Article

Islam and Institutional Religious Freedom in Indonesia

Robert W. Hefner

Department of Anthropology and Pardee School of Global Affairs, Boston University, Boston, MA 02215, USA; rhefner@bu.edu

Abstract: By emphasizing that individual religious freedom depends for its realization on complex social embeddings, the concept of institutional religious freedom provides an important corrective to conventional, individualistic approaches to religious freedom. The concept also helpfully complicates the investigation of religious freedom by encouraging analysts to recognize that different societal and civilizational traditions define religion itself in significantly different ways. Tensions such as these between different social definitions of religion and between different manifestations of institutional religious freedom have been a chronic feature of religious life in Indonesia since the establishment of the republic in 1945. This paper examines these legacies in the context of contemporary Indonesia, especially in light of ongoing disputes over the legal and ethical status of spiritual traditions (*kepercayaan*) long barred from full state recognition. The essay also explores the theoretical and policy implications of the Indonesian example for the analysis of institutional religious freedom in the late modern world as a whole.

Keywords: Indonesia; institutional religious freedom; religion in law; citizenship

1. Introduction

The concept of institutional religious freedom provides a welcome addition to more conventional approaches that highlight individual religious freedom to the exclusion of religion's broader social expressions. Religion is a deeply social and institutional as well as a subjective reality. Where religious groupings are not free to construct lifeworlds and institutions for the religious flourishing, the individual's freedom is inevitably limited or denied. To use the old sociological shibboleth, institutional religious freedom is the "condition of the possibility" of individual religious freedom. For that reason, it behooves all committed to the ideals of religious freedom to promote its institutional as well as individual realization.

A related but less familiar benefit of the concept of institutional religious freedom is that, by reminding analysts to gaze beyond the individual, the concept encourages us to recognize that different religious traditions require and construct significantly *different* institutions for human flourishing. This generalization seems so obvious as to be banal, but its implications for public policies dealing with institutional religious freedom are both complex and sobering. What I wish to underscore in this essay, then, is that we need to explore more fully the ethical and political implications of the fact that the institutions religious communities construct vary in their forms—and, in particular, how they vary in regard to the recognition and accommodation of individual and institutional religious freedoms.

This latter issue is nowhere more complexly illustrated than in regard to two facts on which my discussion of Indonesia will focus here. The first fact is that contrary to what some proponents of human rights today assume, different religious and political traditions have very-different understandings of what constitutes a "religion". Inasmuch as this is the case, even where a religious or political community affirms some ideal of religious freedom, it may not extend full rights and protections to communities seen as not fulfilling the cultural criteria required to qualify as a proper religion. As this chapter will make clear,

this "religious category problem" has been at the heart of disputes over religious freedom here in Indonesia. However, as Jonathan Fox (2006, 2012) has shown, similar controversies have also been widespread in most Western European liberal democracies, many of which extend full recognition and institutional freedom to only a select minority of religious communities. Notwithstanding the recent and (in my opinion) convincing efforts of certain political theorists to craft a universal definition of religion (Philpott 2019; Smith 2019; Shah and Friedman 2018), the fact remains that religious traditions and national communities have very different views on how to define and recognize religion, and this variation has serious implications for the freedoms they extend to different faith communities.

The second policy issue that follows from the plurality of religious institutionalizations is also underanalyzed in the religious freedom literature. It is that the institutions religious communities build often extend different rights and obligations to different categories of social actors, both within and beyond their respective communities. To borrow a phrase from citizenship theory, the citizenship that religious institutions create is typically not an equal and universal one extending the same rights and freedoms to everyone, but a "differentiated" citizenship (Beaman 2016) that assigns different rights and freedoms to actors distinguished in terms of religious status, gender, age, and a host of social distinctions. All this seems an obvious enough feature of the moral ecology of humanity's diverse religious traditions. However, in a religiously plural society, the realization of institutional religious freedom for one religious community may lead to practices and organizations that limit or violate the individual and institutional religious freedom of other religious communities. Late nineteenth century restrictions on polygamy among Mormons in the United States offer but one example of such a clash of institutional religious freedoms. Debates over the implementation of Islamic law for Muslims living in Western Europe and North America offer a contemporary example of a similar tension. These examples remind us too that once policy makers' vision of religious freedom extends beyond the individual to institutional realities, they may well witness, and have somehow to mediate, a clash of institutional religious freedoms.

Tensions such as these between different social definitions of religion and between different manifestations of institutional religious freedom have not been an only occasional but a chronic feature of religious life in Indonesia. Public understandings of what constitutes "religion" and thus qualifies for state recognition, protection, and institutional freedoms have been fiercely contested since the dawn of the Indonesian republic in 1945. No less important, actors have disagreed over just what institutions are required to facilitate religious flourishing *and* a proper practice of religious freedom. In the conclusion to this essay, I will suggest that these peculiar features of the Indonesian case are in fact illustrative of a general challenge in efforts to promote religious freedom. In particular, inasmuch as religious institutions allocate rights and freedoms in different ways, religious leaders and policy makers hoping to promote institutional religious freedom must be ready to devise principles for adjudicating contrasting models of institutional religious freedom and ethical flourishing.

2. Defining Religion and Religious Freedom

Indonesia is a country in which the reality of religion's public definition and diversity has always loomed large. This Southeast Asian nation is made up of some 17,000 islands stretching 3400 miles east to west along the equator, and is home to more than seven hundred ethnic groups. The two largest ethnic groups (Javanese, 40%, and Sundanese, 15.5%) make up more than half of the population. Some 87.2% of this nation's 270 million residents profess Islam, but there are significant religious minorities as well. A full 9.90% of citizens are Protestant or Catholic; 1.69% are Hindu; 0.72% are Buddhist; and 0.05% self-identify as Confucian. The size of its Muslim population makes Indonesia the fourth most populous country in the world, and the largest Muslim-majority nation. Although official statistics are lacking, there are also at least several hundred thousand practitioners of indigenous religions (known locally as agama leluhur), which until 2017 were not

officially recognized by the state (Maarif et al. 2019). There are also an unregistered but larger number of new religious and mystical movements, commonly referred to as, not religions, but *kepercayaan* (lit., "beliefs", "spiritual beliefs") or *aliran kebatinan* ("spiritual currents"). Before and after Indonesia's return to democracy in 1998–1999 (see below), the legal and civil status of these unrecognized religions has been the focus of bitter dispute, a point to which I will return below.

In addition to being the world's most populous Muslim society, Indonesia is also the third largest democracy. It undertook a return to electoral democracy in 1998–1999 in the aftermath of thirty-two years of authoritarian rule at the hands of President Suharto's "New Order" regime (Aspinall 2005; Aspinall and Mietzner 2010; Mietzner 2009). Suharto's New Order (1967–1998) had overseen a program of sustained economic and educational development, taking the country from among the world's poorest nations in 1966 to the ranks of the World Bank's "lower-middle income" countries by the early 1990s. Although it achieved impressive rates of economic growth, the New Order was harshly repressive in political and religious matters, including those having to do with institutional religious freedom. Suharto was an army general who came to power in the aftermath of a failed leftist-officers at the end of September 1965 (Cribb 1990; Roosa 2006). After suppressing the coup attempt, Suharto and his allies set out over the next eight months to destroy the Indonesian Communist Party (PKI), which Suharto claimed had masterminded the coup. Prior to these events, the PKI had been the largest of the country's mass political organizations, with some 20 million member in various affiliate bodies. Estimates vary, but it is generally agreed that in the months that followed at least 500,000 alleged communists were killed; millions were imprisoned or detained.

