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CRAFTING INDONESIAN DEMOCRACY

Inclusion-Moderation and the
Sacralizing of the Postcolonial State

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Rule of law in Indonesia must be understood through the viewpoint of the 1945 Constitution, namely a constitutional state which places the ideal of Belief in God as its foremost principle as well as religious values underlying the movements of national and state life, and not as a country that imposes separation of state and religion or merely holds to the principle of individualism or communalism.

—INDONESIAN CONSTITUTIONAL COURT (2010), DECISION 140/PUU-VII/2009, §3.34.10

INTRODUCTION

Indonesia is the largest Muslim-majority country in the world and a stable, consolidated democracy, according to most scholars as well as indicators from Polity.¹ The centrality of Islamic organizations to Indonesia's successful democratic transition and consolidation has affirmed scholars' view that the inclusion of antisystem parties in the political process fosters their moderation. Over the course of the twentieth and early twenty-first century, the Indonesian Islamic organizations that have participated in

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crafting the policies of the state have implicitly or explicitly moderated their views. Their ideologies have shifted from pan-Islamists who seek a global caliphate to Indonesian Islamists who aim to create an Indonesian Islamic state, Indonesian Muslim pluralists who actively work with other religious and ideological groupings and promise to safeguard their rights, and post-Islamists who view Islam as complementary to other ways of organizing politics and society. In other words, they have moderated through participation. While there are exceptions to this trend, most notably the “new Islamists,” who generate dramatic headlines but possess little electoral influence, the overall trend toward moderation is clear: include Islamists in the political process, and over time their ideologies and tactics will moderate toward support for democracy and the religious tolerance demanded by its institutions.

Most analyses of Indonesian Islam end at this normatively celebrated juncture. What this vantage point ignores, however, is that the inclusion of Islamic actors changes the political system even as it fosters their moderation. The inclusion of Islamists in the democratic bargain means that the negotiating partners of Islamists, most often secular nationalists and the secular institutions of the postcolonial state, must cede ground on important policy issues. Islamic society and the state coevolve.

This chapter demonstrates this coevolution through a diachronic case study of the sacralizing of Indonesia’s postcolonial state from 1945 to 2014. As a result, the contemporary state is neither secular nor a theocracy but rather somewhere in between, where the government makes religious education mandatory, obliges citizens to declare their adherence to a religion, restricts interfaith marriage, and limits activities that it sees as interfering with communal rights, such as interfaith proselytizing. Theoretically, this case suggests that the sacralizing of the postcolonial state is just as important for democratization in the Muslim world as are inclusion and moderation. As a result, for democratization to succeed in transitional democracies like Tunisia, it is just as important that Islamic actors never fully “lose” as it is that they never fully “win.” Additionally, given the salience of religion in contemporary Europe, this chapter suggests that politics in peripheral states like India, Indonesia, and Tunisia, where religious actors

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are central to the crafting of mutual accommodation, may illuminate aspects of Europe's present, rather than its past.

This chapter proceeds in three sections. The literature review discusses major writings on the participation/moderation tradeoff and then demonstrates how they apply to the Indonesian case. The theory section discusses the neglected counterparts of participation/moderation: the sacralizing of the postcolonial state. The subsequent empirical section highlights four policy areas—education, recognition of religions, marriage law, and proselytizing—that have become sacralized and compares Indonesia's laws to those of other democracies. A brief conclusion reflects on the implications of these twin processes for democratic theory.

LITERATURE REVIEW

Scholars of democracy have long been concerned with the role that radical or antisystem parties play in derailing democratic transitions. Samuel Huntington argued, "Implicitly or explicitly in the negotiating process leading to democratization, the scope of participation was broadened and more political figures and groups gained the opportunity to compete for power and to win power on the implicit or explicit understanding that they would be moderate in their tactics and policies."² Such moderation on behalf of the opposition entailed agreeing to abandon violence and any commitment to revolution; accepting existing basic social, economic, and political institutions; and working through elections and parliamentary procedures in order to put through their policies.

Stathis Kalyvas was the first scholar to demonstrate that religious actors are as capable of moderation as any other antisystem party. He argued that socialists and Catholics in nineteenth-century Europe entered the political system in order to make immediate gains to their interests but as a result ended up compromising their goals as they became part of the system. Kalyvas summarizes the moderation of Catholic parties as follows: (1) mass mobilization, (2) an antisystem political discourse, (3) the combination of

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an appeal to religious sensibilities coupled with a political message of economic inclusion, (4) the transformation of religious practices, and (5) the moderation of Catholic parties and the democratization of the political institutions within which they operated. Drawing on the example of the Islamist movement in Turkey, he argues that liberalization, democratization, and inclusion are more likely where states reward moderation, punish antisystem behavior, and include Islamists in meaningful electoral competition.³

Elsewhere, however, Kalyvas has also argued that only religious institutions with hierarchical structures can alleviate the commitment problems necessary for democratization.

The centralized, autocratic, and hierarchical organization of Catholicism allowed moderate Catholics to solve their commitment problem, while the absence of a comparable structure in Algeria contributed to the inability of the moderate FIS leadership credibly to signal its future intentions. It is indeed ironic that Islam's open, decentralized and more democratic structure eventually contributed to the failure of democratization, while the autocratic organization of the Catholic Church facilitated a democratic outcome.⁴

While Kalyvas's account is useful for highlighting the unintended consequences of participation, his description of Islamic parties as unable to commit credibly runs at odds with the many cases where Islamic parties have maintained such commitments, more specifically the eighty-nine parliamentary elections in twenty-one countries where Islamic parties have repeatedly contested elections.⁵ Additionally, subsequent scholarship on the Belgian and Algerian cases has criticized Kalyvas's account for ignoring regime differences in favor of cultural determinism; credible commitments in Algeria were less important to the success of the democratic transition than the regime possessing a secure military apparatus and Western support—and the regime being uninterested in relinquishing power.⁶

More importantly, and similar to the Indonesian case, Kurzman and Naqvi found that since the 1970s Islamic political parties have consistently

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moderated as a result of their participation. That moderation has been visible on the issues of implementation of sharia, jihad, opposition to capitalism, and hostility toward Israel; the parties have also become more explicitly supportive of religious-minority rights, democracy, and women's rights.⁷ In an important review essay, Jillian Schwedler agrees that Islamists are capable of moderation and distinguishes the factors behind the behavioral moderation of groups, the ideological moderation of groups, and the ideological moderation of individuals.⁸

There are, however, important critiques of inclusion-moderation theory. Nancy Bermeo argues that radical mass organizations may not imperil democratic transitions. Drawing on the Portuguese transition of 1974–1975, she shows that the democratization process survived even though capitalist property rights were challenged on a large scale by a mobilized working class. Likewise, the armed wing of the Basque separatist movement, Euzkadi Ta Askatasuna, failed to moderate its demands during the Spanish transition of the late 1970s, nor did its use of violence decrease during the successful democratic transition. Furthermore, using comparative data on labor strikes during the democratic transitions in Brazil, Chile, Ecuador, South Korea, Peru, and the Philippines, she shows that the politically mobilized working class did not moderate their demands during those transitions. Her conclusion is worth repeating: “Moderation is not a prerequisite for the construction of democracy; the parameters of tolerable mobilization are broader than we originally anticipated. In many cases, democratization seems to have proceeded alongside weighty and even bloody popular challenges.”⁹ Additional critiques come from Güneş Murat Tezcür and Schwedler, both of whom argue that behavior moderation may serve to hamper democratic transitions and bolster authoritarian regimes that co-opt Islamists rather than engage in substantive reform of political institutions.¹⁰ Schwedler challenges scholars to unearth their normative preference for moderation, since democratization may demand *immoderate* behavior in order for social actors to topple Middle Eastern dictators. This chapter attempts to answer Schwedler's important appeal.

The Indonesian case affirms the argument that the inclusion of antisystem parties in the political process fosters their moderation. Indonesia is

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home to some of the largest, oldest, and most politically influential mass Islamic organizations in the world. Muhammadiyah is the world's largest Islamic reformist (or modernist, based on the ideas of Mohammad Abduh and Rasyid Ridha) organization, with twenty-five to thirty million members rooted in schools, universities, hospitals, and health clinics. Nahdlatul Ulama (NU) is among the world's largest traditional Islamic organizations, with upward of sixty million members based largely in Java and organized around Islamic boarding schools (*pesantren*) and prominent ulama. Together these two organizations, including their women's wings, run thousands of schools and universities, hundreds of hospitals and clinics, youth organizations, mosques, and prayer circles. Of Indonesia's two hundred million Muslims, 75 percent identify with one or the other.¹¹ A third organization under review, Persatuan Islam (Persis), is substantially smaller but one of the most intellectually influential Indonesian Islamist organizations, founded before the Muslim Brotherhood in 1923. The three are ideologically varied—Muhammadiyah is modernist, NU traditionalism hews closely to the Shafi'i school of jurisprudence, and Persis is Islamist—yet all three organizations and their political vehicles have undergone significant moderation.¹²

These organizations have moderated from being antinationalist to Islamic nationalist and from Islamic nationalist to inclusive-Islamist. Their ideologies have shifted from emphasizing Islam as the all-encompassing solution to emphasizing the comparative advantage of moral parties for combating corruption, from being opposed to the national ideology of Pancasila on the ground that it was anti-Islam toward reconciling Pancasila and Islam, and from being exclusively Muslim and targeting only Muslim voters to courting secular Muslims and even having token non-Muslims on their election tickets.¹³ Indonesian Islamic organizations are not secular or liberal, but they have moderated since they were created in the early twentieth century.

