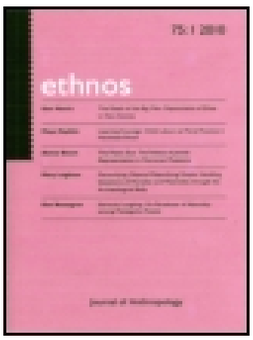

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Faith on Trial: Blasphemy and 'Lawfare' in Indonesia

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ABSTRACT

This article develops the argument that blasphemy trials occupy a pivotal role in 'religion-making' in post-1998 Indonesia. Examining a blasphemy trial on the island of Lombok in 2010, I argue that the process of democratisation has given civilian actors more opportunity to engage Indonesia's blasphemy law, a process analysed in terms of 'lawfare'. Examining the interplay of legal regulation and the campaign against 'deviant' religion launched by conservative Muslim groups, the article tracks the affective consequences of this regulation, showing how the blasphemy law inspires civilians to investigate suspected cases of heresy. While blasphemy trials purportedly protect religion from insult and foster religious order, this article argues that religion lawfare breeds suspicion and divisions among citizens.

KEYWORDS Religion; lawfare; blasphemy trials; secularism; Indonesia

In May 2010, a 70-year-old Muslim farmer from East Lombok, who claimed to have received revelations from the Angel Gabriel and to have visited heaven on several occasions, was charged under Indonesia's criminal code with the offence of 'insulting a religion' (*penodaan agama*). The prosecutor asked for a 1.5-year sentence, but the judges on the District Court in Selong ruled that a one-year prison sentence was sufficient since the accused did not have a criminal record, was of an advanced age and had declared himself willing 'to return to the true Islamic teachings'.[1] The question of what is the 'true' form of Islam has occupied and divided Muslim clerics and jurists since the beginning of Islamic history. In Indonesia, the world's largest Muslim-majority country, the civil courts are increasingly adjudicating such theological disputes. Since 1998, when Indonesians embarked on a process of democratisation, the courts have become more busy handling blasphemy cases than during Suharto's authoritarian New Order regime (1966–1998).[2]

This article provides an ethnographic analysis of a blasphemy trial on the island of Lombok.[3] Tracking the legal and extra-legal process to convict Pak Abdullah alias Amaq Bakri for blasphemy, I argue that this trial exemplifies a growing juridification of religion that is affecting conceptions of both religion and law. When I suggest that Amaq Bakri fell victim to 'lawfare' (Comaroff & Comaroff 2006), it is to underscore the violence perpetuated through the legal process and in the name of state law. By speaking of lawfare, I also want to highlight that the building of a legal case involved dissimulation and deceit, including attempts to trick the accused man into calling

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himself a prophet (*nabi*), a highly sensitive issue in contemporary Indonesia. The Salafi preachers who launched a covert investigation into this man's religious life agreed that they transgressed ethical norms, but insisted that the 'war on deviant religion' in which they are dedicated foot soldiers sometimes demands breaches of ordinary ethics.

Blasphemy trials are often portrayed as remnants of the pre-modern failure to separate religion and politics, an affront to what Latour (1993) calls 'the modern constitution'. I argue that Indonesian blasphemy trials belong firmly within a tradition of the legal secular, illustrating the pivotal role of law in defining the boundaries of religious life, not only in Indonesia, but in late modernity more generally (Asad 2003; Sullivan 2005). Rather than being an exception to an ostensibly theologically neutral form of modern statecraft, these trials illustrate how modern state power routinely turns religion into an object of politics. Here I draw on Agrama's (2012: 29) argument that secularism involves an 'ongoing, deepening entanglement in the *question* of religion and politics, for the purpose of identifying and securing fundamental liberal rights and freedoms'. Far from securing liberal rights and freedoms, Indonesian blasphemy trials mark the line between 'good' religious citizens and those embracing illicit religiosity. Being geared towards the production of normative religious being, trials serve as an important 'religion-making' (Mandair & Dressler 2011) technology. In this case the court criminalised experiences that challenge the state-sanctioned conception of prophesy in Islam, which reveals that the distinction between 'spiritual' and 'religious' remains central to the Indonesian 'variety of secularism' (Bubandt & van Beek 2012).

Blasphemy trials provide a compelling site for exploring the changing dynamics of law and the governance of religion in Indonesia. Since 1998, democratisation has given civilian and religious actors, notably the Council of Indonesian Ulama (MUI), a greater role in shaping the enforcement of the Blasphemy Law whose constitutionality was affirmed by the Constitutional Court in 2010 and 2013.[4] Expressing a form of 'legalisation from below' (Eckert 2006), these coalitions have pushed for stricter regulation of blasphemers, arguing that such 'deviant' (*sesat*) figures threaten mainstream Muslims and national unity. Discourses on deviancy are thriving in a highly mediatised reality, facilitated by the liberalisation of the public sphere. The circulation of photos and videos of 'false prophets' via social media fosters the impression of a proliferating deviance which needs to be contained through lawsuits. By locating trials within this national media-scape, I show how religion lawfare operates in tandem with a divisive politics of incitement.

The use of courts to suppress dissent is not, however, a new phenomenon in Indonesia. The case against Permadi Satrio Wiwoho, an outspoken Javanese lawyer and mystic who was convicted of blasphemy in 1995, is instructive for drawing out shifts in how trials functioned under the New Order and today. One of the high-profile trials towards the late New Order era, the case was brought by a leading member of the ruling Golkar party, who accused Permadi of insulting Islam by calling Prophet Muhammad a benign dictator during a university debate. Yet even the tightly controlled press suggested quite openly that Permadi's crime was to have insulted the President. Illustrating the blurred line between political and religious subversion, this important trial signalled President Suharto's new alliance with conservative Muslims. The few Muslim organisations that fully endorsed the regime's anti-Permadi campaign are now in the forefront of the 'war on deviant religion'.