In addition to destroying the once-powerful Indonesian Communist Party, the New Order regime implemented a number of policies that severely curtailed institutional religious freedom. The regime effectively banned Islamist parties advocating the establishment of an Islamic state, and it severely curtailed the freedom of Islamist social movements of like-minded aspiration. Although in the first two decades of his presidency Suharto was viewed as closer in religious observance to the various Javanese mystical movements known as *kebatinan* than to mainstream Islam, in the first years of his rule Suharto banned almost two hundred mystical groups on the grounds that they were leftist or had ties to the Communist Party. The regime also banned atheism (on grounds that it too was linked to communism), required students from elementary school to college to take religious education courses in one of the (then) five state-recognized religions, and elevated a 1965 Presidential Decree (No. 1/PNPS 1965) on Blasphemy and Religious defamation into the Criminal Code. The latter law made it a crime punishable by five years in prison for any individual to express a view seen as serving to "disseminate hatred, misusing, or defaming a religion recognized in Indonesia." The state also refused to extend state recognition to both kebatinan mystical groups and indigenous religions, thereby depriving them of significant social recognition and legal protections (see below). The New Order also banned religious proselytization by one religion to adherents of other state-recognized religions. In short, "The New Order that lasted . . . from 1966 to 1998 made the control of categories part of its state-building policies" (Bowen 2005, p. 153). The regime did so nowhere more insistently than in regard to just who was to be recognized as having a "religion", and thereby deserving legal and societal protections.

With Indonesia's return to electoral democracy in 1998, these disputes and legacies have not only carried over but intensified. Now they unfold, however, not under the firm control of a confidently hegemonic state, but in an open and competitive society where some among the state elite appear "more receptive to societal pressures" (Buehler 2016, p. 6; Hadiz 2016). One consequence of the new political ecology of religion has been growing and sometimes violent disputes over just what constitutes a proper and legally tolerable form of religion.

2.1. "Religion" in Dispute: A Short History

There is a deeper history to this conflict over the definition and recognition of different religious traditions. Since the dawn of the Indonesian republic in 1945, most Muslim authorities and some Christian scholars have been reluctant to accept the idea that all traditions involving interactions with supernatural beings or realities should be designated a "religion". Although this reluctance has diminished in some contemporary Muslim circles with the growth of cosmopolitan religious studies in Indonesia's State Islamic Universities (UIN/IAIN), the preference in most government bureaus involved with managing religious affairs still today is to reserve the category of "religion" (*agama*) for those traditions that meet certain specific and quite limiting criteria.

Thus, for example, in clarifications issued by officials in the Indonesian Ministry of Religious Affairs in the early 1950s, the criteria for recognizing a particular ethico-religious tradition as a "religion" (*agama*) included the following: the religion's acknowledgement of a prophet or founding seer; the transmission and study of a canonical scripture (*kitab*) or holy book; a standardized corpus of ritual practices and beliefs, knowledge and performance of which are deemed incumbent on all believers (thus implying some degree of standardized religious education); and a clear and consistent differentiation of local "custom" from religion, premised on the idea that the former may not contradict the latter (Atkinson 1987; Cederroth 1996; Picard 2011; Ropi 2012; Steedly 1993). An additional criterion that was included in later Ministry declarations on religion was that the tradition in question must enjoy a significant measure of international recognition rather than being simply regional or local. This last criterion was intended to disqualify the many hundreds of local or indigenous religious still practiced in Indonesia in the early independence period (Atkinson 1987; Maarif et al. 2019).

It is important to note that these restrictive criteria for defining and recognizing religion were not carryovers from the colonial era or from nineteenth century Protestant missionaries. From the second half of the nineteenth century onwards, the Dutch administration that governed Indonesia until 1942 busied itself with religious matters, but most of its efforts had to do with either supporting Christian missions or implementing policies intended to impede the spread of Islamic missions into areas of the archipelago where Islam was not yet established (Aritonang and Steenbrink 2008; Laffan 2011). Dutch colonialism left few if any legacies for religious freedom.

The state's concern with the definition and regulation of religion increased dramatically in the aftermath of the collapse of the Dutch colony in 1942 and the subsequent run up to Indonesian independence. As World War II was drawing to a close in early 1945, the Japanese occupation government, which had controlled the former Dutch territory since 1942, sponsored the establishment of an Investigative Committee for the Preparation of Indonesian Independence (Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia, BPUPKI) and charged it with devising a constitutional framework for a soon-to-be-declared independent Indonesia. The nationalist leader and future president, Sukarno, selected the committee's sixty-two members, taking care to include representatives from all of the independence movement's primary ideological currents, and appointing a distinguished Javanese aristocrat, Dr. Radjiman Wedyodiningrat, to serve as chair. Radjiman had been a member of Indonesia's oldest, quasi-nationalist organization, Budi Utomo ("Noble Endeavor"; see Nagazumi 1972). Rather more controversially (Kersten 2015, p. 250), Radjiman was a member of the Dutch colony's small but influential Theosophical Society. First organized in the Dutch East Indies during the final years of the nineteenth century, the latter organization had an ethnically diverse membership that included Europeans, native Indonesians (primarily of aristocratic Javanese background), and Chinese; it also had people from different religious backgrounds, including Christians, Muslims, and Javanese mystics. Not unlike their counterparts in other nations of the world, what Theosophists had in common was their twinned convictions that, "God is one, but believers call him by different names", and that all religions share an essential unity and underlying wisdom (Bahri 2017, p. 147).

The Radjiman Committee first met at the end of May 1945. On 1 June, Sukarno presented the body with a first draft of his *Pancasila* or "five principles", which, despite periodic challenges and varied re-interpretations, have remained the official philosophy of the Indonesian state to this day. Sukarno portrayed the five principles as his distillation of deep-seated pan-Indonesian values. The five principles stipulated that the state was to be based on, not Islam, but a unified and national-state (*kebangsaan*), internationalist humanism (*peri-kemanusiaan*), democracy modeled on Indonesian traditions of consensus and consultation (permusyawaratan), social justice (*kesejahteraan sosial*), and recognition of a singular and Almighty God (*ketuhanan*). In the version of the Pancasila eventually incorporated into constitutional documents, the last principle, with its insistence that the state is based on acknowledgment of a unitary God, was put into first position and thus identified as the foundation for the others.

Although Committee delegates accepted the Pancasila with acclamation, over the days that followed representatives from Muslim parties and organizations pushed back against the state philosophy's failure to recognize either Islam or shariah law among the envisioned republic's legal foundations. Sukarno responded to this objection by organizing a smaller sub-committee from within the ranks of the Radjiman Committee. He charged the Committee with reformulating the declaration, with the idea that its recrafted principles were to be put in place as the preamble to a constitution to be completed in coming weeks. The sub-committee included representatives from both Islamic and secular-nationalist associations, and on 22 June 1945 it presented its compromise formulation, which was to serve as the preamble to the soon-to-be-declared constitution.

