questions about the EIDHR's methods of approving target areas that are chosen by CSOs in their grant applications. This thesis questions if Poso is the right target area for an anti-religious hate speech programme since fear and hesitance to discuss religion is so prevalent in the area.

Furthermore, the implication that this thesis puts forward is that the CBSS implemented by the EIDHR as a requirement in their applications are not enough. Poso's case study illustrates that despite a risk analysis by MM, the severity of the distrust and fear in Poso has been underestimated. A cross-cultural approach to writing the calls and applications can overcome this. Cooperation with national and local experts and other CSOs in the target areas who can anticipate what locals want and need, at an earlier stage could overcome that and give these programmes a cross-cultural nature. The secular human rights nature of the EIDHR and its programmes may not resonate in all parts of the world and that may influence the effectiveness of the programmes in a negative way. Using language, concepts and ideas from

target areas in cooperation with locals, helps forming a cross-cultural approach to foreign aid and overcome the neocolonialism that is visible at the roots of these action plans.²¹⁷ Exact methods of how to implement those or what these approaches look like is beyond the scope of this thesis but it is an important avenue for further research.

Further research into the effectiveness of action plans funded the EIDHR (and similar instruments for foreign aid globally) would be needed to draw larger conclusions. Furthermore, the tension between the EU 'promoting democracy and human rights' *outside* of Europe but merely 'protecting' it *within* the EU is a Eurocentric notion that requires more research and attention, especially since, due to the 'margin of appreciation', there is not even any consensus on religious hate speech legislation *within* the EU. Large quantitative and qualitative research could improve our understanding of the public perception of the concept of religious hate speech. Another research avenue that would be highly interesting to take is into the effects of 'Javanese colonialism' on the transmigration sites in order to see if similar conflicts as the one in Poso can be avoided in the future. Lastly, foreign aid in general could benefit from more research into the development of effective cross-cultural approaches and power (im)balances that are often present.

²¹⁷ Gröll, C. & Wilson, E. K. (2018). Universal or particular... or both? The right to freedom of religion and belief in cross-cultural perspective. *The Review of Faith and International Affairs*, 16(4), 88–101: 14. <https://doi.org/10.1080/15570274.2018.1535046>

Bibliography

- Afisi, O. (n.d.) Neocolonialism. In *Internet Encyclopedia of Philosophy*. Retrieved August 2, 2020 from <https://www.iep.utm.edu/neocolon/>
- Afrida, N. (2016, March 12). Govt to address causes of conflict in Poso. *The Jakarta Post*. Retrieved January 10, 2020 from <http://www.thejakartapost.com/news/2016/03/12/govt-address-causes-conflict-poso.html>.
- Ager, A., & Ager, J. (2011). Faith and the discourse of secular humanitarianism. *Journal of Refugee Studies*, 24(3), 456–472. <https://doi.org/10.1093/jrs/fer030>
- Ahdar, R., & Leigh, I. (2005). *Religious freedom in the liberal state*. Oxford: Oxford University Press.
- Al-Saidi, A. A. H. (2014). Post-colonialism literature the concept of Self and the Other in Coetzee's 'Waiting for the Barbarians': An analytical approach. *Journal of Language Teaching and Research* 5(1). 95-105: 95. <http://doi:10.4304/jltr.5.1.95-105>
- Amnesty International. (2014). *Prosecuting beliefs: Indonesia's blasphemy laws*. London: Amnesty International.
- Aragon, L. V. (2007). Elite competition in Central Sulawesi. In H. Nordholt & G. Klinken, van (Eds.), *Renegotiating boundaries: Local politics in Post-Suharto Indonesia* (pp. 39–66). Leiden: Brill.
- Aragon, L. V. (2001). Communal violence in Poso, Central Sulawesi: Where people eat fish and fish eat people. *Indonesia*, 72, 45–80. <https://hdl.handle.net/1813/54240>
- Asad, T. (2003). *Formations of the secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press.

Austrian Penal Code, Art. 188, Strafgesetzbuch (StGB).