Whereas New Order trials were orchestrated 'from above', I argue that religion lawfare involves more complex dynamics today when these processes are largely initiated 'from below', by coalitions of citizens conspiring to convict fellow citizens

for blasphemy. The East Lombok trial discussed here illustrates another trend in post-98 trials, namely that those targeted for blaspheming Islam tend to be individuals or small local groups with no international networks (Crouch 2014).[5] While trials enact 'good', scripturalist religion, I argue that enforcing religious order through legal means entails several paradoxes. When the courts prosecute people who claim intimate contact with the Archangel Gabriel and other Muslim spirits, they simultaneously deny and affirm their public and political salience. One consequence of religion lawfare is to generate outlaws and inequality between people of different religious persuasions. Rather than fostering national unity and religious order, I argue that the resort to lawfare breeds suspicion and divisions among neighbours and citizens.

Law's Power

Why do people on Lombok and elsewhere in Indonesia increasingly turn to law and formal adjudication to sort out conflicts involving religion and ethics? How do judges trained in civil and criminal law ascertain that those accused are guilty of 'insulting a religion'? If law and legal categories increasingly provide the vocabulary through which political contestations are played out, as Comaroff (2009) and Agrama (2012) among others have argued, does this have implications for the kinds of religiosity that are likely to flourish?

These questions point to the mutually involved ways of religion and law in Indonesia, an archipelago-nation with over 255 million people and the world's third-largest democracy. Today, the rule of law has become the 'linchpin of legitimate governance' (Benda-Beckmann *et al.* 2009: 7). What is less often acknowledged by those who promote the rule of law globally, is Sullivan's (2009: 228) observation that, 'any theory of the rule of law must imply a theory of religion as well, particularly in the modern period'. By raising this point, Sullivan wants to question common understandings of law as autonomous, universal and secular, in the sense of being neutral and paradigmatically rational. Understanding what conception of religion is embedded in secular law is important at this time when great hope is pinned on law's transformative potentials. An explosion of 'rights talk' (Glendon 1991), widespread 'constitutional faith' (Beyer 2015) and reliance on legal claims-making by a variety of actors are just some examples of a global culture of legality.

A culture of legality is definitely in the making in Indonesia, and I argue that the rising number of blasphemy trials since 1998 is one expression of this trend. Major legislative reforms have accompanied Indonesia's transition to democracy. Besides amendments to the Constitution that inserted a range of human rights into the Constitution, this includes the establishment of a Constitutional Court and other specialised courts, and the strengthening of various non-judicial review mechanisms of government action (Colbran 2010). With democratisation has come a mounting judicialisation as various groups have turned to legal means to voice claims. The numerous election-related lawsuits initiated by political candidates seeking to invalidate electoral results illustrate this trend (Mietzner 2010). Conceiving lawsuits as political tools, Bubandt argues that they are vehicles for moving competitive democratic politics into a 'heterotopic' (Foucalt 1986) arena, 'where politics can be continued in a different and partly occult manner' (2014: 87). Instead of dispelling the judiciary's reputation as one of the nation's most corrupt institutions (Butt & Lindsey 2011), these dynamics will likely reinforce the perception that the courts serve particular interests.

This article departs from the assumption that law's power is always used for particular ends, having potentially 'tonic' as well as 'toxic' effects. I borrow these evocative terms from Smith's *Conjuring Culture: Biblical Formations of Black America* (1994), where he examines how black Americans have tried to 'render American law as a social curative or *pharmakon* (Greek: medicine, poison) for transforming the destructive reality of slavery' (1994: 84). Whereas defenders of the Blasphemy Law stress its role in protecting religion from defamation and fostering national unity, this article explores the law's violent underside, its 'toxic' effects. Besides the violence of criminalisation, I identify proliferating suspicion as a harmful residue of the religion lawfare enabled by Indonesia's blasphemy provisions.

The mobilisation of law to enforce orthodoxy involves the paradoxical dynamics that the Comaroffs (2006) identify with lawfare, conceived as 'a species of political displacement' (2006: 30) whereby political struggles become hostage to the dialectic of legality and illegality. The definition of blasphemy in the Criminal Code is very broad, which means that a wide range of actions or utterances can be considered 'insulting to a religion'. With religion lawfare, the civil courts become arbiters of 'true' versus 'false' religion. As no court possess impartial criteria to judge whether a practice deviates from 'true' religion or not, the failure to be neutral seems inevitable (De Roover 2011). Given that the courts operate with a concept of legal religion that in its basic grammar is similar to a modernist conception of Islam, I argue that some groups have more to gain by turning to the law than others.

My attempt to follow the social life of the Blasphemy Law in Lombok reveals a strong investment in this law among those on the conservative, Islamist end of the Islamic spectrum.[6] For some, this inspires experimentation with techniques of investigation and testimony. When legal procedures of truth-seeking and discipline move out of the courthouse and the police station and become imbricated in everyday life, we are in the realm of what Cover (1983) termed jurisgenerativity, law's capacity to generate a normative universe of meaning that escapes formal rulemaking. Being interested in the 'common places of law' (Ewick & Silbey 1998), I show how some groups invoke the Blasphemy Law to change the religious landscape. Taking us into the murky realm in which state-sponsored discourses of religious deviance inspire vigilant citizens to launch a covert investigation, the East Lombok trial discussed here spotlights law's generativity, illustrating how the bureaucratic regulation of religion combined with lawfare yields a troubling, toxic mix.