The proposed preamble included a lightly revised version of Sukarno's Pancasila, with *ketuhanan*/recognition of God now moved into initial position and, more significantly, supplemented with seven additional words, which subsequently came to be known as the "Jakarta Charter" (Piagam Jakarta). The latter made clear that the State is not only based on recognition of a singular God, but on a very specific institutional arrangement: "the obligation [for adherents of Islam] to carry out Islamic law" (*dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya*). In short, the compromise made not just belief in God the basis of the nation, but also required the state to differentiate Muslims from non-Muslims for the purposes of enforcing Islamic law (see Aritonang and Steenbrink 2008, p. 189). The Jakarta Charter thus laid the foundation for what has remained a point of contention to this day: whether the state is to uphold a model of universal and equal citizenship, thus denying what some Muslims regard as key features of their institutional religious freedom; or promote a practice of citizenship differentiated along religious lines—thereby limiting the religious freedom of non-Muslims *and* the many Muslims who preferred *not* to have the state take responsibility for enforcement of Islamic law. There seemed no way around the fact that institutional religious freedom for one group of Indonesian citizens clashed with the individual and institutional freedoms of another.

During the BPUPKI's second plenary session, which began in mid-July 1945, the place of religion in the state again became the focus of heated discussion. This time it was Christian delegates who came forward, objecting to the Jakarta Charter's nod to shariah implementation, and warning that inclusion of a shariah mandate would provoke unrest in Christian areas of eastern Indonesia, as well as in those Muslim regions, such as West Sumatra, where customary arrangements in matters of inheritance (among other things) depart from classic Islamic legal norms. Although Muslim delegates at first staunchly rejected these new demands, they eventually relented. Eleven days later, and one day after the August 17th declaration of independence, the PPKI formally approved the draft constitution, and declared Sukarno and Hatta President and Vice-President respectively. Before they did so, however, Mohammad Hatta—a pious Muslim from a well-regarded Minangkabau Muslim family, but also a staunch opponent of proposals to establish an Islamic state—met in private with Muslim delegates and explained that a Japanese naval officer in eastern Indonesia had informed Sukarno and Hatta that if the Jakarta Charter was not removed from the preamble, the largely-Christian east had threatened to secede.

In his memoirs, Vice President Hatta recalls that the Muslim delegates reluctantly agreed to the deletion of the seven words in the interest of national unity.

As has been widely noted (Elson 2013), however, one reason the Muslim delegation agreed to the compromise is that they were confident that national elections would be held within the next year or two, and Muslim parties would easily prevail. Having won the election, it was assumed the Muslim parties would then be able to revise the constitution in a manner accommodating of state-enforced Islamic law—enforcement that, again, many Muslim delegates saw as vital for their institutional religious freedom. As it turned out, national elections would not be held until 1955. In those elections and all organized since, Muslim proponents of state-enforced shariah were to find that the majority of voters declined their appeals. Efforts to have the state implement Islamic law for all Muslim citizens were to be renewed only decades later, with the return to democracy after the fall of Suharto's New Order in May 1998 (Buehler 2016; Feillard and Madinier 2006; Salim 2008).

2.2. The Politics of Religious Recognition

Buried within the new constitution were several additional articles that, rather than resolving disagreements over religion and state, would only make them the focus of more bitter contention in years to come. Foremost among these was the Constitution's Article 29, which directly addresses the question of freedom of religion and conscience. In the second draft of the constitution (the version incorporated into the 1945 Constitution), the article makes clear that the state "guarantees (*menjamin*) the freedom (*kemerdekaan*) of each inhabitant to profess his or her religion (*agamanya*) and to worship (*beribadat*) according to his or her religion or spiritual belief (*kepercayaan*)". Although the phrasing at first seems to echo the United Nations' Universal Declaration on Human Rights, a closer look reveals the protections it provides for individual and institutional religious freedom are more limited.

Although the term has always been subject to diverse interpretations, today in state and many societal circles in Indonesia the second religious reality referenced in Article 29, *kepercayaan* or "spiritual beliefs" (or, alternately if less literally, "spiritual traditions"), is a term typically reserved for those categories of ethico-religious heritage that are assumed to involve mystical disciplines of some sort but ones *not* seen by state officials and others as fulfilling the criteria to fully qualify as a "religion". In official policy as well, the term *kepercayaan* is in turn used to refer to, not one, but two varieties of spiritual tradition, neither of which is deemed a full "religion". These two traditions are, first, local or indigenous religions (*agama leluhur*) long practiced by Indonesia's small-scale communities (Atkinson 1987; Maarif et al. 2019); and, second, new mystical social movements, such as those popular in Java and a few other areas of the archipelago, and often also referred to as *kebatinan* (from the Indonesian and Arabic term, batin, "inner", "inner self", interior experience; see Stange 1986).

Inasmuch as in official circles today *kepercayaan* traditions enjoy weaker societal and legal standing than religions, it seems curious that the term *kepercayaan* was inserted at all into Article 29 of the Indonesian constitution and thereby accorded protections in principle comparable to those of agama/religion. That this came to be the case was in no small part the result of the handiwork of one man on the Wadjiman committee: Wongsonegoro (1897–1978; see Stange 1986, p. 88). In the early independence era, Wongsonegoro was one of Indonesia's most distinguished nationalists; he was also arguably the single most influential *kebatinan* leader in the country's history. The premier historian of *kebatinan* mysticism in modern Indonesia, Paul D. Stange (1986, p. 89), has aptly referred to Wongsonegoro as "the father of the political mystical movement during the fifties".

At the time of the constitutional debates over religion and spirituality in the 1940s, Wongsonegoro's insertion of the term *kepercayaan* into Article 29 verse 1 may well have been a deliberate tack designed to take advantage of another ambiguity in the term's meanings. Although even in those years most state officials understood *kepercayaan* as a type of spiritual tradition less authoritative than religions/*agama*, some Indonesians used the term to also refer to the personal manner in which each individual experiences

his or her religion, be it Islam, Christianity, or some other ethico-religious tradition. This understanding of kepercayaan aims to encourage the state, not just to recognize another variety of spiritual tradition (whether indigenous or mystical), but to recognize that even full-blown "religions" are experienced in deeply personal and varied ways by those who profess them. In an important re-analysis of previously unanalyzed records of the May 1945 meetings of the BPUPKI independence preparatory committee, in 2019 Zainal Abidin Bagir of Gadjah Mada University discovered that transcripts from the meetings indicate that Wongsonegoro pressed for the inclusion of the term "kepercayaan" in the constitution on just these grounds. The inclusion of the phrase, then, was intended to underscore that "the expressions of a religion are not singular or uniform" (Bagir 2020, p. 43). Inasmuch as this was so, all efforts to impose a uniform practice of religion (such as that which might be required if the state sought to implement Islamic law) violated Indonesia's constitutionally sanctioned freedom of religion.

It goes without saying that this alternate interpretation of the meanings of spirituality and religion in the 1945 constitution did not settle the matter. In fact, this was just the opening salvo in a debate over how to know and recognize "religion" that has continued to this day. With the establishment of the Ministry of Religious Affairs on 3 January 1946, the question of just what constituted a religion, and of what institutional freedoms that designation authorizes, was no longer a matter of obscure constitutional negotiations, but one fought over in state agencies and society (Boland 1971, pp. 105–12; Ropi 2012).