Barton, G. (2010). Indonesia: legitimacy, secular democracy, and Islam. *Politics & Policy*, 38(3), 471–496. <https://doi.org/10.1111/j.1747-1346.2010.00244.x>

Bertrand, J. (2003). *Nationalism and ethnic conflict in Indonesia*. Cambridge: Cambridge University Press.

Bräuchler, B. (Ed.). (2009). *Reconciling Indonesia: Grassroots agency for peace*. London: Routledge.

Bruinessen, van, M. (2002). Genealogies of Islamic radicalism in post-Suharto Indonesia. *South East Asia Research*, 10(2), 117–154.
<https://doi.org/10.5367/00000002101297035>

Bruinessen, van, M. (2006). Arabisering van de Indonesische islam? Indonesische moslims en het Midden-Oosten. *ZemZem, Tijdschrift over het Midden-Oosten, Noord-Afrika en de islam* 2(1), 73-84.

Bruinessen, van, M. (Ed.). (2013). *Contemporary Developments in Indonesian Islam: Explaining the “Conservative Turn.”* Singapore: ISEAS–Yusof Ishak Institute.

Calhoun, C., Juergensmeyer M. & VanAntwerpen, J. (2011). Introduction. In C. Calhoun & M. Juergensmeyer & J. VanAntwerpen (Eds.). *Rethinking Secularism* (pp. 3-30). New York: Oxford University Press.

Centre for Humanitarian Dialogue. (2011, June). *Conflict management in Indonesia: An analysis of the conflicts in Maluku, Papua and Poso*. Geneva: Centre for Humanitarian Dialogue. Retrieved June 5, 2020 from <https://www.hdcentre.org/wp-content/uploads/2016/08/5ConflictManagementinIndonesia-June-2011.pdf>

- Cochrane, J. (2017, May 9). Christian governor in Indonesia found guilty of blasphemy against Islam. *The New York Times*. Retrieved February 14, 2020 from <https://www.nytimes.com/2017/05/09/world/asia/indonesia-governor-ahok-basuki-tjahaja-purnama-blasphemy-islam.html>
- Cochrane, J. (2018, April 14). Indonesia's ancient beliefs win in court, but devotees still feel ostracized. *The New York Times*. Retrieved February 14, 2020 from <https://www.nytimes.com/2018/04/14/world/asia/indonesia-religious-freedom-.html>
- Council of the European Union. (2013). *EU annual report on human rights and democracy in the world in 2012* (No. 15144/13). <http://aei.pitt.edu/45422/>
- Crouch, H. (2010). *Political Reform in Indonesia after Soeharto*. Singapore: ISEAS–Yusof Ishak Institute.
- DeWalt, K. & DeWalt, B. (2002). *Participant observation: A guide for fieldworkers*. Lanham: Altamira Press.
- Dutch Penal Code Art. 137d., Wetboek van Strafrecht (Sr.).
- Eisenstadt, S. N. (2000). Multiple modernities. *Daedalus*, 129(1), 1–29. <https://doi.org/10.4324/9781315124872-1>
- Emmer, P. (2016). Decolonization of the Dutch East Indies/Indonesia. In *Encyclopédie pour une histoire nouvelle de l'Europe*. Retrieved April 8, 2020 from <http://ehne.fr/en/node/1560>
- European Commission. (n.d.). *International cooperation and development: Human rights*. European Union. Retrieved May 7, 2019 from https://ec.europa.eu/international-partnerships/topics/human-rights_en