Documenting Deviancy

Let me now turn to my encounter with Amaq Bakri, a sprightly Sasak farmer, who in May 2010 was charged under Article 156 (A) of the Criminal Code and sentenced to one year in prison. In Indonesia the offence of 'insulting a religion' carries a maximum penalty of five years of imprisonment, hence the sentence was relatively light. Since his release, Amaq Bakri has returned to the village in northeast Lombok where he and his wife eke out a humble living cultivating vegetables.[7] Finding the village noisy and 'hot' (*panas*), they now live in a simple field-house on the slopes of the Rinjani volcano. On Fridays he attends the collective worship in the mosque and buys tobacco in the market. Three evenings per week, he and a few companions recite verses from the Quran and discuss spiritual matters, much as before the trial. While marked by the penal process, it had not crushed his spirit. Noting that more

people seek him out today than before the trial, he observed that they lately also come from faraway places, like Jakarta, Australia, Japan, and Norway.

Considering all the trouble the state took to have him sentenced, it is not surprising if more people become interested. By putting him on trial, the state conferred a new identity on a man whose life had been transformed by several encounters with Muslim figures inhabiting the 'in-between' realm (*alam barzakh*). Also known by Sasak Muslims as the 'other world' (*alam kedua*) or the 'invisible world' (*alam ghaib*), this is the transitional space where the dead and other spirits dwell and that the living may visit, for instance, while dreaming (Telle 2016b). Undoubtedly, the trial polarised the community, and the fact the couple avoids the village indicates that these rifts remain. People in nearby hamlets turned visibly nervous when my Indonesian colleague and I showed up, fearing that we worked for the government or were journalists. Some villagers and low-ranking village officials were adamant that the trial was unfair and unnecessary. Others were keen to distance themselves from this controversial man, as a neighbour who said: 'Nowadays few people come to see him. His followers act strangely. Some even carry torches in bright daylight. Only crazy people do such things.' Light being important in Amaq Bakri's Sufi-inspired universe, the neighbour referred to the fact that followers would receive a flashlight as a reminder of how 'light' (*cahaya*) ensures a safe passage through life and death.[8] Children and grandchildren have begged him to keep quiet about his spiritual experiences and to stop curing patients, as this involves trafficking with spirits. Having received death threats from an Islamic militia, Amaq Bakri knows he is living dangerously.[9] Yet he summed up his experience with criminal justice saying: 'We must not feel revenge even though people hurt us. I'm ready to be shot. I'm willing to be put in prison for the sake of defending the truth.'

Why did this elderly Muslim man from East Lombok receive a blasphemy sentence? Let me address this question by outlining how I stumbled upon some of the actors responsible for bringing him to court. In connection with research on the failed initiative to construct a Hindu temple in north Lombok (Telle 2013, 2016a), I interviewed several Muslim preachers (*da'i*) about their *dakwah*-mission in Bayan, which remains a *wetu telu* stronghold, despite longstanding efforts to reform this non-standard variant of Islam (Cederroth 1996; Budiwanti 2014). Sponsored by a boarding school in West Lombok, they were affiliated with the Indonesian Council for Islamic Predication (*Dewan Dakwah Islamiyah Indonesia*, DDII), an Islamist organisation and conduit for Salafi-oriented Islam. Founded in 1967, DDII has been described as being committed to an 'internationalist and fiercely anti-liberal variant of reformist Islam' (Hefner 2000: 110). When the interview was over, a man I call Ustad Saleh surprised me by announcing that he and his colleagues had recently exposed a charlatan who pretended to be God's messenger (*Utusan Tuhan*) and helped bringing him to justice.

In 2009, one preacher overheard some locals discussing a man who allegedly had ascended to heaven and cured afflictions caused by spirits. Shocked by these claims, the preachers consulted their religious leader, a well-connected cleric (*tuan guru*) who advised them to collect solid information and document their findings. Hence, armed with a rented video camera, paper and pens, two men travelled by motorcycle to the northeast corner of Lombok, where they easily found the person they were looking for. Introducing themselves as spiritual seekers who had received supernatural signs and dreams directing them to seek him out, they were well-received and asked to stay. In his youth, Amaq Bakri had travelled around Lombok, studying with teachers of

Islamic mystical knowledge (*ilmu tassauf*) or Sufism. Over the next week they spent long hours interviewing their host about his spiritual adventures, also taking part in daily chores. Many interviews were video-recorded, including a gathering of family and companions. Once they had collected plenty of material, they asked him to verify that the notes contained the teachings of his 'school', Istijenar Raksa Gunung Rinjani, a name evoking the great Rinjani volcano, which holds a central place in Sasak and Lombok Balinese cosmologies (Cederroth 1981; Telle 2009; 2013). To lend greater weight to the act of signing, the notes were sealed. Both the video and the notes were handed to MUI-officials in West Lombok, who informed their colleagues in East Lombok. This material proved useful when the East Lombok branch of the MUI in October 2009 issued a *fatwa* (Islamic legal opinion) declaring the teachings to be 'deviant and causing deviance'.[10]