Two opposing camps soon emerged even within state ministries with regard to this matter of religion's definition and institutional freedoms. During the first twenty years of the republic's existence, representatives from the Ministry of Culture and Education, made up disproportionately of Indonesians of secular nationalist orientation, quietly but consistently sought to expand the number of religious communities recognized by the state, and thereby extend state protections and religious freedoms to those citizens who happened to profess faith traditions not yet recognized as official agama/religions. On the other side of this issue, officials working in the Muslim-dominated Ministry of Religious Affairs struggled to narrow the range of religiosities recognized as "religions", while also trying to promote more orthodox professions of Islam among those citizens who self-identified as Muslim.

In 1952, and in response to inquiries from representatives in the People's National Assembly, officials from the Ministry of Religious Affairs made clear that they were determined, not to expand the list of state-recognized religions (or do away with it entirely, as some secular-minded nationalists wished), but to limit recognition to those ethico-religious traditions that displayed the features of "true" religion (Hidayah 2012). The latter features included those mentioned earlier in this essay: recognizing a prophet or seer, a holy book, a monotheistic-like supreme being, as well as performing and socializing regularized rituals or worship. In 1961, and once again in response to debates taking place in the People's National Assembly, the Ministry released a like-minded statement on just what it recognized as a religion, now adding to the list of characteristics a new requirement: that a religion should "be an encompassing way of life with concrete regulations", and "a teaching about the oneness of God" (*ketuhanan*; Hidayah 2012, p. 128). In all these regards, one should note, the criteria for recognizing a religion drew, not on Protestant privatist prototypes as some contemporary scholars of religion have assumed (Asad 2003; Shakman Hurd 2015; Mahmood 2015), but on modernist Muslim notions of religion as *din* (Ar., "religion", "creed")—which is to say a divinely enjoined way of life as well as a tradition of worship.

Slowly but surely, the Ministry of Religion's restrictive view of what can be deemed "religion" gradually became ascendant over the neutral or egalitarian view favored both by many religious minorities and by secular nationalist Indonesians (Kersten 2015, p. 230). The social forces promoting this culture shift in knowledge and practice were, of course, not merely theoretical or intellectually based. They had instead to do with momentous political contests taking place in Indonesian society, the effects of which are still felt in Indonesia today.

2.3. Indigenous Spiritualities Denied

The broader background to these developments had to do with what many scholars of Indonesian religions once regarded as the two most distinctive features of religious plurality in modern Indonesia: the survival into late modern times of ethnically-based or otherwise "local" religions, which in the later *Reformasi* period have also come to be known as "ancestral" religions or *agama leluhur* (Maarif et al. 2019); and, second, the survival of localized varieties of Islam not recognized as properly Islamic by the religious leadership of the archipelago's Sunni majority, but regarded as "Islam" nonetheless by their practitioners. It was these sociological realities that gave special urgency to the unceasing efforts of Muslim officials in the Ministry of Religious Affairs and the country's mainline Muslim mass organizations to promote the continuing ascendancy of "religion" over "spiritual belief", and to extend full institutional religious freedom only to the former, i.e., religion/*agama*.

In the early independence era, the religion-belief binary embedded in the 1945 Constitution and adopted even by many Muslim activists was not yet widely employed by the many local, tribal, or chiefdom-based societies that had recently been drawn into the new Indonesian nation. In those years, there were still hundreds of thousands of tribal and traditional Indonesians in interior portions of the archipelago who practiced local or indigenous religions (Aragon 2000; Atkinson 1987; George 1996; Hoskins 1987; Kuipers 1998; Tsing 1993, pp. 54–55). Although a few could be found even in the densely-populated interior of Java (Hefner 1985; Wessing 2017), most of these peoples lived in remote island and inland forest areas on what used to be known as Indonesia's "outer islands" ("outer" in the sense of outside Java-Bali). Although never entirely isolated from their Muslim neighbors, these populations had nonetheless remained relatively aloof from the great flow of commerce, people, and culture that brought Islam to the archipelago from the thirteenth century onward (Lombard 1990; Reid 1993).

When referring to their own religious traditions, many of these non-Islamic hinterlanders either ignored the religion/belief binary entirely so as to use indigenous terms to refer to their faith traditions, or referred to their traditions with the same word as did Muslims and Christians, which is to say as an *agama*/religion (see Aragon 2000; Atkinson 1987; Hefner 1985; MacDougall 2005; Picard 2011). Whatever their preferred terminology, in the early republican era most of these indigenous peoples were convinced that their own religious institutions were every bit as deserving of state recognition as Christianity or Islam, and most rejected the idea that they should give up their local faith for some state-sanctioned religion. By contrast, the hopes and the expectation among proponents of *agama* were that modernist progress and cultural enlightenment would slowly but surely bring the followers of these "backward" traditions into proper and true religious institutions and the freedoms and responsibilities they entail (Atkinson 1987; Makin 2016, p. 124).

For twentieth-century Muslim scholars and activists, including those affiliated with the otherwise proudly nationalist Muhammadiyah and Nahdlatul Ulama, there has always been a larger and even more problematic category of religious community than the small number of Indonesians who continue to practice indigenous or local religions (agama leluhur). This larger community of communities above all included the millions of Indonesians who called themselves Muslim, but who subscribed to cosmologies and religious practices at odds with those recognized by mainstream, madrasa-educated Sunni Muslims. Dutch missionaries and scholars working in Java in the mid-nineteenth century were the first to devote substantial attention to this community of "syncretic" or otherwise "non-standard" Muslims (Kruithof 2014, pp. 111–21; Ricklefs 2006, pp. 89–104). When, in the early 1950s, Western anthropologists such as Clifford Geertz (1960) and Robert Jay (1969) carried out ethnographic research in rural Java, they too realized that the non-standard Muslim community was vast—indeed a majority among the 50% of the population that was (at that time) ethnic Javanese. Among these latter populations, non-standard Muslims were sometimes referred to as *abangan,* lit., "red", or, alternately, *kejawen*, "Javanists".

Most Western scholars of Indonesia at this time assumed that the bulk of the religious tradition to which Java's *abangan* adhered was a mix of Hindu–Buddhist and animist practices beneath a light Islamic garb (Geertz 1960; Jay 1969). Today we know that such characterizations greatly exaggerate the influence of "Hindu–Buddhism" in Javanese culture, and fail to take seriously that almost all of these non-standard Muslims regarded their localized ritual and cosmological traditions as legitimately Islamic (see Daniels 2009; Woodward 1989). Rather than being Hindu–Buddhist, the ritual traditions to which the *abangan* were heir were more directly representative of a Sufism-inflected variety of Islam associated with an earlier and less legalist variety of Islam that had swept across Southeast Asia from the 13th to 19th centuries. These earlier waves of Islamization had organized religious life around ritual meals (*slametan*), the veneration of the Prophet Muhammad and Muslim saints, pilgrimage to saint shrines and other sites of spiritual power, and, most controversially from a reformist Muslim perspective, food offerings to ancestral and guardian spirits. Although today many modern Muslims regard these traditions as heterodox, these practices had counterparts in broad swaths of the early modern Muslim world prior to the rise of modern scripturalist reform (van Bruinessen 1999; Ahmed 2015). Although the phrase *abangan* was not used for self-identification among any ethnic grouping other than the Javanese, elsewhere in early-independence Indonesia there were other populations who identified as Muslim while subscribing to cosmologies and ritual practices that the growing community of shariah-minded Muslims regarded as inauthentically Islamic—and thus undeserving of institutional religious freedom (see Avonius 2004; Bamualim 2015; Sakai 1999).