Indonesia provides strong evidence that if you allow Islamic organizations to participate in the political process they will moderate their demands and become part of the system rather than seeking to overthrow it. This has happened in a few steps. First, Islamist movements accepted the

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boundaries of the contemporary state and became rooted in the interests of the population in that territory. This meant putting aside notions of a global caliphate or a pan-Islamic political union; this happened mostly in the 1930s and 1940s. Second, Islamic organizations accepted elections as the legitimate means to obtaining political power and transforming state and society. Implicit in this move was the recognition of non-Muslim actors as well as more secular Muslims as part of the system. Most Indonesian Islamic organizations accepted elections as a legitimate method of transforming the state in the 1950s and 1960s. Third, Islamic organizations accepted democracy as a value in its own right and not as a process to Islamizing the state. This step involved accepting that society is religiously plural and that the state must cater to the needs of a diverse citizenry. Most mass Islamic organizations underwent this shift in the 1970s and 1980s, with their political vehicles doing the same in the 1990s and 2000s. Table 8.1 provides an overview of the stages of moderation of Indonesia's major Islamic organizations during the twentieth and early twenty-first century.

Table 8.1 details the major shifts toward moderation during the period from 1924 to 2010. There are, of course, inevitable exceptions to the rule in a country as large and diverse as Indonesia. In the 1950s, the Darul Islam rebellion used military force to try to make Indonesia an Islamic state.¹⁴ In contemporary Indonesia there are new, militant Islamists like the terrorist group Jemaah Islamiyah, the vigilante group Front Pembela Islam, and the pan-Islamist political party Hizb-ut Tahrir, which seek to create an Islamic state. These groups are more successful at gaining publicity than social support. The rule is also subject to temporal variation. NU was an early moderator, and Persis has been the last and most incomplete. The new Islamist party PKS has moderated in a shorter time span than the older organizations, owing to its roots in the 1980s *tarbiyah* movement. The rule is also varied across issues. Islamic organizations are more tolerant of Christians today than in the 1920s, but the same cannot be said for their tolerance of communists or Ahmadi Muslims, due to the influence of state policies.¹⁵ Similarly, Islamic organizations are significantly more liberal about women's use of birth control than in the 1930s but are resistant to other forms of birth control, such as nonemergency abortion, as well as to

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TABLE 8.1 MODERATION OF MAJOR INDONESIAN MUSLIM ORGANIZATIONS, 1945–2014

1924	PAN-ISLAM: Representatives from Muhammadiyah, Sarekat Islam, and Abdul Wahab Chasbullah (later the founder of NU) issue a joint call for the creation of a modernized caliphate that will be representative, elected, led by a caliph, funded by the world Muslim community, and based in an independent Muslim country.
1930s	Subsequent attempts to mobilize Indonesian Muslims behind pan-Islamic ideals fail because of doctrinal differences between traditionalists and modernists.
1941	Ahmad Hassan of Persis publishes a pamphlet saying Islam is incompatible with nationalism: “Whoever calls for nationalism is not one of us; whoever fights for the (cause of) nationalism is not one of us; and whoever dies for the (cause of) nationalism is not one of us.”
1945	INDONESIAN ISLAMIC NATIONALISM: Despite Hassan’s argument of 1941, NU issues dramatic call for Indonesian Muslims to join the national revolution as an obligatory jihad.
1945	Muslim representatives on the constitution-drafting committee support a preamble that “all Muslims are obliged to carry out Islamic Law.” This “Jakarta Charter” is dropped from the final version of the constitution.
1955	Muslim political parties win 44 percent of the vote. They are unable to pass legislation mandating the state implementation of Islamic law without a majority in parliament.
1970	INDONESIAN ISLAMIC PLURALISM: Nurcholish Madjid, Syaafi Maarif, and other influential intellectuals of the <i>pembaharuan pemikiran</i> movement call for “desacralizing” political parties and the state: “Islam yes, Partai Islam no” (Yes to Islam, no to Islamic parties) and “Tidakada Negara Islam” (There is no Islamic state).
1983	Abdurrahman Wahid leads NU, returns to its “Khittah of 1926” of social and educational activism, disallows prominent NU officials to lead political parties, and adopts Pancasila as NU’s ideology.
1999	INCLUSIVE INDONESIAN ISLAMIC POLITICAL PARTIES: NU’s PKB and Muhammadiyah’s PAN run as inclusive Islamic political parties with non-Muslims, ethnic Chinese, and unaffiliated Muslims on their ticket.
2000–2002	Islamist parties PBB, PK, and PPP support the reintroduction of the Jakarta Charter but receive little support in parliament.

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TABLE 8.1 MODERATION OF MAJOR INDONESIAN MUSLIM ORGANIZATIONS, 1945–2014 (*continued*)

2004	As a more moderate Islamist party, PKS (previously PK) wins 7.3 percent of the vote and three cabinet seats.
2006–2010	PKS moderates further, embraces Pancasila, allows women and non-Muslims to hold executive positions, and enters into coalition with non-Islamist parties.
2010	In response to new Islamists (<i>Hizbut Tabrir</i> , <i>Front Pembela Islam</i>), Persis joins interfaith-dialogue groups and builds bridges with the government. Persis Chair Maman Abdurrahment declares, “Dakwah [Islamic propagation] is more effective when we are close to the palace,” and President Susilo Bambang Yudhoyono attends the national congress.

Sources: Robert Elson, “Disunity, Distance, Disregard: The Political Failure of Islamism in Late Colonial Indonesia,” *Studio Islamika* 16, no. 1 (2009): 1–50; Martin van Bruinessen, “Muslims of the Dutch East Indies and the Caliphate Question,” *Studio Islamika* 2, no. 3 (1995): 115–140; Howard Federspiel, “Islam and Nationalism,” *Indonesia* 24 (1977): 39–85; Dirk Tomsa, “Moderating Islamism in Indonesia,” *Political Research Quarterly* 65, no. 3 (2009): 486–498.

the use of birth control by unmarried women.¹⁶ All of these exceptions, however, do not negate the general trend. The largest and most influential Indonesian Islamic organizations have undergone ideological and behavior moderation as a result of their inclusion in the political process.

Why have Indonesian Islamic organizations moderated? The literature points to three primary mechanisms underlying moderation.¹⁷ First, while voters care about religious issues, they also care about economic, social, and cultural issues. Political parties competing in successive elections therefore have a strategic incentive to broaden their policy stances beyond the implementation of sharia to other issues, including more secular issues and issues in which cooperation with non-Muslims is necessary.¹⁸ Indonesian political parties have learned this, and those Islamic parties that have moderated have generally performed better in electoral competition than those who have not (this point is discussed below). Second, ideological change often follows behavioral shifts. In order to change policies, Islamic leaders must undergo debate within their organization, cooperate with groups outside their organization, and are often led by charismatic leaders who

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are capable of shifting their groups' preferences.¹⁹ Charismatic leaders like Abdurrahman Wahid have led similar debates and transformations within Indonesian Islamic organizations and civil society. Third, individuals, rather than groups, have moderated their views through political learning. Wickham, Huntington, and Bermeo see learning as distinct from strategic calculation and see individuals changing their beliefs as a result of interaction with their environment.²⁰ Nurcholish Madjid and Syaffi Maarif are credited with making similar shifts in Indonesian Islam as a result of their education and relationships with others and then shaping the behavior of mass Islamic organizations.

In addition to the existing mechanisms of moderation, the Indonesian case suggests that two other mechanisms, war and endogenous organizational leadership shifts, provide opportunities for moderation. First, scholars of political development have long recognized that war offers a key moment for changing the relationship between state and society.²¹ The 1945–1950 revolutionary war against the Dutch was marked by Christian and Muslim unity in defense of the newly proclaimed homeland. NU and Muhammadiyah declared that defense of the fatherland against the Dutch was a holy war, an obligation for all Muslims. This was in contrast to the 1940s, when they refused a Japanese request to declare World War II a holy war.²² Similarly, as a result of their participation in the war, Indonesian Christians came to be seen as part of the nation instead of as foreigners backed by Dutch finance and power.²³ And Muslim leaders, including those from Persis, began to see Christians as allies rather than enemies and began working more productively with non-Muslim Indonesians. Second, key changes in Indonesian organizations' policies have been accompanied by an internal leadership shift. While the concept of a leadership shift has not been articulated in the literature on moderation, its occurrence is common in scholarship on other organizations.²⁴ Quinn Mecham argues that the Welfare (Refah) and Virtue (Fazilet) parties in Turkey moderated their platforms in response to strategic interaction in a political system that rewards political entrepreneurship, the presence of institutional constraints on the Islamist movement's behavior, and incentives for the movement to provide costly signals about its intentions. Key to Mecham's

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story is the switch from the old parties' elites, Recai Kutan and Necmettin Erbakan, to the new leaders, Recep Tayyip Erdogan and Abdullah Gül.²⁵ Likewise, in the Indonesian case Edward Aspinall explains the transformation of the Islamist Darul Islam rebellion into a secular, ethnically Achenese movement on the basis of national identity construction and differentiation. Central to Aspinall's story is the changing leadership of the movement from the chiefly caste, the *uleebalang*, to the Islamic *ulama* and then to more secular Achenese nationalists.²⁶

Most analyses of religious parties end at this juncture of the moderation of ideology and behavior.²⁷ What this stopping point ignores, however, is that the inclusion of Islamic actors changes both the political system and society. The next section lays out the logic of coevolution and its implications for democracy.