- European Commission. (n.d.). *European Instrument for Democracy & Human Rights (EIDHR)*. European Union. Retrieved May 8, 2019 from https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en/
- Council of Europe. (1945). *European Convention on Human Rights*. Retrieved May 8, 2019 from https://www.echr.coe.int/Documents/Convention_ENG.pdf
- Dugan, M. (1996). A nested theory of conflict. *Women in Leadership* 1(1): 9-20.
- European Parliament & Council of the European Union. (2014, March 15). *Regulation (EU) No 235/2014 of the European parliament and of the council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide*. Retrieved May 7, 2019 from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:077:0085:0094:EN:PDF>
- European Union. (n.d.). *Human rights and democracy*. Retrieved May 7, 2019 from https://europa.eu/european-union/topics/human-rights_en#:~:text=Promoting%20and%20protecting%20human%20rights&text=The%20EU%20Charter%20of%20Fundamental,they%20are%20implementing%20EU%20!aw
- Fealy, G. & Funston, J. (2016, January). *Indonesian and Malaysian support for the Islamic state*. United States Agency for International Development. Retrieved April 24, 2020 from <https://www.globalsecurity.org/military/library/report/2016/PBAAD863.pdf>
- Feringa, R., & Wilson, E. K. (2017). *Baseline evaluation: Halt to hate speech*. Centre for Religion, Conflict and the Public Domain.
- Freeman, M. (2004). The problem of secularism in human rights theory. *Humans Quarterly*, 26(3), 375–400. <https://doi.org/10.1353/hrq.2004.0020>
- Geertz, C. (1960). *The religion of Java*. New York: Free Press.

Grüll, C. & Wilson, E. K. (2018). Universal or particular... or both? The right to freedom of religion and belief in cross-cultural perspective. *The Review of Faith and International Affairs*, 16(4), 88–101. <https://doi.org/10.1080/15570274.2018.1535046>

Gutowksi, S. (2014). *Secular way of war*. London: IB Tauris.

Hashemi, N. (2009). *Islam, secularism, and liberal democracy: Toward a democratic theory for Muslim societies*. New York: Oxford University Press.

Human Rights Watch. (2002). *Breakdown: Four years of communal violence in Central Sulawesi*. Retrieved April, 4 2020
<https://www.hrw.org/report/2002/12/04/breakdown/four-years-communal-violence-central-sulawesi>

Hutchinson, M. (1999). The margin of appreciation doctrine in the European Court of Human Rights. *The International and Comparative Law Quarterly*, 48(3), 638–650.
<https://doi.org/10.1017/s0020589300063478>

Indonesian Penal Code. Paragraph 156, *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from
<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>.

Indonesian Penal Code. Paragraph 157 article (1) article (2), *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from
<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>.

Indonesian Penal Code. Paragraph 310 article (1) article (2)1 article (3), *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from
<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>.

Indonesian Penal Code. Paragraph 311 article (1) (2), *Kitab Undang-Undang Hukum Pidana*. Retrieved February 5, 2020 from
<https://www.wipo.int/edocs/lexdocs/laws/en/id/id039en.pdf>.

- Human Rights Committee. (2011). *International Covenant on Civil and Political Rights*. United Nations. Retrieved January 4, 2020 from <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>
- International Crisis Group. (2008, January). Indonesia: Tackling radicalism in Poso. *Asia Briefing*, 75.
- Jazeel, T. (2019). *Postcolonialism*. London: Routledge.
- Kawulich, B. (2005). Participant Observation as a Data Collection Method. *FQS*, 6(2), 1–28. <https://doi.org/10.17169/fqs-6.2.466>.
- Klinken, van, G. (2007). *Communal violence democratization in Indonesia: Small town wars*. London: Routledge.
- Klug, F. (2006). Freedom of expression must include the license to offend. *Religion and Human Rights*, 1(3), 225–227. <https://doi.org/10.1163/187103206781173014>
- Knechtle, J. (2017). Blasphemy, defamation of religion and religious hate speech. In J. Temperman & A. Koltay (Eds.), *Blasphemy and freedom of expression: Comparative, theoretical and historical reflections after the Charlie Hebdo massacre* (pp. 194–222). Cambridge: Cambridge University Press.
- Kuru, A. T. (2009). *Secularism and state policies toward religion: The United States, France, and Turkey*. New York: Cambridge University Press.
- Kuru, A. T. (2014). Authoritarianism and democracy in Muslim countries: Rentier states and regional diffusion. *Political Science Quarterly*, 129(3), 399–427. <https://doi.org/10.1002/polq.12215>
- Kvale, S. (2007). *Doing interviews*. London: Sage Publications.