Western scholars and many native Javanese contrasted the *abangan* and their counterparts in other areas of Indonesia with the more legal-minded wing of the Muslim community, who were alternately referred to as "whites" (*putihan*) or *santri*. Tellingly, the latter term refers to Muslims who have spent time in *madrasa* boarding schools, which in Java and most of Indonesia are known as *pesantren* (lit., "place of the santri") or *pondok pesantren* ("domicile for santri"; see Azra et al. 2007). In Indonesia and most other parts of the Muslim-majority world, madrasas are boarding schools for intermediate and advanced study in the Islamic sciences, including the most socially applied of those sciences, Islamic jurisprudence (*fiqh*; see Berkey 1992; Makdisi 1981). The social and geographic spread of this "santri" Islam, then, was part and parcel of the growing influence of a more shariah-minded Muslim community in Indonesia from the late nineteenth century onward. The growth of this same community created huge social pressures *against* any proposal to extend state recognition or institutional religious freedom to non-standard Muslims.

The persistence of communities of people self-identifying as Muslim but preserving ritual practices and cosmologies that scholars trained in the Islamic sciences regard as heterodox is, of course, not something peculiar to Indonesia. Non-standard professions of Islam remained commonplace in modern times even in regions that had experienced far-reaching processes of Islamization in territories such as Bengal in South Asia (Eaton 1993; Roy 1983) or Syria, Iraq, and Iran in the Middle East (Kehl-Bodrogi et al. 1997; van Bruinessen 1999). Here in Indonesia, however, tensions surrounding such communities of non-standard Islam were exacerbated by the fact that in some regions in the late 1950s, and especially in populous Java, such non-standard Muslims also comprised the backbone of the country's two most important non-Islamic parties, namely, the Indonesian Nationalist Party (PNI) and the Indonesian Communist Party (PKI). In Java, in particular, the first fifteen years of the new Indonesian republic saw the explosive growth of the new religious movements referred to above, and known as *aliran kepercayaan* or *aliran kebatinan*, and many developed ties to the Indonesian Nationalist and Communist Parties. This trend only added to the certainty in Muslim circles that the existence of such non-standard Muslim communities was not a matter of institutional religious freedom but politically-inspired irreligiosity. Staffed disproportionately by well-educated Muslims from Muhammadiyah and Nahdlatul Ulama (Boland 1971, pp. 105–12), officials in the Ministry of Religious Affairs (MORA) in the 1950s were convinced that a minority of activists in the Nationalist

and Communist Parties were encouraging apostasy from Islam so as to strengthen their bases of political support.

In keeping with the mobilizational spirit of the early independence period, in 1951 the politician that we saw above who had played a role in the meetings leading to the recognition of "spiritual beliefs" in the 1945 constitution, Wongsonegoro, made a new appearance on the national scene. Over the course of the year, he traveled across Java in an effort to create a federation of mystical (*kebatinan*) groups, which eventually came to be known as the Committee for the Organization of Philosophy and Mysticism's Meeting (Panitia Penyelenggara Pertemuan Filsafat dan Kebatinan). In 1955, he joined forces with the leaders of other *kebatinan* groups to form the Congressional Body for Indonesian Kebatinan (*Badan Kongres Kebatinan Indonesia*; Mulder 1978, pp. 4–6). In 1957, the Congress issued a declaration stating that the first principle of the Pancasila, with its affirmation of belief in an almighty and unitary God, was actually a concept inspired by *kebatinan*, not by Islam. Even more worrying in the eyes of Muslim officials, Congress representatives declared boldly that their spiritual traditions were actually the "original religion" (*agama asli*) of all Indonesians. Others in the *kebatinan* community spoke disparagingly of Islam as "an imported religion" or a "religion of the Arabs" (Ropi 2012, p. 141; Bamualim 2015; Mutaqin 2014, p. 9).

Alarmed by the wildfire spread of *kebatinan groups*, in 1952 the Ministry of Religious Affairs established a new ministry desk for monitoring mystical and spiritual groups. Over the years the desk (which is operative still today) came to be known as the PAKEM—the Supervisory Bureau for Aliran Kepercayaan in Society (*Pengawas Aliran Kepercayaan Masyarakat*; Ropi 2012, p. 132; Stange 1986, p. 82). Benefiting from the Ministry of Religion's unmatched penetration into Indonesian society, PAKEM bureaus were soon established in towns and sub-districts across Indonesia. As far as MORA officials were concerned, the first-duty of the PAKEM was not merely to monitor and supervise, but to do away with kebatinan groupings entirely by bringing their adherents back to Indonesia's state-recognized religions (agama).

Another ambition of the MORA initiative was to block *kebatinan* groups' efforts to win state recognition as a "religion" (*agama*) rather than a "spiritual belief" (*kepercayaan*). At its third congress in 1957, the Kebatinan Congress appealed directly to President Sukarno to extend legal recognition to kebatinan groups equal to that of the country's state-recognized religions. At its fourth congress in 1960, Congress members asked not merely for equal legal standing but state funding (Ropi 2012, p. 135). Although his mother was a Hindu-Balinese and many of his most ardent supporters were known for their kebatinan and/or indigenous beliefs, Sukarno remained uncharacteristically silent in the face of these appeals.

2.4. The Birth of the Blasphemy Law

It was in this turbulent political and religious context, then, that President Sukarno issued a presidential edict that was to mark a turning point in the state management of religion from the 1960s to today, although at the time few observers could have imagined its enduring impact. The declaration was his Presidential Stipulation No. 1/PNPS/1965 on "Preventing the Misuse and Defamation of Religion". The main target of the regulation was none other than the *aliran kebatinan* groupings. These were regarded, not as religions deserving of institutional religious freedom, but as "a source of social disorder, national disintegration and religious 'confusion' in society" (Ropi 2012, pp. 139–40). This rationale was stated even more explicitly in the Elucidation to the 1965 Presidential Edict. It urged the government to take action, so as to lead the followers of aliran kebatinan back "to a healthy vision in accord with the direction of *Ketuhanan Yang Maha Esa*" (ibid.). The Elucidation was not so much a formula for restricting mystical groups' institutional religious freedom, but doing away with it entirely.

The fact that in January 1965 it was President Sukarno who put in place the legal foundation for far-reaching controls on religion and heterodoxy has long struck some Indonesian observers as paradoxical, because the community that was most harmed by

the regulation was the Javanese mystics and various non-standard Muslims who figured among Sukarno's most loyal followers. However, the rationale for the edict lay less in the president's personal religious preferences than in his determination to hold up an eroding base of support in the Muslim wing of his ruling coalition. A few years prior to issuing the presidential stipulation, Sukarno had dismissed Indonesia's Parliament and introduced a presidentially-dominated "Guided Democracy" (Feith [1962] 2006; Lev 1966). In an effort to forge a new government, Sukarno hobbled together an implausible alliance built on his concept of NASAKOM, an acronym for (the unity of) "Nationalism-Religion-Communism". As the acronym implies, the coalition was designed to rest on three sociopolitical pillars: Sukarno's own nationalist supporters; the (as of the early 1960s) even larger Indonesian Communist Party; and, most improbably of all, the wing of the Muslim community associated with the traditionalist and fiercely anti-communist Nahdlatul Ulama (see Boland 1971, p. 102; Fealy 2003, pp. 229–44).