THEORY

I define the "sacralizing of the state" as a process of layering laws and administrative regulations onto those of the secular state in order to promote individual adherence to religious values, communal identification with religious communities, and a state that prioritizes religious belief as an important part of national identity and for the functioning of sociopolitical institutions. The goal of sacralizing is not for the state to be the object of worship but rather for the state to be a conduit for individual and collective belief.

The term "sacralizing" is derived from related processes described by sociologists of religion. Peter Berger coined the term "desecularization" to describe the resurgence of religious identities and movements in the world, a process that is occurring alongside secularization.²⁸ Yet the term desecularization is unhelpful here because it suggests that underneath the Indonesian state is latent sacred content. The Indonesian state did not exist prior to its creation by the Dutch, which makes any discussion of latent content illogical. "Desecular" is also a negative category—*not* secular—which

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tells us nothing about the *positive* content of the new laws and regulations. Another related process is “Islamizing,” which Indonesian scholars use to refer to the conversion of syncretic (*abangan*) and secular Muslims to more orthodox practices.²⁹ Here, too, the term is unhelpful because the state is not becoming Islamic. Instead, I use the term “sacralizing” because it captures the layering on of laws and regulations designed to imbue the state with a positive commitment to religious values.

Sacralizing of the Indonesian state occurred after independence. The national legislature, office of the executive, political parties, and administrative bureaucracy have all contributed to drafting and implementing laws designed to promote religious values. Key policy areas are education, recognition of religion, marriage laws, building of places of worship, and the regulation of proselytizing. The result is that, as the constitutional scholar Donald Horowitz notes, the contemporary Indonesian constitution is not “100 percent secular.”³⁰

This trend is also apparent through the changing ideology of Indonesian political parties. Indonesia has held five free and fair national elections since 1955. Here I want to borrow from Anies Baswedan’s influential typology of political party ideologies: Islamic-exclusive, Islamic-inclusive, secular-exclusive, and secular-inclusive.³¹

- Islamic-exclusive are parties that want the state to be based on Islamic law: Masyumi, PNU, PPP, PBB, PK, and the Reform Star Party (PBR).
- Islamic-inclusive are the parties that have moderated; they are Islamic but inclusive of non-Muslims in both their membership and policies: PKB, PKNU, PAN, and PKS.
- Secular-exclusive are ardent secularists who argue that the state must not be involved in religious affairs; they include the Indonesian Communist Party (PKI), Indonesian Nationalist Party (PNI), and the Indonesian Democratic Party of Struggle (PDIP).
- Secular-inclusive are parties that follow in the tradition of Golkar under Soeharto during the mid-1980s and 1990s. In the 1980s, Golkar embraced the ideas of Nurcholish Madjid and worked with Islamic leaders who claimed that it is legitimate for Muslims to expect the government to reflect the moral

values of Islam. Basw  contrasts Golkar with the secular-exclusive views of PDIP, whose founder Megawati Sukarnoputri follows in the tradition of her father Sukarno's PNI.³² The secular-inclusive parties include Golkar as well as Susilo Bambang Y  onno's Democrat Party (PD), the Christian Prosperous Peace Party (PDS), and the National Democrat Party (NasDem).³³

The sacralizing of the state has occurred under the watch of the inclusive-Islamic and the inclusive-secular parties. These parties are the ones that have backed legislation and administrative regulations that promote religious education, the privileging of religious beliefs over heterodox or animist faiths, religious marriage, and limits on proselytizing.

Most Islamic political parties have moderated their policies over the course of successive elections and been rewarded by voters. Those that have not moderated have lost vote share. Meanwhile, the secular parties have also moderated their policies toward inclusion or lost vote share. The big winners have been the two middle groups: inclusive Islamic parties and inclusive secular parties.

The result of these dual processes is that Indonesia is today a democracy that makes the promotion of religious values like belief in god and communal affiliation a major goal for civil society and the state.³⁴ In this regard, Indonesia is similar to India, Romania, Bulgaria, Greece, some Swiss cantons, and Austria. Like Indonesia, these governments have mandatory religious education, mandatory registration of religions and a multitiered system of recognition, marriage laws based on religious affiliation, communitarian laws regulating the construction of churches, and financial support for corporatist umbrella bodies representing each recognized religion. These are not theocratic polities but rather ones that promote religious values while synthesizing liberal individual rights and group-differentiated rights within a system of legal pluralism. Within Alfred Stepan's framework, the Indonesian government is closest to the model of a "Nonsecular, but Friendly to Democracy" pattern of religious-state relations.³⁵ Indonesian democracy is based on a combined commitment by the state and civil society to promote religious values but is also plural in providing multiple pathways. As long as citizens belong to one of the state-sanctioned routes

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to religious belief, they become full members of civil society and receive state protection and other benefits of citizenship.

This comparative perspective illuminates a limitation to Kalyvas's work beyond the critiques leveled by Schwedler, Kurzman and Naqvi, Bermeo, and Brownlee. Kalyvas's account of how Catholics compromised their goals as they became part of the system assumes that the state is always and already secular and is unresponsive to the religious preferences of those who govern. While such a stylized account may be useful for the purpose of producing a formal model, it runs roughshod over the impact of Europe's Christian heritage and its Christian democratic parties on political institutions. That impact may have been latent in the 1990s when Kalyvas was writing, but Europe's Christian identity and institutions are readily apparent, for example, in contemporary discussions about the boundaries of the European Union and the assimilation of Muslim minorities.³⁶ In that respect, studying peripheral states like Indonesia, where Islamic actors are central to the crafting of mutual accommodation, may elucidate aspects of Europe's present, rather than its past.

To develop these claims further, the next section delves into the process of sacralizing the state in order to explain how Indonesia transformed its secular postcolonial institutions.

SACRALIZING THE POSTCOLONIAL STATE

The sacralizing of Indonesian law is most apparent in four policy areas: education, recognition of religion, marriage law, and interfaith proselytizing. These areas have become radically transformed since independence. Each area has progressed differently and will be described separately in order to specify the determinants of the change. That said, oftentimes change happens for a convergence of reasons. For example, a law may be passed because an authoritarian leader wants more control over society, or because Islamic leaders want limits on Christian missionary activity, or because

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religious organizations want to protect their boundaries. Sometimes these logics overlap.

EDUCATION

Formal education in the Netherlands East Indies was initially reserved for a shallow elite of the traditional aristocracy groomed to be administrators under Dutch rule. The famous Dutch Orientalist Christiaan Snouck Hurgronje believed that education was an ideal vehicle for co-opting the native elites. This approach, known as the “Association Theory,” educated the aristocracy in Dutch and incorporated them into European culture while marginalizing religious and ethnic leaders in order to forestall their political influence.³⁷ Religious education was not included in the elite Dutch-language schools (*hoogere burgerschool*). In the period after 1900, pressure from Amsterdam to institute more ethical policies led to the creation of a mass-education system of village schools covering basic literacy, numeracy, and practical skills. By 1930, there were 16,605 schools, and over 40 percent of Indonesian children attended them, albeit only sporadically. The effects were made clear by the 1930 census, which registered only 7.4 percent literacy.³⁸ And again, religious education was expressly excluded. Religious education did occur, however, in large numbers through private education by Christian missionaries and Islamic organizations. Java and Madura had recorded 10,830 Islamic schools in 1893, and by 1938, Muhammadiyah had 1,774 schools of their own.³⁹

After independence, the Ministry of Education set up a commission to design an education system for the new country. The outcome was Law 4/1950 on Basic Education and Teaching in Schools and Law 12/1954, which incorporated optional religious education into all government schools. A letter from the minister of religion and minister of education instructed public schools to provide Islamic education, and a joint regulation by the minister of education and minister of religion in 1951 clarified that religious education was only necessary if there were at least ten students of that religion. The final act of the decade was in 1960, when the provisional

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parliament (Majelis Permusyawaratan Rakyat, MPRS), under the firm control of Sukarno, issued a law that reaffirmed that parents can choose for their child to opt out of religious-education classes.⁴⁰

Six years later, religious education became mandatory when the MPRS, now under the control of Soeharto, exchanged the provision about optional religious education with “religious education is a compulsory subject in all schools, from primary through to university.”⁴¹ This forced parents to identify their children as belonging to one of the six recognized religions: Islam, Catholicism, Protestantism, Hinduism, Buddhism, and Confucianism. This policy, like the blasphemy law discussed below, helped Soeharto co-opt religious organizations while decreasing support for his communist opponents.