- Lamb, K. (2016, December 12). Jakarta governor Ahok's blasphemy trial: All you need to know. *The Guardian*. Retrieved February 15, 2020 from <https://www.theguardian.com/world/2016/dec/12/jakarta-governor-ahoks-blasphemy-trial-all-you-need-to-know>
- Lamb, K. (2017, May 10). Protests in Jakarta after Christian governor convicted of blasphemy. *The Guardian*. Retrieved February 15, 2020 from <https://www.theguardian.com/world/2017/may/10/jakarta-protests-christian-governor-ahok-guilty-blasphemy>
- Langer, L. (2014). *Religious offence and human rights: The implications of defamation of religions*. Cambridge: Cambridge University Press.
- Lederach, J. P. (1997). *Building peace: Sustainable reconciliation in divided societies*. Washington: United States Institute of Peace Press.
- Leigh, I. (2011). Damned if they do, damned if they don't: The European court of Human Rights and the protection of religion from attack. *Res Publica: A Journal of Moral, Legal and Social Philosophy*, 17(1), 55–73. <https://doi.org/10.1007/s11158-011-9143-5>
- Lewis, T. (2017). At the deep end of the pool. In J. Temperman & A. Koltay (Eds.), *Blasphemy and freedom of expression: Comparative, theoretical and historical reflections after the Charlie Hebdo massacre*. (pp. 259–293). Cambridge: Cambridge University Press.
- Limon, M., Ghanea N. & Power, H. (2015, January 28). UN strategy to combat religious intolerance - is it fit for purpose? *Open Global Rights*. Retrieved September 1, 2020 from <https://www.openglobalrights.org/un-strategy-to-combat-religious-intolerance-i/>.

- Lynch, C. (2011). Religious humanitarianism and the global politics of secularism. In C. Calhoun, M. Juergensmeyer, & J. VanAntwerpen (Eds.), *Rethinking secularism* (pp. 204–224). New York: Oxford University Press.
- Mahmood, S. (2016). *Religious freedom in a secular age: A minority report*. Princeton: Princeton University Press.
- Mahony, K. (1994). Hate vilification legislation and freedom of expression: Where is the balance? *Australian Journal of Human Rights*, 1(1), 353–370.
<https://doi.org/10.1080/1323238X.1994.11910919>
- Mahoney, P. (1997) Universality versus subsidiarity in the Strasbourg case law on free speech: Explaining Some recent judgments. *European Human Rights Law Review* 4, 364-379.
- Maitra, I., & McGowan, M. (2012). *Speech and harm: Controversies over free speech*. Oxford: Oxford University Press.
- Mavelli, L. (2012). *Europe's encounter with Islam: The secular and the post-secular*. London: Routledge.
- Mavelli, L., & Pepito, F. (2012). The postsecular in international politics: An overview. *Review of International Studies*, 38(5), 931–942.
<https://doi.org/10.1017/S026021051200040X>
- McRae, D. (2008). *The escalation and decline of violent conflict in Poso, Central Sulawesi, 1998-2007* [Doctoral dissertation]. Australian National University.
<https://doi.org/10.25911/5d74e914a8bfc>
- McRae, D. (2013). *A few poorly organized men: Interreligious violence in Poso, Indonesia*. Leiden: Brill.

Menchik, J. (2015). *Islam and democracy and Indonesia: Tolerance without liberalism*. New York: Cambridge University Press.

Mensen met een Missie. (2020, June 17). Freedom of Religion and Belief. *Mensen met een Missie*. Retrieved September 3, 2020 from <https://www.mensenmeteenmissie.nl/en/freedom-of-religion-and-belief/when-youre-not-the-only-one-who-suffers/>

Mensen met een Missie. (n.d.). *Halt to hate speech. Engaging religious leaders and the police as key stakeholders in tackling hate speech as a driver of radicalization and intolerance*. Project application EuropeAid/136-980/DD/ACT/ID.

Moon, R. (2018). *Putting faith in hate: When religion is the source target of hate speech*. Cambridge: Cambridge University Press.