A teetering edifice from the start, by late 1964 the three partners in the NASAKOM alliance had fallen into bitter infighting. In the East and Central Java countryside, mass groupings associated with the PKI and NU respectively had clashed with each other, in contests initiated in the first instance by PKI attempts to use "unilateral actions" (*aksi sepihak*) to enforce certain legislated but as yet un-fulfilled agrarian reforms. Not coincidentally, some of the PKI's mobilizations targeted the landholdings of NU educators—a social class that served as the economic base for the country's powerful network of rural Islamic boarding schools (Dhofier 1999; Hefner 1990). Not surprisingly, too, NU and its supporters responded in kind, mobilizing their own militias in a fierce and effective push-back against the PKI campaign. All this was to prove a dress rehearsal for the horrific violence of late 1965, in the aftermath of the failed 30 September coup (see Fealy and McGregor 2010, p. 40).

This conflict between ostensible allies in the NASAKOM coalition gave strategic urgency to Sukarno's issuing of the presidential stipulation on religious blasphemy and defamation. However, what made the edict of particular interest to NU and others in the Muslim community was not coalitional politics or agrarian class struggles but a matter of a more specifically religious nature—the threat posed by *kebatinan* groups to Muslim hopes to press forward with the Islamization of the country's diverse Muslim populace. What made the defamation edict of such lasting and pivotal influence, however, was that it affected not just *kebatinan* groups but the entire landscape of state regulation of religion in Indonesia. In particular, buried in the edict's four articles were two regulations long advocated by senior officials in the Ministry of Religious Affairs as well as by the country's mainline Muslim social organizations, but strongly opposed by the country's secular nationalists, religious minorities, mystical groups, and the Nationalist and Communist leadership.

The first of these two measures introduced, for the first time in the republic's history, a state list of just which among the nation's many faith traditions it officially recognized as "religions" (agama). The edict did not attempt to provide a definition for religion as such, and no legislative document (as opposed to Ministry communications) has ever done so since. As discussed above, the Ministry of Religious Affairs had long argued for the state's creation of such a list, and had insisted that it should be based on a restrictive rather than a capacious understanding of religion.

Sukarno's edict did not explicitly endorse this MORA position on religion. However, in one important regard the edict went further, identifying six faith traditions as recognized by the state: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. Representatives from the last three communities had been petitioning MORA officials since the early-1950s to receive just such official recognition. After much hard work, in 1963 Hindus and Buddhists had been provided with bureaus in MORA (Bakker 1993; Ramstedt 2004). Although Confucianism was included in the edict's list, it had not yet been given a bureau in MORA, and it would not be until 2000, when President Abdurrahman Wahid finally extended full state recognition to Confucianism.

The second of the two regulations buried deep in the 1965 presidential edict represented an even greater concession to the aspirations and world view of mainline Muslim

organizations, and a serious blow to the country's spiritual-belief and mystic minorities. Article 1 of the Defamation law prohibited all state support for spiritual movements deemed to be "deviating from" (*sesat*) or showing "enmity" toward the country's state-recognized religions (Crouch 2014, pp. 22–23, 161–63; Lindsey and Butt 2016, p. 24). Articles 2 and 3 put in place sanctions through which the president can warn, ban, or jail those who misuse or defame any of Indonesia's recognized religions. Article 4 put in place provisions (art. 156a in the *Kitab Undang Undang Hukum Pidana*) threatening violators with up to five years of imprisonment. In short, the 1965 edict laid a legal foundation for the defense of what the mainstream Muslim community regarded as religious orthodoxy and the prosecution of all deemed heterodox.

Curiously, and notwithstanding their far-ranging scope, the 1965 and 1969 regulations did not result in a groundswell of prosecutions against alleged religious deviants. In the period from 1965 to the dawn of democratic reform in 1998, only about ten cases were brought to court (Bagir 2013). By contrast, in the first five years following the return to electoral democracy in 1998–1999, some 130 cases were prosecuted (Crouch 2014, p. 138).

Although few prosecutions were brought in the years following the issuance of these regulations, the two regulations had a severely constraining effect on Indonesia's religious minorities, not least on mystical movements such as the *aliran kebatinan* (Hefner 2011). In the years following the 1965–1966 massacres, some 1.75 million people—most of them Javanist Muslims or former adherents of kebatinan spirituality groups—converted to Christianity, many in the hope that Christianity might provide a safer shelter than *kebatinan* against allegations that one might be a communist (van Akkeren 1970; Boland 1971, pp. 232–33). Approximately one-sixth that number of people converted to Hinduism, although, unlike the Christian converts, a good number of these Hindu converts returned to Islam several years later (Hefner 2004; Ramstedt 2004).

These examples show that the Defamation law's most lasting influence has had less to do with benefits to any single religion than it did a more general effect on the normative understanding and regulation of religion and institutional religious freedom. The legislation extended public legitimacy and state support to the category of faith-traditions officially recognized as "religion"/*agama*. Officially, of course, "spiritual beliefs"/*kepercayaan* were still listed in Article 29 of the 1945 constitution as benefiting from state protections. However, the Law on Religious Blasphemy and Defamation had put in place a clear and unambiguously asymmetrical hierarchy between religion and spiritual beliefs, and as the New Order advanced—and as Indonesia's Islamic resurgence gained momentum—social and political developments veered against extending state recognition and institutional religious freedom to the adherents of mystical and spiritual traditions. By the late 1990s, these developments had converged to make spirituality traditions more vulnerable than ever to attack by conservative Islamist activists. In the more open and agonistic atmosphere of the post-Suharto Reformasi era, this latent possibility would become an increasingly common and violent reality.

In one sense, there is a bitter irony to these changes. It is that, although in its first years the authoritarian New Order (1966–1998) banned a few left-leaning *aliran kebatinan* and put in place a series of regulations to control religious life (especially political Islam), it remained tolerant of religious minorities, including non-political varieties of *aliran kebatinan* mysticism. Suharto himself was known to have dabbled in the *kebatinan* sciences in his youth and middle years. One of his two closest personal aides during those years, Sujono Humardani, was a practitioner of Javanese mysticism and an ardent defender of *kebatinan* interests (Hefner 2000, p. 83; Ricklefs 2012, pp. 118–24). However, from the late 1990s onward, and in the face of a growing Islamic resurgence and opposition from former allies in the military, the president made extensive concessions to conservative (as opposed to prodemocracy) Muslim groupings, particularly on matters related to institutional religious freedom (Effendy 2003; Hefner 2000). Even then, however, Suharto steadfastly ignored demands from his new Muslim allies to take action against religious minorities, whether *kebatinan* adepts or Ahmadiyah Muslims. It was only after Suharto's fall and democracy's

restoration that acts of violence against Ahmadis, Shi'a, *kebatinan* followers, and other religious minorities escalated dramatically (see Crouch 2014; Human Rights Watch 2013).