The amateur video documenting what Amaq Bakri and his small group of followers were up to also throws light on the preachers, their methods and concerns. More of an interrogation to extract a confession than an open-ended interview, the conversation is conducted in a mix of Sasak and Indonesian, with direct questions in Sasak as the interviewee's command of the national language is limited. What is striking is how the preachers invite the old man to call himself a prophet (*nabi*), a title he refuses to apply to himself. In fact, I would say that they try to trick their interlocutor into using this charged title as they frequently bring up this term. Besides testing their interlocutor's commitment to the orthodox Sunni position that Muhammad was the final prophet in Islam, the questioning was informed by the knowledge that Indonesian law prohibits interpretations that deviate from the core teachings of Indonesia's six legally sanctioned religions, an issue I return to shortly.[11]

The questioning departs from the assumption that the vivid narrative – visions of heaven and hell, sensuous encounters with the Angel Gabriel – is not just misguided but heretical. A key figure in Islam, it was the Angel Gabriel who conveyed the Quran to the Prophet Muhammad, who received the revelation as sounds (Graham 1977). As a 'religion of the book', Islam is built around the premise of divine revelation and the Quran is often seen as evidence of this historical event. The possibility of similar occurrences is thus perfectly conceivable and one reason why generations of Sunni theologians have insisted that Muhammad was the last prophet and that new revelations are not forthcoming. Amaq Bakri's claims to have ascended to heaven, where the Angel Gabriel showed him around and divulged new knowledge exceed the boundaries of reason. But dream-visions and mystical experiences are common in Sufi-inspired forms of Islam (Howell 2005; Mittermaier 2011; Bubandt 2014). To the Salafi-inspired DDII-activists, dream-visions and transactions with spirits violate God's unity (*tawhid*). As they explained, when an illiterate farmer takes himself to be God's vehicle, ignorance and superstition is getting out of hand.

Judging from the video, the old man was eager to share his remarkable experiences in the 'invisible realm', taking pleasure in having attentive and patient listeners. What he failed to realise was how his stories of an existential quest to navigate through this world and the 'other world' were being distilled into a new object. Elicited through methodical questioning, the stories assumed new meaning as they were 'translated' (Rafael 1988) into the questioners' conception of Islam, based on a literalist reading of the scriptures. Judged against this standard, the preachers never doubted that this qualified as unlawful innovation (*bidah*). Objectified in writing and documented on video, these co-constructed accounts assumed the sinister aura of 'deviant' (*sesat*) teachings as they

passed through various religious and legal institutions. Before tracing this journey, I will discuss how 'deviant' teachings are shadows of secular power, products of a statist project of 'religion-making' (Mandair & Dressler 2011).

'Religion-Making' in Old and New Order Indonesia

The predicament faced by this Muslim man who was convicted for 'insulting a religion', is the product of a legal perspective that presumes that the state has a role in protecting religion from defamation. To grasp the Indonesian state's 'theory of religion' (Sullivan 2009), it is useful to examine what has been included in, and what has been excluded from, the legal status of religion (*agama*). Hence, this sketch centres on 'religion-making from above' (Mandair & Dressler 2011: 21), the authoritative discourses and practices that define and confine things as 'religious' through the disciplining means of the state and its institutions.[12] This will illustrate how successive regimes have shaped notions of licit and illicit religion, thereby exercising what Agrama (2012: 39) calls 'the active principle of secularism', the state's authority to decide what counts as religious and what scope it can have in public life.

The Preamble to the 1945 Constitution affirms that the state rests on 'belief in the One and Only God', the first of Five Principles (*Pancasila*) constituting the Republic's ideology. The Constitution guarantees citizens the freedom to practice their own religion, but the Ministry of Religion soon introduced a more narrow definition of what qualifies as religion. As *agama*, a Sanskrit loanword, was elevated to the status of religion, the term was disassociated from both 'law' and 'tradition', two of its original meanings (Picard 2011). According to the Ministry,

> a religion would have to be revealed by God, possess a prophet and a holy book, have a codified system of law for its followers, and further, it should enjoy international recognition and not be limited to a single ethnic group. (Picard 2012: 13)

This narrow definition posed problems for many groups, spurring processes of 'religionisation' (*agamaisation*) (Cederroth 1996; Hefner 2011) in order to gain state recognition.

The surveillance of groups suspected of deviating from or lacking a proper religion goes back to the early decades of the Republic. Besides the introduction of a decree in 1951 to make religious study compulsory in state schools, in 1954, the Ministry of Religion set up an Inter-Departmental Committee for the Supervision of Faith Movements in Society tasked with monitoring heterodox and so-called 'mystical beliefs' (*aliran kepercayaan*) (Hefner 2013).[13] The policing of non-standard religions received a boost in January 1965, when President Sukarno signed Presidential Order No. 1, on the Prevention of the Misuse/Insulting of a Religion, which specified that six religions (Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism) were recognised by the Constitution and that deviations from their 'core' tenets should be prohibited. Law being a tool for securing the state, it is not accidental that this Presidential Order was introduced as tensions were mounting between the major Muslim mass organisations and the Indonesian Communist Party (PKI).

General Suharto's New Order regime (1966–1998) emerged in the aftermath of the failed coup on 1 October 1965, which the army blamed on the Indonesian Communist Party. At least 500,000 people were killed, thousands imprisoned without trial and subjected to further persecution once released (Cribb 1990). Many of those killed on Java

and Lombok adhered to localised varieties of Islam, known as *abangan* on Java and *wetu telu* on Lombok (Cederroth 1981; Hefner 2011), many of whom were peasants who had been attracted to the prospect of land reform. Once in power, the regime pushed through laws to combat groups deemed susceptible to communism, including a 'building-up' programme to foster loyal citizens. A cornerstone of New Order secularism was the distinction between 'religion' (*agama)* – exclusivist, congregational, scripturalist, and universalist – and 'streams of beliefs' (*aliran kepercayaan*), a broad category designating followers of ethnic religions, mystical groups, and syncretic 'new religions' formed around self-proclaimed prophets (Bubandt 2012; Picard 2012). Lumped together by what they purportedly lacked, the latter were regarded as 'people who do not yet have a religion' (*orang yang belum beragama*), and associated with backwardness and subversion. As the 'not yet' indicates, they were expected to embrace a religion, a requisite of good citizenship. In 1969, Sukarno's decree was upgraded to the status of law (UU. No.5) and is known as the Blasphemy Law. Henceforth all citizens were required to adhere to one of five religions: Islam, Protestantism, Catholicism, Buddhism or Hinduism. As the regime legitimated itself as saving the nation from godless communists, Confucianism lost its status as a recognised religion, a status only regained in the early *Reformasi* era.