This policy has become formalized and institutionalized in the subsequent decades but remains essentially the same as when it was put into place in 1966. In 1975, Soeharto reaffirmed in a speech to mark the birthday of the Prophet Muhammad that religious education was not only necessary in public schools at all levels but also in private schools. In 1985, the minister for education reinforced that students must be educated in their respective religion and, further, that schools must provide at least two hours of religious education per week if there were more than ten students of that religion.⁴² The only exception was for private religious schools, which were not required to provide religious institutions for students of other faiths, for example, Muslims in Christian schools. The legislature cemented this policy through Law 2/1989 on the National Education System, which required religious education alongside education in the Pancasila and citizenship.⁴³

In the democratic period, the major legislation on schooling affirmed that religious education is a core concern of the Indonesian state and religious identity an important part of being a full citizen. Article 31 of the 1945 constitution was amended to include the clause committing the government to a “system of education that increases religious faith, devoutness, and character.”⁴⁴ Article 31(3) of Law no. 20 of 2003 on the National Education System obliges the state to maintain and develop an education system that “increases faith, awareness of God and moral conduct” according

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to the religion students follow, and it must be taught by a teacher of the same religion. Article 12(i) is understood to require all schools, public and private, to provide religious education to all students, thereby overturning the exception for Christian schools. The subsequent Government Regulation no. 55 of 2007 on Religious Education for the Recognized Religions implemented the law and required that educational institutions comply by 2009 or be subject to sanctions, including closure.⁴⁵

Although Christians and secular human rights organizations have opposed these changes, Islamic organizations see them as a necessary component of building the institutions of a strong society. While the Islamist party PKS declared the passage of Article 12 to be one of its chief political successes, these laws should not be interpreted as creeping Islamization or intolerance to religious minorities.⁴⁶ Muhammadiyah schools in Flores, West Kalimantan, and North Sumatra, where the students are majority Christian or Buddhist, have followed this template since the 1970s. There, teachers of any faith provide instruction in math, history, English, and other secular subjects to students of any religion. Doctrine is taught according to religious identity.⁴⁷ Muhammadiyah supports religious-self governance, with each faith tending after their flock. The often-referenced line from the Quran, “to you your religion, and to me mine” (*lakum dinukum waliyadin*), appears in many Muhammadiyah publications about appropriate relations with non-Muslims. In survey data, both NU and Muhammadiyah support having Christians, Hindus, and even Ahmadi Muslims teach in private Islamic schools as long as the content is secular. They are clear, however, that non-Muslims should not teach Islam in public or private schools. Likewise, Muslims should not teach the tenets of other faiths.⁴⁸

Mandatory religious education is one way that Islamic organizations, political parties, the bureaucracy, and the executive have sacralized the policies of the secular postcolonial state. In comparative perspective, Indonesia is not unusual in making religious education mandatory; fourteen other democracies do the same. This policy is tolerant to Indonesia’s recognized minority religions but discriminates against atheist students as well as those whose faiths fall outside those recognized by the state. One policy that could remedy this discrimination is for students of unrecognized

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religions to be accommodated in a class on comparative religions or ethics; Indonesia is unusual among democracies in not providing such an option. Greece has compulsory religious education in primary and secondary schools, but students may be exempted upon request. In Austria, attendance in religious instruction is mandatory for all students unless they formally withdraw at the beginning of the school year. Senegal provides formal education in multiple religions with an option to withdraw. In sum, democracies can mandate religious education in schools as long as students have a choice in which religion they are incorporated, including an option to study comparative religions or ethics. Such accommodations are important parts of making democracy work in places where the state and society see religious belief as an important component of national identity.

RECOGNITION OF RELIGION

As the Netherlands East Indies advisor on Arabian and native affairs, Hurgronje put into place another policy that would gradually be overturned after Dutch rule ended. In order to quell the influence of Islamic leaders in Aceh, West Java, and Central Java, Hurgronje counseled in favor of dividing Islam into two parts, one religious and one political. “Toward the former, Snouck counseled in favor of toleration: a policy of neutrality toward religious life.”⁴⁹ Toleration entailed lowering obstacles for the pilgrimage to Mecca and even supporting a few Islamic schools, albeit with funds far below those given to Christian schools.

Toward the end of Dutch rule this policy began to crumble. The first major Islamic political coalition, the High Islamic Council of Indonesia (MIAI), was formed in 1937 in order to oppose the laws on marriage and Christian missionary activity (discussed below) as well as to organize Muslims for independence. While MIAI lasted only from 1937 to 1943, it profoundly influenced the institutions of the protostate. From 1942 to 1943, the occupying Japanese transformed MIAI from an Islamic federation into the political party Masyumi and embedded it in the institutional structures of the protostate through the Office of Religious Affairs, which became today’s Ministry of Religious Affairs (MORA).⁵⁰ When the

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Japanese occupation ended the following year, the Islamic organizations that had formed MIAI became the governing religious authorities in the new state. Since the MORA's creation, those organizations' control over the MORA and its penetration into every level of government have allowed it to shape the meaning of religion in Indonesia and the boundaries of recognition.

Article 28e, paragraph 1 of the 1945 constitution provides that "Every person shall be free to adhere to a religion and to worship in accordance with his/her religion." Paragraph 2 states, "Every person shall have the right to the freedom to hold a belief, to express his/her thoughts and attitude in accordance with his/her conscience." The constitution also reads, however, that this freedom is not absolute. Article 28j, paragraph 2 says, "In exercising his/her rights and freedom, every person must be subject to the restrictions stipulated in laws and regulations with the sole purpose to guarantee the recognition of and the respect for rights and freedom of other persons and to fulfill fair demand in accordance with the considerations of moral and religious values, security, and public order in a democratic society." Furthermore, the definition of religion has been a source of contestation.

The MORA's mission included: (1) to make belief in the One and Only God an operative principle in public life; (2) to be watchful that every inhabitant is free to adhere to his own religion and to worship according to his own religion; and (3) to assist, support, protect, and promote all sound religious movements.⁵¹ The first task is a reference to the national ideology of Pancasila, with belief in God as the first principle. The second professes freedom of religion, but the meaning of the Indonesian word for religion, *agama*, is narrower than its English equivalent. *Agama* was defined in 1952 by the MORA as a monotheistic religion with belief in the existence of One Supreme God, a holy book, a prophet, and a way of life for its adherents.⁵² This definition closely resembled Muhammadiyah's definition of religion. Islam, Roman Catholicism, and Christianity (Protestantism) were recognized as religions in 1951; Hinduism and Buddhism were included in 1958 under pressure from Sukarno; and Confucianism was added in 2000. Recasting Hinduism, Buddhism, and Confucianism to meet this monotheist

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and Abrahamic definition of religion entailed some bureaucratic creativity, but that did not deter the MORA, which simply identified a godhead, a messiah figure, and a single holy book for each religion. The third task suggests the limits of official tolerance—“unsound” movements were designated deviant streams (*aliran sesat*) or faiths (*kepercayaan*) rather than religions.

Since the 1950s, adherents to deviant streams and faiths have been pressured to join the recognized religions. In 1954, the MORA set up a special Section for the Supervision of Faith Movements in Society that monitored heterodox, heretical, and apostate faiths.⁵³ The policing of heterodoxy got a boost in authority in 1965 when President Sukarno affirmed that there were only six recognized religions and declared that any group that threatened these religions should be prohibited. On January 27, 1965, he signed Presidential Order no. 1: “Every person shall be prohibited from deliberately before the public telling, encouraging, or soliciting public support for making an interpretation of a religion adhered to in Indonesia or performing religious activities resembling the activities of such religion when the interpretation and activities are deviant from the principal teachings of such religion.”⁵⁴ Sukarno’s “blasphemy law” formalized the orthodox definition of religion that the Islamic organizations had long sought. The law was announced flanked by a joint statement of support by NU, Muhammadiyah, Partai Sarekat Islam Indonesia, the traditionalist Islamic group Jamiatul Washliyah, and the Indonesian Joint Trade Union.⁵⁵ Mystical sects were only marginally tolerated; they were recognized as a category of faith rather than as religions and were not entitled to resources from or protection by the state.⁵⁶

Like education, since 1965, the laws regulating recognition have become stronger. Laws concerning personal identity are based on membership in one of the six recognized religions inscribed on each individual’s identification card. The state privileges recognized religions, and any educational institution under the auspices of the MORA receives funding while being subject to oversight. Lindsey notes that for a brief period in the mid-1970s the parliament upgraded the official status of beliefs.⁵⁷ Yet this was

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short-lived. By 1978, the regime backed down, and the minister of religion “formally reiterated that ‘beliefs’ were not religions.”⁵⁸

The result is that in contemporary, democratic Indonesia, faith organizations are not able to access funding from the government that is allocated to religions, and individuals have to identify as adherents of one of the six religions on their identity card and in order to register their marriage.⁵⁹ According to Crouch, since 2006 a person may leave the “religion/belief” section of their identity card blank, although they are still required to register their religious affiliation with the government.⁶⁰ This allowance is highly contested; a 2014 announcement that Joko Widodo’s new minister of home affairs planned to allow individuals to leave that section blank was met by outrage from religious leaders, and the proposal quietly disappeared. As a result, there are some regions home to large numbers of *kepercayasaan* (belief associations) followers where the bureaucracy will allow individuals to leave their religion section blank, but most regions will not.⁶¹

An influential Constitutional Court decision of 2010 reaffirmed that the 1965 blasphemy law is valid and constitutional and does not contravene the constitutional right to freedom of religion. While the National Protestant Council and National Catholic Council called for the law either to be revoked or revised, most of Islamic civil society and representatives of the country’s minority groups supported the law. Eight of the nine justices and the overwhelming majority of witnesses supported the continued exclusion of heterodox faiths from state recognition. In survey data, both NU and Muhammadiyah are supportive of Christians and Hindus receiving the rights and benefits of citizenship but do not accord the same rights to individuals with heterodox beliefs, liminal groups, or communists.⁶² In practice, this means that the government has preserved its authority to ban deviant religious groups, distinguish between religions and mystical beliefs, and promote individual and collective adherence to universal religions.