One of the most substantial effects of the Defamation regulations, then, has been that, the regulations have provided a legal ground for the way both government and society in Indonesia imagine, regulate, and practice religion. In discursive terms, the consolidation has involved a shift from a relatively unmarked and symmetrical religion-belief binary to a starkly asymmetrical one.

It was this change that was so vividly confirmed in a ruling by the Constitutional Court in 2010. In the face of a bitter opposition from religious-freedom advocates, and in the aftermath of several attacks on Indonesia's small Ahmadi community and other "non-standard" Muslims, the Supreme Court upheld the Law on Religious Blasphemy and Defamation (Bagir 2013; Butt 2016; Lindsey and Pausacker 2016). The landmark ruling effectively confirmed what appeared to have become the new operating consensus on religion and state among political elites and many Indonesians. The ruling made clear that Indonesia was not an Islamic state. However, it simultaneously affirmed the state's right and duty to define, promote, and otherwise regulate religion for the purpose of piety, public safety, and morality. At the center of these developments has been a far-reaching shift in popular and elite understandings of religion, away from the capacious plurality of traditions and practices conceived as "religious" by ordinary citizens during the first years of the republic to a narrower and more state-standardized religious form.

The Court's ruling was deeply disappointing to Indonesia's human-rights and Muslim democratic community, as well as religious minorities. From a law-in-society perspective, however, the Court's ruling was neither startling nor radical. It was the legal culmination of a broader struggle that had its roots in the early- to mid-twentieth century, and which had long divided the proponents of opposed ways of defining religion and implementing institutional religious freedom.

3. Conclusions: Freedom's Contingencies

By way of conclusion, I would like to make two points, both of which are intended to brighten this somewhat dark summary of institutional religious freedom in Indonesia. Notwithstanding the dramatic shift in Indonesian public opinion with regard to religion and spiritual belief, other developments in contemporary Indonesia have served to expand institutional religious freedoms and, no less important, strengthen democracy in this Muslim-majority country. As Jocelyne Cesari has recently and so vividly reminded us (Cesari 2018), Indonesia is one of just two Muslim-majority countries (the other being Tunisia; see Zeghal 2016) who have made a successful transition to a more-or-less fully functioning electoral democracy over the past two decades.

The Indonesian transition was not a story of linear progress toward liberal democracy, but it was significant and impressive nonetheless. During the first years of the transition, the country's Jakarta-based national leadership made steady progress toward the consolidation of key democratic institutions, including free and fair elections; freedom of the press, assembly, and labor; the strengthening of a balance of powers between the executive and the legislature; and the withdrawal of the armed forces from parliament and formal politics. The results of the national elections held every five years from 1999 to 2019 confirmed that, although of two minds on religious freedom and minorities, most of the Muslim electorate preferred to prioritize government services and economic growth over any effort to change the constitutional foundation of the state (Pepinsky et al. 2018; Warburton and Aspinall 2019). In addition, democratic Indonesia witnessed the continuing expansion of Muslim-based non-governmental organizations, including those dedicated to citizen equality, women's rights, and fair-play in democratic elections (Rinaldo 2013; Robinson 2009; Smith-Hefner 2019).

Certainly, there were counter-currents to these Muslim-democratic trends. After the transition's buoyant early years, Reformasi Indonesia witnessed the steady growth of new and assertive varieties of conservative Islamism, expressed most vividly in a proliferation of

vigilante groups. Although a few of these movements benefited at times from the backing of state elites and economic oligarchs, most were small associations based in urban and semi-urban neighborhoods (*kampung*) where economic hardship, an upsurge in crime, and the retreat of state security forces created an opportunity and need for new mechanisms of moral order and public safety. As the Reformasi era moved forward, however, several groupings gained ascendance over the others, forming large militias (*laskar*) with tens of thousands of followers. As with the Amphibi militia in Lombok (Kingsley 2010; Telle 2013), some of these mass-based militias were linked to existing Muslim mass organizations and were concentrated in just one province or among one ethnic group. Others, however, were organized into nation-wide structures under quasi-military commands. By 2005, the largest of these national organizations, the Islamic Defenders Front (Front Pembela Islam, FPI), had established branches in 31 of the country's 34 provinces and claimed a membership of ten million (see Wilson 2006, 2008). Its actual active membership almost certainly numbered less than 100,000, but its alliances and deal-making allowed it on occasion to mobilize like-minded militants several times that number. No less significant, the FPI and other Islamist militias have played a central role in the mobilization against non-Muslim minorities and non-standard Muslims. One-well known example of such campaigns was the huge Islamist mobilization in 2016–2017 against the Christian Chinese governor of Jakarta, Basuki Tjahaja Purnama (Fenwick 2017).

To the consistent surprise of Indonesia nay-sayers, however, the mainline currents in Indonesian Islam, especially those associated with the Nahdlatul Ulama and Muhammadiyah have rallied against the Islamist surge. There is a deeper history to these efforts, one that suggests that institutional religious freedom in an Indonesian and Muslim form has real social roots. As the theorist of comparative democratization, Alfred Stepan (2014, p. 286), has observed, beginning in the 1980s, public intellectuals and leaders from this country's two mass Muslim organizations, Muhammadiyah (25 million members) and Nahdlatul Ulama (50–60 million), produced a "core scholarship" that disseminated Islamic rationales for pluralist democracy to the Indonesia's wider Muslim public (Abdillah 1997; Hefner 2000). This iniative in Muslim society was in turn complemented by equally extensive reforms in Muslim higher education. The government-supported, State Islamic University system (UIN/IAIN) and the private, Muhammadiyah-owned network of (which today has more than 160 colleges) undertook curricular reforms and faculty training programs that sought to expand their educational offerings beyond the conventional Islamic sciences, to include economics, education, medicine, and law (Hefner 2009; Kraince 2007; Jabali and Jamhari 2002). At the forefront of the sciences of the world needed for today's challenges were social sciences seeking to understand modern democracy and citizenship, as well as the Muslim ethics required to realize both. In this same spirit, the democracy-minded educators also welcomed the opportunity to lead the way—as they have since the 1990s to today—in the development of reform-minded curricular materials on Islam and democracy, civic education, gender equality, and the adaptation of Islamic law and ethics to the realities of the modern world (Abdillah 1997; Feener 2007; Jackson 2007; Jabali and Jamhari 2002). Specialists of Islamic education and democratic reform across the Muslim world have long emphasized the critical role played by teacher training and curricular reform in Islamic higher education in efforts to promote democracy and inclusive citizenship (Doumato and Starett 2007; Herrera and Torres 2006). No country's Islamic higher educational system has played a role more decisive than Indonesia's in just such a reorientation of Islamic knowledge and politics.

These initiatives demonstrated that the central current in the Muslim wing of the democracy movement had put in place a social linkage regarded by two leading theorists of democratization, Guillermo O'Donnell and Philippe Schmitter, as necessary if not sufficient for a successful transition from authoritarian rule: a coalitional structure linking "exemplary individuals" knowledgeable of and committed to democratic reform to mass organizations in society (O'Donnell and Schmitter 1986, pp. 48–56). With a few notable exceptions (Bayat

2017, pp. 147, 217), Middle Eastern countries involved during the Arab spring were unable to establish a linkage of comparable force and duration (Brown 2013; Volpi 2013).