The Blasphemy Law, as Melissa Crouch (2014: 22) notes, 'is very brief yet wide in scope, with just four provisions'. Article 1 contains a prohibition on publically interpreting or undertaking religious activities that resemble the religious activities of the religion, where such interpretations and activities deviate from the core tenets of one of the six religions. Article 2 provides that the Minister of Religion, the Attorney General and the Minister of Home Affairs can issue a warning to those who violate the first provision. If a person or group continues to act in breach of Article 1, Article 3 specifies that they can be imprisoned for up to five years. Pivoting around the distinction between a normative standard and deviation, the law articulates a modernist notion of religion, one that is focused on essences and boundaries. Importantly, the law does not articulate concepts of blasphemy or offence from within any specific religious tradition. Rather, the terminology used is to prevent the 'misuse and/or insulting of a religion' (*penyalahgunaan dan/atau penodaan agama*). Deviance is essentially a departure from an orthodox standard. Consequently, six national religious councils have been authorised to decide what counts as official doctrine and resolving disputes (Colbran 2010). With this broad definition, a wide spectrum of acts may be deemed blasphemous.

Perhaps surprisingly, during 32-years of New Order rule there were less than ten court cases were people were prosecuted for blasphemy. A striking feature of these trials, which all involved disputes within Islam, is the porous line between political and religious subversion. This is apparent in the trial of Permadi Satrio Wiwoho, a well-known Javanese lawyer, aristocrat and mystic, who in 1995 was found guilty of slandering Islam by calling the Prophet Muhammad a benign dictator during a seminar at Gadjah Mada University in 1994. A vocal critic of the corruption in the president's inner circle, Permadi had earlier predicted that Suharto's regime would collapse under bloody circumstances in 1997 or 1998, and likely replaced by Megawati Soekarnoputri, the chairperson of the Indonesian Democratic Party (PDI) and daughter of Indonesia's first president. To make such prophesies available through radio interviews and cassettes at this time when the regime's future was getting uncertain and major political weeklies had just been banned was to court trouble.

Although Suharto had begun to cultivate conservative brands of Islam since the late 1980s and early 1990s, I agree with Hefner that the regime's anti-Permadi campaign was part of 'a dangerous new policy on Islam' (2000: 167). Seeking to neutralise the growing prodemocracy movement by mobilising conservative Muslims, this policy involved playing different Muslim groups against each other. The case was brought in March 1995 by Din Syamsuddin, an elite Golkar politician and former head of Muhammadiyah's youth-wing, a modernist Muslim mass-organisation. Besides releasing statements in the Muslim-oriented press, Din contacted the head of the government-sponsored Council of Indonesian Ulama (MUI), who declared that Permadi had slandered Islam. Within weeks, Islamist groups organised a nationwide campaign to get him convicted. Fearing for his life, Permadi turned himself into the police for interrogation and protection.

Though Permadi was convicted of slander and sentenced to eight months in prison, this highly politicised trial was arguably more of a failure than a success for the government. Of the major Muslim organisations, it was only the Indonesian Council for Islamic Prediction (DDII) and its affiliates that fully endorsed the campaign, with articles in the *Dewan Dakwah* magazine declaring that this spelled 'the collapse of mysticism in Indonesia' (Hefner 2000: 179). After the initial stir, leaders of the large Muslim organisations strove to diffuse tensions, and his house was guarded by Muhammadiyah youth. In court Permadi delivered a spirited defence plea that took over nine hours to read. Combining fiery words and chanting, he mocked the judges by talking of 'supernatural' phone calls demanding his conviction under any article of the Criminal Code, and was cheered on by the audience (TAPOL Bulletin 1995). Journalists discovered that the transcripts of Permadi's original talk had been tampered with, placing his words out of context. Far from instilling faith in the legal system, the exposure of such fraud fostered sympathy for the defendant. Permadi's wry observation that New Order justice involved 'supernatural' powers seems to have been confirmed by the light sentence which was, as Hefner notes (2000: 179), widely taken as proof that high-ranking officials close to President Suharto, including his wife, had been upset by the crudely politicised campaign.