Recognition of religions is another way that Islamic organizations have sacralized the policies of the postcolonial state. While jarring to proponents of secular or liberal government, Indonesia’s multitiered system for religious recognition is not unique among democracies. In Romania, the

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state recognizes eighteen denominations that enjoy the right to build houses of worship and perform rites of baptism, marriage, or burial; a guarantee to state noninterference; and protection against public stereotypes and negative media campaigns. The second, lower tier is composed of religious associations that also get tax breaks but do not otherwise enjoy the advantages of recognition. A similar example is Austria, which has three tiers of registration.

That said, while democratic states that demand registration may promote religious values through recognized privileges, they must also allow heterodox groups to register and receive protection from persecution. In Indonesia, *kepercayaan* groups are currently denied access to funding for their schools, cannot list their religion on their ID cards, are prohibited from entering the military, and have refused to send their children to school because their children would be educated in one of the recognized religions. This stigmatization in society is inconsistent with basic democratic liberties. Remedying this discrimination means allowing all registered groups to list their religious identification on their identification card or to leave the column blank. That would be consistent with the protection of individual rights, the promotion of communal values, and the transparency that befits Indonesia's consolidated democracy.

MARRIAGE

Depending on the "law group" of the person, different laws governed marriages in the Netherlands East Indies. "Europeans" included Dutch and other nationals; their marriages were governed by secular civil law. "Foreign Orientals" included Chinese, Arabs, and South Asians, who were also covered by the Civil Code. "Indigenous" Indonesians were governed by customary law (*adat*), which was specifically privileged by the famous Dutch Orientalist Snouck Hurgronje over Islamic law for Christians and non-Muslims. Muslims were married according to the Shafi'i mazhab. Hurgronje argued that only when one could ascertain that Islamic law had been received into customary law would the courts enforce it. Hurgronje's

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“reception policy” meant civil courts, using customary law (*adat*), not religion, frequently governed matters of inheritance.⁶³ The existence of different marriage laws for different groups created a need for a mechanism to decide on regulations governing marriages between persons from different groups. To resolve this, the Regulation on Mixed Marriage of 1898 stated that interfaith marriage was explicitly allowed because “difference of religion, nationality or origin is not a hindrance to marriage.”⁶⁴ The regulation further stated that marriage between persons of different law groups was to be performed according to the law applicable to the husband. Thus civil marriage, without respect to the religious identity of the participants, was a predominant feature of the East Indies law through to independence, when with independence in 1945 it was declared that existing laws would continue in force until replaced by new legislation.

On March 5, 1944, the Japanese colonial government announced the creation of regional offices for religious affairs. Each residency as well as Jakarta and the sultanates were to create a Religious Affairs section within their education bureau.⁶⁵ Importantly, these offices were given control of Islamic affairs, including marriage. Control over marriage laws, a long-standing priority for Muslims who had chafed at the dominance of civil and Dutch regulations, finally became a reality. The MIAI had included among its top concerns opposition to the legal structure of the Dutch government, specifically the policies regarding marriage, inheritance, and restrictions on religious propagation (discussed below). After independence, the government added Statute no. 22/1946, requiring registration of Muslim marriage by the newly created Office of Religious Affairs (Kantor Urusan Agama, KUA) under the MORA.

As we have seen, the Islamic organizations driving policy in the MORA have had significant autonomy in interpreting government statutes. In the 1950s the MORA refused to register a marriage between a Muslim woman and a non-Muslim man on the grounds that such marriages are not permitted under Islamic law. Thus the MORA privileged their interpretation of Islamic law over the 1898 statute. The Indonesian Supreme Court heard the case and affirmed the validity of the Mixed Marriage Regulation. That

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was not, however, the end of the debate: the Supreme Court decision was met by a mass demonstration in September 1952 opposing the Mixed Marriage Regulation, petitioning for a new law, and urging the new government to declare the marriage invalid.⁶⁶

While replacing Dutch marriage legislation with national law was a priority for the new state, none of the proposals debated in the 1950s and 1960s were enacted. Cammack notes that the principal point of contention was whether to enact a single set of civil rules or to provide different marriage laws for different communities. The Soeharto government favored the former and presented a largely secular marriage law in 1973, tracking the language of the Dutch regulation permitting interfaith marriage.⁶⁷ An overwhelming majority of the legislature supported the bill, including the governing Golkar party, the PDI, and the armed forces.

Islamic civil society, however, felt differently. Ulama condemned the bill during Friday prayers and held mass demonstrations in Jakarta. Two prominent NU leaders, K. H. Bisri Sansuri and K. H. Masyukur, met with Soeharto to voice their opposition.⁶⁸ Muhammadiyah ran a series of articles arguing that the bill was a covert form of “Christianization” (*Kristenisasi*) intended to convert the Muslim community to Christianity. In later years Muhammadiyah even came out against all forms of interfaith marriage despite a general consensus within Islamic law that Muslim men are permitted to marry Jewish and Christian women.⁶⁹

The intensity of opposition to the bill surprised Soeharto, who instructed the parties to work out a compromise. The result is that Article 2 and Article 11 of the 1975 Marriage Act say that marriage must be consistent with the religious law of the parties. The elucidation further states that “there is no marriage outside of the religious law of the parties,” suggesting that civil marriage would no longer be recognized.⁷⁰ The clause that permitted interreligious marriage was dropped, but the law did not specifically state that interreligious marriage is prohibited.

Proponents of interreligious marriage point to the lack of a repeal of the Regulation on Mixed Marriage of 1898 to argue that it is legal under contemporary Indonesian law. Yet, as Cammack notes: “It is generally regarded as common knowledge in Indonesia that marriage between

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persons of different religions is not allowed.” In December 1988, the Jakarta Civil Registry adopted the policy that it would not perform civil marriages. In January 1989, they adopted the policy that civil marriages would not be recognized. The 2006 Law on Civil Registration certified that there are separate marriage registries for Indonesian Muslims and non-Muslims, and the MORA maintains that interreligious marriage is not allowed.⁷¹ And a 2015 Supreme Court decision reaffirmed that the 1974 prohibition on interfaith unions will endure under the democratic government.⁷²

In prohibiting mixed marriage, the MORA policy reflects the opinion of the major Islamic organizations. Nahdlatul Ulama came out against interreligious marriages at a Mukhtamar in 1962, another in 1968, and in a fatwa in 1989.⁷³ The Indonesian Council of Ulamas (Majelis Ulama Indonesia, MUI) issued a fatwa prohibiting mixed marriage in 1980.⁷⁴ Muhammadiyah likewise declared interreligious marriage prohibited in 1989.⁷⁵ All three organizations have adopted this restricted policy out of fears that Christians might use intermarriage in order to convert Muslims.⁷⁶

Indonesia’s restriction on interfaith marriage and requirement that marriages be done according to religious law is another way that the state has become sacralized since the colonial period. Such a policy is not unusual in comparative perspective; as of 2008, thirty-four countries around the world have personal status defined by religion or clergy, and twenty-seven restrict interfaith marriages. But Indonesia is among a small number of democratic countries, including India and Israel, that prohibit intermarriage. In practice, however, as many of 50 percent of marriages in Indonesia are unregistered, and Cammack notes that the civil registry will sometimes record interfaith marriages.⁷⁷

PROSELYTIZING

Limitations on missionary activity including proselytizing were included in the Constitution of the Netherlands Indies of 1854. According to Article 177, all Christian teachers, priests, and ministers were required to obtain permission from the governor-general to undertake mission work

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in a particular area.⁷⁸ Until 1928 this regulation was used to forbid missionary work in certain areas such as Aceh, West Java, and Bali because the government felt these were areas with strong faiths that would react negatively to missionary activity. In 1928, however, Article 177 was abrogated and all of the East Indies opened to missionary activity. By the end of the colonial period there were no restrictions on interfaith proselytizing.