Moon, R. (2019, January 18). Religion and hate speech. *The Immanent Frame*. <https://tif.ssrc.org/2019/01/18/religion-and-hate-speech/>

Na'im, A. A. (2008). *Islam and the secular state: Negotiating the future of Sharia*. Cambridge: Harvard University Press.

Parulian Sihombing, U., Pultoni, Aminah, S., & Khoirul Roziqin, M. (2012). *Injustice in belief: monitoring the results of cases on blasphemy of religion and religious hate speech in Indonesia*. The Indonesian Legal Resource Centre.

Pearson, E. (2018, August 30). The chance to urge religious freedom in Indonesia. *Human Rights Watch*. <https://www.hrw.org/news/2018/08/30/chance-urge-religious-freedom-indonesia>

Pedersen, M. A. (2001). Totemism, animism and North Asian indigenous ontologies. *The Journal of the Royal Anthropological Institute*, 7(3), 411–427. <https://doi.org/10.1111/1467-9655.00070>

- Pham, P.N., Weinstein, H.M., Longman, T. (2004). Trauma and PTSD Symptoms in Rwanda: Implications for Attitudes Toward Justice and Reconciliation. *JAMA* 292(5). 602–612: 602. <http://doi:10.1001/jama.292.5.602>.
- Racial and Religious Hatred Act, 2006 (UK) s. 29B c. 1, amending The Public Order Act 1986 (UK) c. 64.
- Ramadhani, N. (2017, May 9). Ahok verdict irregular: Setara. *The Jakarta Post*. Retrieved February 15, 2020 from <https://www.thejakartapost.com/news/2017/05/09/ahok-verdict-irregular-setara.html>
- Republic of Indonesia. (1945). *Constitution of the Republic of Indonesia*. International Labour Organization. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf
- Saad, R. (2019, August 8). The UN strategy and plan of action on hate speech: Tackling discrimination, hostility and violence. *Universal Rights Groups*. Retrieved September 1, 2020 from <https://www.universal-rights.org/blog/the-un-strategy-and-plan-of-action-on-hate-speech-tackling-discrimination-hostility-and-violence/>
- Schulze, K. (2017). The “ethnic” in Indonesia’s communal conflicts: Violence in Ambon, Poso and Sambas. *Ethnic and Racial Studies*, 40(12), 2096–2114. <https://doi.org/10.1080/01419870.2017.1277030>
- Seo, M. (2012). Defining ‘religious’ in Indonesia: Toward neither an Islamic nor a secular state. *Citizenship Studies*, 16(8), 1045–1058. <https://doi.org/10.1080/13621025.2012.735028>
- Setuningsih, N. (2019, November 19). Calls reemerge for revocation of blasphemy laws. *Jakarta Globe*. Retrieved February 16, from <https://jakartaglobe.id/context/calls-reemerge-revocation-blasphemy-laws>

Shakman Hurd, E. (2008). *The politics of secularism in international relations*. Princeton: Princeton University Press.

Shakman Hurd, E. (2015). *Beyond Religious Freedom*. Princeton: Princeton University Press. doi: <https://doi-org.proxy-ub.rug.nl/10.1515/9781400873814>.

Shakman Hurd, E. (2015, July 9). How international relations got religion, and got it wrong. *Washington Post*. Retrieved June 21 2020 from <https://www.washingtonpost.com/news/monkey-cage/wp/2015/07/09/how-international-relations-got-religion-and-got-it-wrong/?noredirect=on>

Temperman, J. (2015). *Religious hatred and international law: The prohibition of incitement to violence or discrimination*. Cambridge: Cambridge University Press.

Tri Subagya, Y. (2009). Women's agencies for peacebuilding and reconciliation: Voices from Poso, Sulawesi. In B. Bräuchler (Ed.), *Reconciling Indonesia: Grassroots agency for peace* (pp. 155–179). London: Routledge.

Tulkens, F. (2015). *When to say is to do freedom of expression and hate speech in the case-law of the European Court of Human Rights*. European Court of Human Rights. Strasbourg, France.