Democratic Reforms and the 'War on Deviant Religion'

In the early *Reformasi* period, when Indonesians began experimenting with democracy, the scope for expressing different forms of religiosity widened. This was evident in the rise of movements of eclectic, non-denominational forms of spirituality, among the urban middleclass, including spiritual reform programmes promoting an ethic of self-government (Howell 2005; Rudnyckyj 2010). There has also been renewed interest in devotional forms of Sufism, promoted by celebrity preachers and televangelists. Such developments were supported under Abdurrahman Wahid's presidency, as he championed a 'mild secularism' that stressed the compatibility of Indonesia's pluralist Islamic tradition with democracy while aiming to keep Islam out of politics (Hefner 2000; Bubandt 2012). But it did not take long before concerns were raised about the harmful effects unregulated pluralism was bound to have on the nation's religious well-being. Liberalisation of the public sphere after 1998, as George (2009: 592) has noted, 'accelerated debate and difference within the *ummat* on matters of cultural and political expression'. Constellations made up of the Council of Indonesian Ulama (MUI) and Islamist groups have coalesced around contentious issues like

pornography and 'deviant' religiosity, calling for new legislation and demanding more prosecution.[14]

Let me illustrate this trend with the MUI's campaign against 'deviant sects' (*aliran sesat*), a move bound up with positioning itself as the guardian of Islamic and public morality. Established in 1975, the MUI was set up as a semi-official religious authority to guide the entire Muslim community. Being financed by the state, the council was often criticised for issuing opinions to satisfy the regime. Since 2002, when MUI declared itself independent from the government, it has positioned itself on the conservative end of Indonesian Islam (Olle 2009; Bruinessen 2013; Ichwan 2013). During the national congress in 2005, MUI released 11 opinions aimed at suppressing 'deviationist' currents. One *fatwa* declared the Ahmadiyah to be 'outside Islam', and called on the government to ban the movement. Another declared 'secularism, religious pluralism and liberalism' to be incompatible with Islam, and referred to these ideologies by the acronym *sipilis*, the term for syphilis. Leaders of the major Muslim organisations criticised the MUI for issuing these opinions, but Cholil Ridwan, the leader of the Indonesian Council for Islamic Predication (DDII), was quoted in the *Jakarta Post* saying: 'We have to vaccinate our congregation to prevent them from this *sipilis* virus.' He also vowed to 'fully support the MUI in its "war on deviant thoughts"'.

On Lombok, located between Bali and Sumbawa, religious leaders and bureaucrats have followed the national debate on religious pluralism closely. Shortly after the Minister of Religion visited Lombok in 2005 on his tour around the country to warn civil servants about the problem of 'deviant sects' efforts to regulate the religious landscape were stepped up. In April, TGH Hazmi Hamzar, the Secretary of MUI in West Nusa Tenggara province, announced: 'We will identify deviant religious practices (*praktik aliran sesat*) on Lombok. If such practices are allowed to continue, the situation will become unhealthy.' In October, the provincial branch of the Ministry of Religion banned and placed 13 'mystical groups' (*aliran kepercayaan*) under surveillance. Apart from the Christian Yehova Witnesses and the Hindu Satya Sai Baba, the other groups were all deemed to deviate from 'proper' Islam, the religion embraced by the vast majority in the province.

Besides relying on the repressive power to ban, I argue that local state agencies engage in a politics of incitement reliant on imagery that is designed to provoke fear and loathing. Mazzarella and Kaur's (2009) approach to censorship as a form of 'cultural regulation', is helpful for grasping these dynamics. Whereas censorship and publicity are usually considered to be distinct, if not opposed, phenomena, Mazzarella and Kaur locate these phenomena on a continuum of public interventions that seek to 'generate value (commercial and/or symbolic) out of a delicate balancing of incitement and containment' (2009: 14). Contemporary discourses on religious deviance combine militaristic imagery of warfare with that of a virus or cancer corrupting the social body. Sometimes deviance is linked to harmful sexuality, as in the MUI's syphilis metaphor. The standard phrase describing such groups as 'deviant and causing deviance' (*sesat dan menyesatkan*) evokes the spectre of contagion. The social body is depicted as a battleground between contagious forces and heroic defenders. By fostering the impression that purveyors of 'deviant' religiosity are corrupting the nation and religion itself, state agencies engage in an affective politics that risks spiralling out of their control.

This divisive religious politics reveals a marked continuity with how the Suharto regime cultivated the spectre of a 'national menace' (Siegel 2006: 135) by reminding citizens of the danger of 'organizations without form', Communists, criminals, and social

disruptors. Much as these figures were endowed with a 'mythical power to regenerate themselves, and with a force of social disruption that seemed all the greater because it was so little evident in the world' (2006: 159), purveyors of 'deviant' religiosity are nowadays imbued with ominous power. They are thus related to a string of figures of 'latent political danger' that have animated the Indonesian political imagination since the New Order, if not longer (Bubandt 2014: 38–39).

The 'war on deviant religion' underway on Lombok and elsewhere is also linked to global wars fought against abstract concepts or values. 'By its very abstraction', Devji (2005: 156) observes, 'the "War on Terror" leaves behind all enemies of a traditional kind to contend with something more metaphysical than empirical'. The enemy is a moving target whose powers seems to be augmented by Indonesia's War on Terror. In 2013, a large banner outside the Police Headquarters in Mataram, the provincial capital, admonished citizens to: 'Be vigilant (*waspadai*) against terrorist efforts (*upaya-upaya terrorisme)* to spread deviant sects.' Being vigilant is no licence to act violently, yet it would hardly be surprising if such discourse also inspires violence. Over the past decade, the local press has carried numerous reports about the police investigating individuals or groups suspected of practicing 'deviant' religion, usually after receiving tips from concerned people or after violent incidents in which those branded as 'deviant' or their property have been attacked by mobs.[15] A less tangible but pernicious impact of such repeated calls for vigilance is creeping mistrust and suspicion.