Secular and Islamic leaders alike protested the removal of Article 177. Sukarno wrote an article against the abrogation of 177 and the admission of missionaries to Bali: "In that way we might in the future come to witness a Roman Catholic Bali, which would form a wedge between Java and the islands to the East. There is already such a Christian wedge between Aceh and Minangkabau, christened Batakland."⁷⁹ At its congress in May 1939, the MIAI presented a motion to reinstate Article 177.⁸⁰ In 1932, Hadji Fachruddin, a Muhammadiyah leader, issued a pamphlet protesting the Christian missionaries.⁸¹ Elsewhere Muhammadiyah accused Christians of undertaking an effort at mass conversion: "According to God's commandment, the Christians and the Jews, in each of their tactics will always go against Islam and try to convert Muslims into their religions, out of Islam. Therefore we must be careful and always be ready to stand against them, through strengthening and spreading Islam all over Indonesia."⁸² NU also protested the repeal of Article 177, criticizing the Christians for being insensitive to Muslim concerns and lamenting the political weakness of Muslims. At the same conference, NU criticized the unequal subsidies given to Christians and Muslims, which had earlier caused a furor in Muhammadiyah.⁸³

Since the end of the colonial period, Indonesian Islamic organizations have sought to restrict Christian missionary work. In 1963, Muhammadiyah warned its members of a conference in East Java planning to convert the entire country within fifty years through interfaith marriage: "Word has spread in the community regarding the result of the Christian Conference in East Java to Christianize the country, with a 20-year plan for Java and 50-year plan for the whole country. Such [a] decision truly is a challenge to Islam, which is now embraced by the majority of Indonesians."⁸⁴

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Opposition to proselytizing peaked in the 1960s, when, by Alwi Shihab's estimate, the church helped two million syncretic (*abangan*) Muslims escape the mass killings by converting to Christianity. "For the Muslims, the church's protection of the former communists who turned Christian was an act of taking advantage of the political situation—fishing in troubled waters." Conversion strategies allegedly included building churches in historically *abangan* villages, financial aid, educational scholarships, and protection for accused communists. A "foster parent" system was introduced to ease the conversion to Christianity. In response, a 1964 pamphlet by Bisron A. Wardy, *To Be Aware of Christian Activities (Memahami Kegiatan Nasrani)*, repeated the allegation that Roman Catholic and Protestant churches had held a conference in 1962 in order to develop a plan to convert all of Java within fifty years. Lukman Harun of Muhammadiyah pointed to the Meulaboh incident of 1967 in West Aceh, where a church was erected in a community where no Christian lived. This was also alleged to have occurred in Ujung Padang, Jakarta, Bukit Tinggi, and elsewhere.⁸⁵ In response, Harun, a member of the House of Representatives, proposed a parliamentary interpellation on July 10, 1967, urging the government to regulate the building of places of worship, methods of religious propagation, and channeling of foreign aid. In 1967, a major conference of religious leaders from the large social and political organizations gathered in Jakarta with the intention of establishing an interreligious council and to establish boundaries on missionary activities. No agreement was reached, and the blame was directed at Christians for not agreeing to proselytize only to people without religion (that is, those not belonging to one of the recognized religions).⁸⁶

Even without an agreement, the MORA issued a Joint Ministerial Decision of 1969 that gave local governments power to restrict missionary work and the building of new houses of worship.⁸⁷ Article 1 said that religious groups could spread and practice their faith but were not permitted to disturb public order. The decree further required local governments to grant permission for the establishment of houses of worship and to "ensure that efforts to promulgate a religion by its followers do not cause inter-religious

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disharmony.”⁸⁸ Article 4 stated that to obtain a permit to build a place of worship, a religious community was required to obtain permission from the mayor/regent, and in making their decision, the mayor/regent would consider the recommendation of the MORA and local religious leaders.⁸⁹ The decree was the first stage in reintroducing the restrictions on missionary activity that had been repealed in 1928.

Muhammadiyah’s opposition to Christian missionary work and pressure on the Ministry of Religion led to Government Decree 70 and 78 in August 1978.⁹⁰ Shihab notes: “As it is evident, the whole purpose of the interpellation was specifically aimed at curbing the activities of the Christian mission in Indonesia.”⁹¹ Number 70, Article 2 states that religious proselytizing is prohibited when it (a) is directed at a person who already has a religion; (b) employs the use of bribery (such as gifts, money, clothes, food and drink, medicine, etc.) in order to persuade a person to change his or her religion; (c) involves the distribution of pamphlets, bulletins, magazines, books, or other publications to people who already have a religion; or (d) involves approaching the private residences of people who already have a religion. Additionally, the provision relied on the 1969 Joint Ministerial Decree to affirm that the government can take legal action to ensure compliance with these rules if the propagation “destabilizes religious groups” or “social harmony.”⁹² By then these regulations were having their intended effect; Crouch notes that religious minorities began to use houses as places of worship because they were unable to get building permits. In response, in 1975 the Department of Home Affairs issued an instruction to the provinces clarifying that private houses could not be used as churches.⁹³

Since the 1970s the limitations on proselytizing have become more restrictive. Article 86 of the 2002 Child Protection Law states that any person who uses deceit, lies, or entices children to choose another religion against their will is liable to a maximum jail sentence of five years and/or a fine of one hundred million rupiah.⁹⁴ A 2006 Joint Ministerial Decision from the minister for religion and the minister for home affairs introduced additional requirements for the establishment of places of worship.

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Article 14 demands ninety signatures from members of a congregation and signatures of support from at least sixty local community members in order for the local government to grant permission to establish a place of worship. Lindsey notes that the sixty community members are usually interpreted as having to be from a religion different from the congregation's.⁹⁵ Article 13 requires that the establishment of a place of worship be based on the "real needs and composition of the number of residents for the service of the religious community in the region/village."⁹⁶ Articles 8, 9, and 10 require provinces and districts to establish Religious Community Communication Forums (FKUB, Forum Komunikasi Umat Beragama) in every regency and city. The makeup is to include one member from each religion in the region and is instructed to provide a forum for dialogue between religious communities. Critics of the FKUB allege that they provide legitimation for the religious majority to deny minorities the right to build houses of worship.

A comprehensive bill on "interreligious harmony" has been under development for many decades but has yet to pass the legislature. The MORA proposed a bill including limitations on proselytizing in 1982 and again in 1989, 1997, and 2003, and the most recent minister of religion claimed that a new bill would be released in 2015.⁹⁷ Should such a bill pass the DPR, it would likely not be of a secular character; the inclusion of moderate Islamic organizations in the bureaucracy and legislature has meant increasing limitations on Christian missionary activity.

Of the four policy areas under review, the limitations on proselytizing is the area where the laws are most clearly promoted by the majority to restrict the activities of one particular religious minority. Hindus, Confucians, and Buddhists in Indonesia do not proselytize. The Islamic practice of propagation (*da'wa*) has almost exclusively targeted secular or nonobservant Muslims. It is only the missionary practices of Evangelical and Pentecostal Christians that have been seen as an affront to religious harmony and led mainstream Muslims to feel that the threat of "Christianization" is real. These doctrinal differences exacerbate the sense that Christians are not "playing by the rules." It was not a conservative Islamist but

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rather Indonesia's most prominent spokesperson for liberal Islam, Ulil Abshar Abdalla, who expressed this sentiment most succinctly: "When I was in D.C., I met with a group of Christians, and they had a very sophisticated operation to promote freedom of religion. But I think this is not the same freedom that I am talking about. That is Christianization."⁹⁸ Abshar Abdalla highlights an important distinction between the right of Indonesians to explore their country's diverse belief systems and the right of rich foreign churches to build houses of worship in poor Muslim villages. He supports the first but not the second.

Indonesia's restrictions on proselytizing are the final way that the state has become sacralized in the postcolonial period. In comparative perspective, Indonesia's restrictions on both domestic and foreign missionaries are not unusual; forty-six countries put restrictions on domestic missionaries and religious workers, including twenty-four democracies. India limits proselytizing to specific locations, such as places of worship. Greece prohibits proselytism in Article 13 of the 2001 constitution, defined as attempts to intrude on the religious beliefs of a person of a different religious persuasion, with the aim of undermining those beliefs, or by fraudulent means or by taking advantage of their inexperience, trust, need, low intellect, or naivety. A total of thirty-four democracies put restrictions on proselytizing by foreign clergy or missionaries, including Switzerland, Belgium, the United Kingdom, Denmark, Austria, Bolivia, and Costa Rica—all of which frequently deny visas to foreigners who wish to proselytize. Switzerland allows proselytizing only if missionaries can demonstrate knowledge of Swiss customs and culture, are conversant in at least one of the main national languages, and hold a degree in theology.

Yet, in the Indonesian case, the fact that the 1969 and 2006 decrees have been used to prevent indigenous Christian congregations from building houses of worship contravenes the constitution's commitment to freedom of religion and is a problem for democratic practice. More generally, however, there is nothing in democratic theory that demands unrestricted religious freedom. Instead, as Alfred Stepan notes in the introduction to this volume, the goal of democratic theorists should be to find arrangements of

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mutual accommodation and toleration within the context of an ongoing political and legal order.