Unspecified (2017, May 22) UN urges Indonesia to free Jakarta governor jailed for blasphemy. *SBS News*. Retrieved February 15, 2020 from <https://www.sbs.com.au/news/un-urges-indonesia-to-free-jakarta-governor-jailed-for-blasphemy>

Uzoigwe, G. (2019). Neocolonialism is dead: Long live neocolonialism. *Journal of Global South Studies*, 36(1), 59–87. <https://doi.org/10.1353/gss.2019.0004>

Waldron, J. (2012). *The harm in hate speech*. Cambridge: Harvard University Press.

Weber, R., Kreisel, W., & Faust, H. (2003). Colonial Interventions on the Cultural Landscape of Central Sulawesi by “Ethical Policy”: The Impact of the Dutch Rule in Palu and Kulawi Valley, 1905—1942. *Asian Journal of Social Science*, 31(3), 398–434.

<https://doi.org/10.1163/156853103322895324>

Wilson, E. K. (2012). *After secularism: Rethinking religion in global politics*. United Kingdom: Palgrave MacMillan.

Wilson, E. K. (2017). “Power differences” and the “power of difference”: The dominance of secularism as ontological injustice. *Globalizations*, 14(7), 1076–1093.

<https://doi.org/10.1080/14747731.2017.1308062>

Wilson, E. K., & Mavelli, L. (2016). *The refugee crisis and religion: Secularism, security and hospitality in question*. London: Rowman and Littlefield.

Yuval-Davis, N. (2006). Intersectionality and feminist politics. *European Journal of Women's Studies*, 13(3), 193–209. <https://doi.org/10.1177/1350506806065752>

Ziel, van der, A. (2018, November 18). Fatwa’s, knokploegen en opportunisme: Hoe de radicale islam tolerant Indonesië verandert. *Trouw*. Retrieved January 6, 2020 from <https://www.trouw.nl/nieuws/fatwa-s-knokploegen-en-opportunisme-hoe-de-radicale-islam-tolerant-indonesie-verandert~b35e8939/>

Internet sources

Institut Mosintuwu. 'Vision & mission'. <http://www.mosintuwu.com/visi-misi/>.

Institut Mosintuwu. 'Programmes'. <http://www.mosintuwu.com/program-program/>.

Figures

Figure 1: R. Rootselaar, van. (2020) Transmigration movement in Indonesia.

Figure 2: R. Rootselaar, van. (2020) Poso Regency.

Research data

Interview number	Date/ Place	Religion	Gender	Age	Occupation
1.	03-10-2016 Tentena	Christian, GKST	F	52	Secretary
2.	03-10-2016 Tentena	Christian	F	51	Leader Youth Association GKST
3.	04-10-2016 Leboni	Christian	F	53	GKST priest
4.	04-10-2016 Wera	Hindu	M	38	Hindu priest
5.	14-10-2016 Tentana	Muslim	M + M	42 + 45	Imam + preacher and caretaker
6.	17-10-2016 Poso Kota	Hindu	M	36	Counsellor at Ministry of Religious Affairs in Poso Regency
7.	17-10-2016	Christian, protestant	F	38	Priest
8.	17-10-2016	Christian, pentacostal	F	36	Priest
9.	18-10-2016 Poso kota	Muslim	M	46	Head ministry of religion
10.	18-10-2016 Tokorondo	Muslim	M	37	Head boarding school Bogur 13
11.	18-10-2016 Tokorondo	Muslim	M	53	Village imam
12.	19-10-2016 Masamba	Muslim	M	69	Village imam
13.	19-10-2016 Tangkura	Christian, protestant	F	48	Village priest

14.	19-10-2016 Pada Lembara	Hindu	M	60	Hindu priest
15.	20-10-2016 Tambarana	Muslim	M	43	Teacher at Islamic school + Imam
16.	20-10-2016 Kilo	Hindu	F	40	Leader women's group of Hinuu community + coordinator women school Mosintuwu
17.	21-10-2016 Madale	Christian, protestant	M	35	Village priest
18.	21-10-2016 Poso Kota	Muslim	M	68	FKUB leader + Imam
19.	21-10-2016 Poso Kota	Muslim	M	28	Imam, teacher, former islamic student movement (PMII) leader
20.	09-11-2016 Poso Kota	Muslim	M		Editor Poso newspaper, co-founder Gusdurian in Poso
21.	09-11-2016 Tentena	Muslim	M		Editor poso newspaper, co-founder Mosintuwu