Faith on Trial

The legal process against Amaq Bakri in 2009 shows a remarkably smooth degree of coordination between conservative Muslim actors, the semi-official MUI and state officials. In October 2009, the sub-district head convened a hearing in which Amaq Bakri was asked to explain his understanding of Islam to bureaucrats, members of the Coordinating Board for the Monitoring of Mystical Beliefs in Society, police, military, and people from the village.[16] The hearing was organised after MUI-officials, having received the video and report from the DDII-activists, informed officials in East Lombok. Besides revealing how the local state is fine-tuning its understanding of what it means to be a 'good' Muslim, the hearing and the trial confirm Sullivan's (2005: 155) observation that 'modern law wants an essentialised religion'.

According to a journalist who covered the hearing, the suspect had been cooperative, his surprisingly honest testimony sometimes causing laughter. But a low-ranking village official accused those who conducted the hearing of humiliating Amaq Bakri by using Indonesian despite his poor command of the national language and mocking his unconventional views on Islam. Being asked to explain the purpose of the obligation to fast (*puasa*) during Ramadan, he replied that the goal of fasting is to become satisfied or *puas*, which departs from standard views of fasting as training the ability to abstain from lust. He further explained that there are two kinds of scripture: The Quran that scholars study in Arabic and an 'inner' scripture within himself, whose contents may only be divulged in a ceremony during the month of Maulud when Muslims celebrate the Prophet's birth. He also recalled his mystical journeys. In 1970, he entered the 'invisible realm' on a yellow drum. In 1975, he entered through a well and had seen the spirits of the dead. In 1997, the Angel Gabriel had taken him on a tour of paradise before giving him a diploma (*ijazah*) to certify that he had graduated from his lengthy

apprenticeship. In speaking of these journeys, he used the term *mi'raj*, which in Islamic sources describes the Prophet's mystical ascent, or Night Journey (Graham 1977).

This testimony, in which Islamic concepts were imbued with Sufi-inspired and idiosyncratic meaning, upset many who took part in the hearing. On his part, Amaq Bakri recalled that the sub-district head had angrily cut him off, saying that: 'No human being can journey to heaven, only the Prophet Muhammad did so.' Assuming that he remembered correctly, it is interesting that an ordinary official appoints himself as an authority on Islam. More predictably, the MUI in East Lombok declared the teachings to be 'deviant and causing deviance'.[17] After the hearing, Syaiful Muslim, the head of MUI in West Nusa Tenggara, commented to the press that the testimony had deeply disturbed society. Calling on the government to ban the teachings, make him repent and retract his erroneous claims to be a prophet, Muslim observed that this might reduce the likelihood of mob attacks, which 'have often happened to those who claim to be a Muslim but whose teachings depart (*menyimpang*) from the Islamic teachings, including the Ahmadiyah'.[18] Before the legal process commenced, Amaq Bakri was taken to the psychiatric hospital in Mataram and over a three-week period subjected to various psychological tests. According to himself: 'Mr. Doctor said I was not crazy (*gila*). He could not find anything wrong me.' Found fit to stand trial, he was arrested immediately upon being released from the hospital.

Though I was unable to participate in the trial in 2010, the 35-page long court decision clearly illustrates how secular law is drawn into defining the boundaries of Islam in Indonesia. The decision (*putusan*) presumes a near-perfect overlap between the legal notion of *agama*, and a modernist understanding of Islam as a revealed religion whose scriptures are subjected to a particular literalist reading. For instance, the judges reason that although the defendant insists on 'being Muslim', his interpretation of the Confession of Faith 'differed from its original meaning' (*berbeda dengan aslinya*). More seriously, they write that

> he seems to believe that his dreams in 1970, 1975, 1997 amounted to a mystical ascent (*mi'raj*) and a meeting with the Angel Gabriel and other matters that violate the teachings of Islam, the religion to which the Defendant and Muslims in general adhere. (2010: 30)

Not being experts on religion, the judges – two Balinese women and one Javanese man – relied on 'expert witnesses' (*saksi ahli*) from the MUI and the Ministry of Religion who agreed that the testimony deviated from the Quran and Hadiths (collections of the Prophet's sayings and doings). In choosing these experts, the judges on the Selong District Court lent legal power to the MUI, which already had declared the teachings to be 'deviant'. Quoting the sections from the MUI-*fatwa*, which state that the Angel Gabriel no longer communicates with humans to impart new revelations (*wahyu*), the judges reasoned that to claim otherwise deviated from the 'true Islamic teachings' and therefore qualified as blasphemy. By deferring to the MUI's opinions, the court boosted the authority of a council that has been described as 'the most powerful certifying body in Indonesian Islamic consumption' (Jones 2010: 630). For a religious council to police unlicensed contact with the supernatural realm is of course legitimate. With the rising number of blasphemy trials, the courts are imbuing these efforts with the force of law. This decision exemplifies a wider pattern of 'religious deference' (Crouch 2016: 3) whereby the courts implicitly or explicitly recognise *fatwa* as persuasive evidence in criminal cases, despite the fact that such opinions are not a legally recognised source of law in Indonesia.

My argument that blasphemy trials serve as a 'religion-making' technology can be further illustrated by the fact that the Defendant was found guilty of 'disturbing the stability and harmony of the Muslim community, hindering Muslims in performing their Islamic obligations'. Interestingly, this charge is not elaborated, nor is there anything in the decision or witness testimonies to suggest that the Defendant either verbally or physically had hindered fellow Muslims in practicing Islam. What this suggests then, is that persons with non-standard religious views or experiences are considered to be inherently disruptive. Presumably this is because they make it harder for others to commit to 'official religion' (Hurd 2015), the kind of religion sanctioned by those in positions of political or religious power. In Indonesia, where the state is a 'conduit for religious belief, guiding its citizens toward proper faith and behaviour' (Menchik 2014: 600), blasphemy trials are tools for realising this vision. But the project of enforcing religious order through legal means is, I argue, generating new forms of disorder. By dividing citizens into 'good'/'bad' believers or nonbelievers, this project effectively criminalises religious difference. When the civil courts engage in this form of religious engineering, they not only overlook the instability of the complex category of religion but also lend legal force to the divisive affective discourse of 'deviant' religion.