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This chapter has presented a diachronic overview of four policy areas that have been sacralized in order to accommodate the preferences of Indonesian Islamic organizations. Other policy areas could have been included. For example, constitutional guarantees of free speech have been modified by the 1965 law prohibiting blasphemy and the 2008 law on pornography. Restrictions on heterodoxy and liminal faiths have become significantly more muscular. As a result, heterodox religious sects have been prosecuted for dishonoring Islam and, in some cases, Christianity.⁹⁹ And *zakat* collection, once a private practice, is now tax deductible and collected by the state.¹⁰⁰

Some scholars see these developments as evidence of an incipient theocracy, “stealth Islamization,” low-quality democracy, or illiberal democracy. I suggest an alternative reading by excavating the implications of the inclusion of Islamic organizations in the democratic process. Instead of being a secular democracy, Indonesia is similar to India, Romania, Bulgaria, Greece, Switzerland, and Austria in that it promotes religious values while synthesizing liberal individual rights and group-differentiated rights within a system of legal pluralism. More theoretically, this chapter suggests that strengthening democracy in the Muslim world demands looking beyond the American and European models of liberal secularism toward the policies of democracies in Africa, Asia, Latin America, and Eastern Europe.

NOTES

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1. Mirjam Künkler and Alfred Stepan, eds., *Democracy and Islam in Indonesia* (New York: Columbia University Press, 2013). "Polity Score: 8 (2013)," <http://www.systemicpeace.org/polity/ins2.htm>. The Polity score is a single regime score that ranges from +10 (full democracy) to -10 (full autocracy) and aggregates information about whether there are institutions and procedures through which citizens can express effective preferences about alternative policies and leaders as well as institutionalized constraints on the exercise of power by the executive.
2. Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 169.
3. Stathis Kalyvas, "The 'Turkish Model' in the Matrix of Political Catholicism," in *Democracy, Islam, and Secularism in Turkey*, ed. Ahmet Kuru and Alfred Stepan (New York: Columbia University Press, 2012), 192–196.
4. Stathis Kalyvas, "Commitment Problems in Emerging Democracies: The Case of Religious Parties," *Comparative Politics* 32, no. 4 (2000): 390.
5. Charles Kurzman and Ijlal Naqvi, "Do Muslims Vote Islamic?" *Journal of Democracy* 21, no. 2 (2010): 50–63.
6. Jason Brownlee, "Unrequited Moderation: Credible Commitments and State Repression in Egypt," *Studies in Comparative International Development* 45, no. 4 (2010): 468–489.
7. Kurzman and Naqvi, "Do Muslims Vote Islamic?" 57–59.
8. Jillian Schwedler, "Can Islamists Become Moderate? Rethinking the Inclusion- Moderation Hypothesis," *World Politics* 63, no. 2 (2011): 347–376.
9. Nancy Bermeo, "The Myths of Moderation: The Role of Radical Forces in the Transition to Democracy," *Comparative Politics* 29, no. 3 (1997): 311, 314.
10. Gunes Murat Tezcur, *Muslim Reformers in Iran and Turkey: The Paradox of Moderation* (Austin: University of Texas Press, 2010). Schwedler, "Can Islamists Become Moderate?"
11. Saiful Mujani and R. William Liddle, "Politics, Islam, and Public Opinion," *Journal of Democracy* 15, no. 1 (2004): 120.
12. NU is associated with the political parties Masyumi, Partai Nahdlatul Ulama (PNU), Partai Kebangkitan Nasional Ulama (PKNU), Partai Kebangkitan Bangsa (PKB), and Partai Persatuan Pembangunan (PPP). Muhammadiyah is associated with the political parties Masyumi, PPP, and Partai Amanat Nasional (PAN). Persis is associated with Partai Persatuan Pembangunan (PPP), Partai Bulan Bintang (PBB), Partai Keadilan (PK), and Partai Keadilan Sejahtera (PKS).
13. Pancasila is the basis of Indonesian national ideology; its five principles are belief in God, humanitarianism, national unity, democracy as expressed through representatives of the people, and social justice.
14. That said, the successor organization to Darul Islam, the Free Aceh Movement (GAM), moderated its demands as a result of inclusion in the political process. See Edward Aspinall, "From Islamism to Nationalism in Aceh, Indonesia," *Nations and Nationalism* 13, no. 2 (2007).
15. Jeremy Menchik, *Islam and Democracy in Indonesia: Tolerance Without Liberalism* (New York: Cambridge University Press, 2016).

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16. Jeremy Menchik, "The Coevolution of Sacred and Secular: Islamic Law and Family Planning in Indonesia," *South East Asia Research* 22, no. 3 (2014): 359–378.
17. This is Schwedler's typology of moderation (2011).
18. Kalyvas, "Commitment Problems in Emerging Democracies"; Thomas B. Pepinsky, R. William Liddle, and Saiful Mujani, "Testing Islam's Political Advantage: Evidence from Indonesia," *American Journal of Political Science* 56, no. 3 (2012); Mona El-Ghobashy, "The Metamorphosis of the Egyptian Muslim Brothers," *International Journal of Middle East Studies* 37, no. 3 (2005).
19. Michaelle L. Browsers, *Political Ideology in the Arab World: Accommodation and Transformation* (New York: Cambridge University Press, 2009); Janine Astrid Clark, "The Conditions of Islamist Moderation: Unpacking Cross-Ideological Cooperation in Jordan," *International Journal of Middle East Studies* 38, no. 4 (2006); Jillian Schwedler, *Faith in Moderation: Islamist Parties in Jordan and Yemen* (Cambridge: Cambridge University Press, 2007); Carrie Rosefsky Wickham, "The Path to Moderation: Strategy and Learning in the Formation of Egypt's Wasat Party," *Comparative Politics* 36, no. 2 (2004).
20. Bermeo, "The Myths of Moderation"; Huntington, *The Third Wave*; Wickham, "The Path to Moderation."
21. Charles Tilly, *Coercion, Capital, and European States, AD 990–1990* (Cambridge, Mass.: Blackwell, 1990).
22. Merle Ricklefs, *A History of Modern Indonesia Since c. 1200*, 4th ed. (Stanford, Calif.: Stanford University Press, 2008), 241, 253.
23. Harry J. Benda, "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia," *Journal of Modern History* 30, no. 4 (1958): 176.
24. Sarah Elizabeth Parkinson, "Organizing Rebellion: Rethinking High-Risk Mobilization and Social Networks in War," *American Political Science Review* 107, no. 3 (2013).
25. R. Q. Mecham, "From the Ashes of Virtue, and Promise of Light: The Transformation of Political Islam in Turkey," *Third World Quarterly* 25, no. 2 (2004): 345–347, 354, 359.
26. Aspinall, "From Islamism to Nationalism," 248, 253–254.
27. See, for example, the special issue "Religious Parties: Revisiting the Inclusion-Moderation Hypothesis," ed. Manfred Brocker and Mirjam Kunkler, *Party Politics* 19, no. 2 (2013).
28. Peter Berger, *The Desecularization of the World* (Washington, D.C.: Eerdmans/Ethics and Public Policy Center, 1999); Sadia Saeed, "Desecularization as an Instituted Process: National Identity and Religious Difference in Pakistan," *Economic and Political Weekly* 48, no. 50 (2003): 62–70.
29. Robert Hefner, "Islamising Java? Religion and Politics in Rural East Java," *Journal of Asian Studies* 46, no. 3 (1987): 533–554.
30. Donald Horowitz, *Constitutional Change and Democracy in Indonesia* (New York: Cambridge University Press, 2013), 247.
31. Anies Baswedan, "Political Islam in Indonesia: Present and Future Trajectory," *Asian Survey* 44, no. 5 (2004): 669–690.
32. *Ibid.*, 675.

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33. Excluded are the parties Hanura and Gerindra, which are vehicles for former military leaders and have no clear ideology.
34. See Menchik, *Islam and Democracy in Indonesia*, chap. 7.
35. Alfred Stepan, "Democracy, the World's Religion, and the Problems of the 'Twin Tolerations,'" *Journal of Democracy* 11, no. 4 (2000): 37–57.
36. François Foret, *Religion and Politics in the European Union: The Secular Canopy* (Cambridge: Cambridge University Press, 2015).
37. The policy was a spectacular failure; the new elites became the leaders of the emergent nationalist movement.
38. M. C. Ricklefs, ed., *A New History of Southeast Asia* (London: Palgrave Macmillan, 2010), 279–280; M. C. Ricklefs, *Polarising Javanese Society: Islamic and Other Visions (c. 1830–1930)* (Singapore: NUS, 2007), 215.
39. Ricklefs, *Polarising Javanese Society*, 154, 70, 216.
40. Melissa Crouch, "Proselytisation, Religious Diversity, and the State in Indonesia: The Offence of Deceiving a Child to Change Religion," in *Proselytising and the Limits of Religious Pluralism in Contemporary Asia*, ed. Michael Feener and Juliana Finucane (Singapore: ARI Springer Asia Series, 2013), 20–22; Law 4/1950 on Basic Education and Teaching in Schools; Law 12/1954; Joint Regulations of the Minister of Education and the Minister of Religion no. 17678/1951 on Religious Education; Decision by the MPR No. II/MPRS/1960, article 2(3).
41. MPRS No. XXVII/MPRS/1966 on Religion, Education and Culture.
42. Crouch, "Proselytisation, Religious Diversity, and the State in Indonesia," 21; Joint Decision of the Minister of Education and the Minister of Religion 35/1985 on the Implementation of Religion Education in Schools.
43. Crouch, "Proselytisation, Religious Diversity, and the State in Indonesia," 21; Government Regulation 10/1990 on Higher Education; Government Regulation 27/1990 on Pre-School Education; Government Regulation 28/1990 on Primary Education; Government Regulation 29/1990 on Secondary School Education.
44. Horowitz, *Constitutional Change and Democracy in Indonesia*; Fourth Amendment to the 1945 constitution, August 10, 2002, art. 2(1).
45. Timothy Lindsey, *Islam, Law, and the State in Southeast Asia*, vol. 1: *Indonesia* (London: I. B. Tauris, 2012), 235–236.
46. *Ibid.*, 237; Najwa Shihab and Nugroho Januar, "The Ties That Bind: Law, Islamisation, and Indonesia's Prosperous Justice Party," *Australian Journal of Asian Law* 10, no. 2 (2008): 248.
47. Dr. Abdul Mu'ti of the Central Board of Muhammadiyah, interview with the author, Jakarta, October 1, 2009.
48. Menchik, *Islam and Democracy in Indonesia*.
49. Benda, "Christiaan Snouck Hurgronje," 342.
50. Harry Benda, *The Crescent and the Rising Sun: Indonesian Islam Under the Japanese Occupation, 1942–1945* (The Hague: W. van Hoeve, 1958), 166.