One additional contrast with other Muslim-majority countries highlights the significance of these initiatives for the ways in which most Indonesian Muslims understand and practice Muslim public ethics and democratic politics. It is widely recognized that, in many Muslim-majority lands, the late twentieth century's "Islamic awakening" (Ar., *sahwa*) gave rise to efforts by growing numbers of believers to channel their religious enthusiasm into support for campaigns to implement a legislatively-codified and state-enforced variety of "Islamic law" (*shariah*). The fact that such a model of Islamic law has no precedent in classical Islamic history and in fact represents a "a triumph of European models" (Zubaida 2003, p. 135) rather than a return to authentic Islamic tradition has not damped the enthusiasm of its Islamist promoters. Islamist mobilizations in support of "shariah" surged in Egypt, Tunisia, and Morocco in the years following the Arab uprisings (Volpi and Stein 2015), and in northern Nigeria after the return to electoral democracy in the early 2000s (Kendhammer 2017). In all of these countries, "a wave of political openings . . . generated new demands for the codification and application of Islamic law in the public and private lives of citizens" (Kendhammer 2017, p. 3; cf. Peletz 2020).

On this key point, however, Indonesia again seems distinctive, in a manner that underscores the crucial role played by the country's Muslim leadership in the reshaping of Muslim knowledge and its ethical and political priorities. Between 2000 and 2002 the Muslim-dominated National Assembly rebuffed Islamist proposals to change the constitution so as to require the state to implement the Islamists' model of "Islamic law" (*shariah*) for all Muslim citizens (Elson 2013; Hosen 2007; Salim 2008). The effort was opposed by a broad-based party coalition, but opposition to the amendment from the leadership of the Muhammadiyah and Nahdlatul Ulama was especially decisive in ensuring the amendment's defeat. The outcome of the national and regional elections held every five years since 1999 offers additional evidence of this Muslim democratic current. In the national elections held every five years since 1999, political parties dedicated to promoting state-enforced shariah have consistently polled 20% or less of the vote (Fealy 2016).

These and other developments show that public and elite opinion with regard to religion, state, and institutional freedom has changed, but the change is complex and variegated. On one hand, the 2010 ruling by the country's Constitutional Court has made clear that Indonesia is not an Islamic state, but has also affirmed the state's right and duty to define, promote, and otherwise regulate religion for the purpose of piety, public safety, and morality. On the other hand, in 2017 the same court surprised the nation, and especially Muslim conservatives, when it responded to a petition initiated by a group of followers of indigenous religions and mystical associations, supported by a Yogyakarta-based NGO, Satunama. These groups petitioned the Court to allow the followers of indigenous religions and *kepercayaan* to fill in the name of their belief system in the "religion" column of the ID card. The prior regulation, reinforced in a 2006 law, stipulated that the followers of such "unrecognized" religious or belief traditions had to fill in the religion column with the name of one of Indonesia's six "recognized religions" (Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism)—or leave the column blank. The latter option was actually an improvement on the previous law, in that it provides a seventh option of leaving the religion box blank, but it was seen by the petitioners as still leaving room for state discrimination and social stigmatization. The Court's acceptance of the petition disrupts the long-accepted definition and boundaries of religion in Indonesia by implying that the category of "religion" should be understood to also include spiritual beliefs or *kepercayaan*.

A number of Muslim groups were startled by and protested the court's ruling and felt that the decision was against what they regard as the "national consensus". Din Syamsudin, the former head of Muhammadiyah and a member of the Board of Advisors of the Indonesian Council of Ulama, stated categorically that *kepercayaan* or indigenous religions are different from (true) religion. Although the national Christian association of

churches (PGI) welcomed the decision, a good number of Protestant churches, especially evangelicals, voiced similar objections to the court decision. The Constitutional Court's decision remains controversial, then, but it underscores that institutional religious freedoms for minority religions and spiritual groups may yet improve.

There is a second and more general conclusion to be drawn from the Indonesian example. As is well known, the theme of the modern "invention" of the category of religion has been a pervasive one in religious studies over the past. Inspired by the insights of the anthropologist Talal Asad (Asad 2003), many analysts have assumed that the category of religion constructed and enforced in most of the modern world is, as Asad argued, "a modern, privatised Christian one because . . . it emphasises the priority of a belief as a state of mind" (Asad 1983, p. 247; Mahmood 2015) over publicly practiced acts and observances. However, this generalization requires serious rethinking.

Asad is certainly right to highlight the role of states and governance in transforming understandings and practices of religion and ethics in modern times. He is also right to situate citizen- and nation-making at the very heart of this process; this latter point has been confirmed in numerous studies from around the world on religion-making in modern nation-states. However, Asad's weightier claim that modern religion has everywhere been reconfigured as *private and belief-based* rather than public and institutional is empirically misleading, obscuring the diverse array of religion–state–society transformations that have taken place in countries around the modern world, including here in Indonesia and much of the modern the West. Rather than stripping citizenship and national identity of all traces of religious identity, nation-building and citizen making in Indonesia, as in the modern West, often retained religion as an important part of public life and citizenship ideals (see Fox 2012). More specifically, rather than privatizing religion, nation-state and citizen-making more commonly worked to publicize and prioritize institutional religious freedom for certain religious communities while excluding or stigmatizing others. The pattern of "Protestant quasi-establishment" (Kuru 2009) characteristic of American citizenship over most of the nineteenth and early twentieth century is just one striking illustration of this fact (McLeod 2003, pp. 4–5; Stepan 2011).

The fact that institutional religious freedom is so deeply polity-contingent may at first sound like a counsel of pessimism for the proponents of religious freedom. However, it should not be. As is also the case in India, Western Europe, and the United States, and as Ahmet Kuru (2019) has suggested in his recent book on Islam and development, the fact that the achievement of institutional religious freedom is dependent on social coalitions promoting different definitions of religion and different visions of institutional religious freedom in fact suggests that the fate of religious freedom is not determined by unchanging civilizational formula, but by path-dependent political and intellectual processes. For internationalists committed to the promotion of institutional religious freedom, this simple truth suggests three steps to more effectively promote institutional religious freedom.

The first is that we must be deeply aware of the fact that religious and national communities define the category of "religion" in different ways. In a recent and important book on comparative politics and political theology, Robert Joustra has made this same point (Joustra 2017). Although at first sight this definitional fact may create the impression of a hopeless relativism on matters of institutional freedom, in reality it provides a key policy instrument for bridging cultural barriers and drawing policy makers and publics into a deeper dialogue on how to engage religion's realities and promote institutional freedom.

The second step this analysis suggests is that any effort to promote institutional religious freedom in a specific national setting must begin with a careful mapping of the movements and coalitions most capable of consolidating institutional religious freedom in a socially realistic way. Merely broadcasting the ideals of institutional freedom or using them to grade a nation's progress is not in itself enough to spur freedom's progress; in fact, such efforts may backfire. The better tack is to identify coalitions and partners, and build on local religious and national sensibilities rather than ignore them (Kuru 2019).

The third and final step the Indonesian example recommends for progress in institutional religious freedom is the most sobering: it is that institutions so vital for religious communities' flourishing may at some point infringe on the institutional freedoms of other religious communities. Inasmuch as this is the case, the unexpected but essential truth at the heart of the ideal of institutional religious freedom is that, rather than absolutization, its precise policy terms must be continuously recalibrated and refined in respectful dialogue with and recognition of citizens and believers from outside one's own religious community.

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