Appendix I

Numbered SE/06/X/2015 - 8 October 2015

Highlighted points:

2;

f; that hate speech could be in the form of criminal offenses regulated in Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana -- KUHP) and others penal provisions outside of KUHP, which can be in the forms of:

- 1; defamation
- 2; libel or slender
- 3; blasphemy
- 4; unpleasant acts
- 5; provocation
- 6; incitement
- 7; dissemination of false news

and all the above measures have the purpose or could have an impact on discrimination, violence, disappearances of lives, and/or social conflict.

g; that hate speech mentioned above aims to incite and trigger hatred against individuals and/or groups of people in various communities distinguished based on the aspects of:

- 1; tribes
- 2; religion
- 3; religious denominations
- 4; faith/belief
- 5; race
- 6; inter-group
- 7; skin color
- 8; ethnicity
- 9; gender
- 10; people with disabilities
- 11; sexual orientation

3; With regard to the description in item #2 above, notified/proclaimed that in order to deal with hate speech act so as not to bring acts of extensive discrimination, violence, disappearances of lives, and/or social conflict the necessary steps to handle are as follows:

a; to do preventive action as follows:

- 1;** every member of the police to have knowledge and understanding about the forms of hate speech that arise in the community;

2; through the understanding of forms of hate speech and the consequences thereof, the police personnel are expected to be more responsive or sensitive to symptoms or indications that arise in the community potentially criminal act of hate speech;

3; every member of the police to conduct the analysis or study of the situation in their respective communities, especially with regard to acts of hate speech;

4; every member of the police to report to the leadership of each of the above circumstances in the environment, especially with regard to acts of hate speech;

5; to the Kasatwil to conduct the following activities:

a; streamline and prioritize intelligence function to determine the real conditions in areas prone to conflict primarily as a result of provocation, for further mapping as part of the early warning and early detection;

b; promoting the functions of Binmas and Polmas to do counseling or dissemination to the public regarding the speech of hatred and negative impacts that will occur;

c; to put forward the function of Binmas to carry out constructive cooperation with religious leaders, community leaders, youth leaders, and academics for optimizing the repressive action on the speech of hatred;

d; if found to act which could potentially lead to criminal acts of hate speech then every member of the Police shall take action:

1; monitor and detect early onset of seeds of dissension in the community;

2; to approach the alleged conduct of hate speech;

3; bring together the parties suspected of hate speech with the victims of hate speech;

4; seek a peaceful solution between the warring parties; and

5; provide an understanding of the impact that would arise from the speech of hatred in society;

b; if preventive measures have been carried out by members of the police but did not resolve the problems arising from the actions of hate speech, the solution can be done through:

1; law enforcement in cases of alleged criminal acts of hate speech by referring to the following provisions:

a; Paragraph 156 of the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana -- KUHP*)

b; Paragraph 157 article (1) article (2) of the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana -- KUHP*)

c; Paragraph 310 article (1) article (2)1 article (3) of the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana -- KUHP*)

d; Paragraph 311 article (1) (2) of the Indonesian Penal Code (*Kitab Undang-Undang Hukum Pidana -- KUHP*)

e; Law No. 11/2008 on Information and Electronic Transaction, paragraph 28 article (1) (2) and paragraph 45 article (2)

f; Law No. 40/2008 on Abolition of Ethnic and Racial Discrimination, paragraph 16

2; In terms of social conflict has occurred against the backdrop of hate speech, handling should be guided by:

a; Law No. 7/2012 on Handling of Social Conflict, and

b; Chief of National Police (Kapolri) Regulation No. 8/2013 on the Technicality of the Handling of Social Conflict