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51. B. J. Boland, *The Struggle of Islam in Modern Indonesia* (The Hague: Martinus Nijhoff, 1982), 108.
52. Andrew Abalahin, "A Sixth Religion? Confucianism and the Negotiation of Indonesian-Chinese Identity Under the Pancasila State," in *Spirited Politics: Religion and Public Life in Contemporary Southeast Asia*, ed. A. C. Willford and K. M. George (Ithaca, N.Y.: Cornell Southeast Asia Program Publication, 2005), 121.
53. Alalahin, "A Sixth Religion?" 134.
54. "Penetapan Presiden No. 1/1965 tentang Pentjegahan Penjalahgun Dan/Atau Penodaan Agama," *Suara Merdeka*, March 9, 1965.
55. "Pernyataan Bersama Partai-2 Dan Ormas Islam," *Arsip Nasional (AN)/NU* 106. See also "Pernyataan Bersama Partai-2 dan Ormas Islam," *Berita Antara*, March 18, 1965. NU's youth wing issued a similar statement on March 23: "Putjuk Pimpinan Gerakan Pemuda Anshor," *AN/NU* 106, no. PP/616/B/III/1965.
56. Julia Howell, "Muslims, the New Age, and Marginal Religions in Indonesia: Changing Meanings of Religious Pluralism," *Social Compass* 52, no. 4 (2005): 473; Ricklefs, *Polarising Javanese Society*, 340.
57. Lindsey, *Islam, Law, and the State*, 1:60; MPR Decision no. IV 1973, no. IV 1978.
58. Lindsey, *Islam, Law, and the State*, 1:60.
59. Melissa Crouch, "Law and Religion in Indonesia: The Constitutional Court and the Blasphemy Law," *Asian Journal of Comparative Law* 7, no. 1 (2012): 26–27.
60. *Ibid.*, 4.
61. Author interview with Robert Hefner, Boston, November 14, 2014.
62. Jeremy Menchik, "Productive Intolerance: Godly Nationalism in Indonesia," *Comparative Studies in Society and History* 56, no. 3: 591–621.
63. John Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003), 48–50; Mark Cammack, "Legal Aspects of Muslim–Non-Muslim Marriage in Indonesia," in *Muslim–Non-Muslim Marriage: Political and Cultural Contestations in Southeast Asia*, ed. G. Jones, C. Leng, and M. Mohamad (Singapore: Institute for Southeast Asian Studies, 2009), 104.
64. Cammack, "Legal Aspects of Muslim–Non-Muslim Marriage," 105, in reference to *Regeling op de Gemengde Huwelijken* 1898, no. 158.
65. Benda, *The Crescent and the Rising Sun*, 162, 269n54.
66. Cammack, "Legal Aspects of Muslim–Non-Muslim Marriage," 107–108.
67. *Ibid.*, 110.
68. *Ibid.*, 134.
69. H. M. Rasyidi, "RUU Perkawinan," *Suara Muhammadiyah* 17 (September 1, 1973): 6. "The food of those who have received the Scripture is lawful for you, and your food is lawful for them. And so are the virtuous women of the believers and the virtuous women of those who received a divine revelation" (Qu'ran Sura 5:4).
70. Cammack, "Legal Aspects of Muslim–Non-Muslim Marriage," 113.
71. *Ibid.*, 129, 119, 127.

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72. Eriwn Sihombing, "Interfaith Marriage Still Unsanctioned as Court Rejects Judicial Review," *Jakarta Globe*, June 18, 2015, <http://thejakartaglobe.beritasatu.com/news/inter-faith-marriages-still-unsanctioned-court-rejects-judicial-review/>.
73. Nahdlatul Ulama, *Abkam al-Fuqaha' fi Muqarrarat Mu'tamarat Nahdlati al-'Ulama: Solusi Problematika Aktual Hukum Islam Keputusan Muktamar (1926-1999)* (Surabaya: Lajnah Ta'lif Wan Nasyer Jawa Timur and "Khalista" Surabaya, 2007), 433-437.
74. Majelis Ulama Indonesia, *Himpunan fatwa Majelis Ulama Indonesia* (Jakarta: Majelis Ulama Indonesia, 1997), 120-122.
75. Abdurrahman, Asyumuni, and Moelyadi, eds., *Tanya-Jawab Agama II* [Question and answer about religion] (Yogyakarta: Yayasan Penerbit Pers Suara Muhammadiyah, 1992), 173-174.
76. Interestingly, the more doctrinally strict Persis says that Muslim men may marry Jewish and Christian women but that Muslim women may not marry non-Muslim men. Ma'sum Hassan and H. Mahmud Aziz, *Soal-Jawab Tentang Berbagai Masalah Agama* (Bandung: CV Penerbit Diponegoro, 2007), 263-264.
77. Cammack, "Legal Aspects of Muslim-Non-Muslim Marriage," 125-126.
78. Crouch, "Law and Religion in Indonesia," 14.
79. M. P. M. Muskens, *Partner in National Building: The Catholic Church in Indonesia* (Aachen: Missio Aktuell Verlag, 1979), 165.
80. J. S. Furnival, *Netherlands India: A Study of Plural Economy* (New York: Cambridge University Press, 1944), 279.
81. Mizan Sya'roni, "The Majelis Islamil a'la Indonesia (MIAI): Its Socio-Religious and Political Activities (1937-1943)," MA thesis, McGill University (1998), 76n13.
82. Muhammadiyah, *Suara Muhammadiyah* 1 (April 1939): 11.
83. Nahdlatul Ulama, "Majlis ke II: Tentang Hal yang Bersangkutan dengan Pemerintah," *Verlag-Congres Nahdlatul Ulama Yang ke 14 di Kota Magelang* (July 3, 1939), 48-49, 55.
84. Muhammadiyah, "Mempertajam Kewaspadaan Islam Tentang Berita Hasil Konferensi Katolik / Protestan Jawa Timur akan Mengkristenkan Seluruh Indonesia," *Suara Muhammadiyah* 25 (1963): 5.
85. Alwi Shihab, "The Muhammadiyah Movements and Its Controversy with Christian Missions in Indonesia," PhD thesis, Temple University (1995), 306, 309, 312n67; citing Lukman Harun, conference paper, "Endeavors to Create Religious Harmony Among Believers of Different Religions in Indonesia," Monash University, February 2-5, 1991.
86. Crouch, "Proselytization, Religious Diversity and the State in Indonesia," 25.
87. Joint Ministerial Decree no. 01/BER/mdn-mag/1969 on the Implementation of the Tasks of Government Law Enforcers in Guaranteeing the Order and Fluidity of the Development and Practice of Religion by Its Followers.
88. Lindsey, *Islam, Law, and the State in Southeast Asia*, 154-55.
89. Melissa Crouch, "Implementing the Regulation on Places of Worship in Indonesia," *Asian Studies Review* 34, no. 4 (2010), 2.
90. Keputusan Meteri Agama no. 70 dan 77 tahun 1978.
91. Shihab, "The Muhammadiyah Movements," 314.

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92. Crouch, "Law and Religion in Indonesia," 26–27.
93. Crouch, "Implementing the Regulation on Places of Worship in Indonesia," 3.
94. Law 23/2003 on Child Protection.
95. Lindsey, *Islam, Law, and the State in Southeast Asia*, 55.
96. Joint Ministerial Decree of the Minister of Religion no. 8 of 2006 and the Minister of Home Affairs no. 9 of 2006 on Guideline for Heads and Deputy Heads of Regional Government in the Implementation of Their Duties of Protecting Religious Community Harmony, Empowering of the Religious Community Communication Forum, and Establishing Places of Worship.
97. Crouch, "Implementing the Regulation on Places of Worship in Indonesia," 43–44; Lindsey, *Islam, Law, and the State in Southeast Asia*, 58.
98. Ulil Abshar Abdalla, interview by the author, Jakarta, June 12, 2009.
99. Lindsey, *Islam, Law, and the State in Southeast Asia*, 406.
100. Horowitz, *Constitutional Change and Democracy in Indonesia*, 247; Law 38/1999.

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