'False Prophets' and the Allure of Fakes

One of the most intriguing aspects of the effort to curb 'deviant' or 'false' religion through legal means, is how these efforts seem to reflect a broader interest in fakes and falsification. The fact that blasphemy trials may involve deceit and fraud, suggests that those who seek to enforce religious order through lawfare are not themselves immune to the allure of the fake. I will illustrate this by revisiting the New Order trial of the Javanese lawyer and mystic Permadi Satrio Wiwoho and comparing it with the process against Amaq Bakri, a farmer and mystic from East Lombok, who was accused of being a 'false prophet' (*nabi palsu*) and tried at a time when 'false prophets' figured centrally in both national and local public discourse.[19] Let me preface the discussion of these different trials by locating the concern with 'deviant' religion, not within a theological genealogy, but within the economy of the fake in Indonesia.

According to Siegel (1998), an interest in falsification emerged during the New Order era when Indonesians experiences that signs could not be trusted. 'Falsity', as Siegel puts it, 'simply pervades the Indonesian world' (1998: 55). The awareness that a falsified document, certificate or title cannot be distinguished from an authentic one has been expressed in the Indonesian neologism 'authentic-but-fake' (*asli tapi falsu*) or *aspal*. One aspect of this is an interest in 'validity as what works rather than as original' (Siegel 1998: 59). Reflecting on the 'false magical curer' (*dukun falsu*) as a New Order phenomenon, Siegel notes that while there were always ineffective healers or swindlers, the *falsu* implicitly refers to the authentic. As there were no attempt to discredit the supernatural, nor a Bureau of Magical Curers to authenticate their skills, *dukun falsu*, in this analysis, have failed to deliver because they lacked the right technique or power. As Bubandt (2014: 33) suggests, the 'authentic-fake' also refers to the sense that 'authenticity itself is a political construction, a simulation of power'.

The high-profile trial against Permadi in 1995 amply illustrates the *aspal* quality of the courts during the late New Order era. As reporters examined the transcripts that those who accused Permadi of blasphemy against Islam circulated in order to fan resentment, they discovered that portions of the original speech delivered at Gadjah

Mada University 'had been excised from the transcripts in a manner that made his statements harsher than they had actually been' (Hefner 2000: 178). Similarly, during the trial it became obvious that the cassette recording of the Gadjah Mada seminar which served as evidence had been 'heavily doctored, placing Permadi's words out of context' (TAPOL Bulletin 1995:12). It is precisely this blurring of original and fake that *aspal* describes. The fact that the trial nonetheless went ahead probably confirmed for many that the New Order was a 'criminal regime' (Lev 1999), built upon violence and institutionalised corruption.

Far from being immune to the allure of the fake, the most zealous advocates of fighting religious 'deviance' through legal means appear to rely on this economy. Let me illustrate this by returning to the Salafi-inspired preachers who pretended to have received supernatural signs directing them to study at Amaq Bakri's feet. In a follow-up interview, I commented that they had acted in an unethical, even devious, manner by deceiving their host. Ustad Saleh agreed, but said this was done in order to save Muslims from being misled: 'We wanted to ensure justice for the Muslim community (*ummat*), especially for the *ummat* in northeast Lombok.' To which another added: 'In fact, we shouldn't be too surprised that things like this happen. After all, the holy Quran states that thousands of prophets will appear. In Jakarta there is Lia Eden. Apparently false prophets are appearing on Lombok as well.' He was referring to the female founder of the small Jakarta-based Sufi group known as the Eden Community, who claims to be medium for the Angel Gabriel and who became widely known after being charged with blasphemy in 2006 and again in 2009 (Howell 2005; Crouch 2014; Makin 2016). These much-publicised trials may well have served as catalysts for the process discussed here.

As for the methods used to trap their victim, the first involved appealing to what most Sasak Muslims take for granted, namely that the universe is filled with potentially meaningful 'signs' (*tanda*), including dreams and premonitions (Telle 2007; 2009). By pretending to have received messages from the invisible realm of spirits, they invented a fictive spiritual kinship that changed their relationship from a chance encounter into a deep spiritual bond. While battling such 'superstitions', these young Salafis were hyper-attentive to signs that the End of the world was drawing close and inclined to take the appearance of 'false prophets' as presaging the confusion and battles between Muslims and infidels before the cataclysm. Lending their efforts purpose and urgency, this partly explains why they had few qualms about posing as students (*murid*) who would spread their teacher's (*guru*) insights. Boosting his self-image as a medium for spirits, they positioned themselves as brokers whose mastery of technologies like video and Internet would reach wider audiences. In short, these technologies simultaneously served to seduce and as means of capture.

Offering rich possibilities for deception and misinformation, the Internet has become an important arena in the contemporary struggles against 'deviant' or 'false' religion. While the DDII-activists were pleased that their covert investigation helped to secure a blasphemy conviction, lawfare was just one tool in their fight against deviance. As media-savvy participants in a popular 'culture of documentation' (Strassler 2010: 17), they turned to the Internet and the affective intensity of images. In the YouTube video uploaded in April 2012, the Indonesian tag reads: 'A grandfather from East Lombok admits to be a NABI (prophet).' Posted more than two years after the trial, this video brings a local affair in virtual touch with a bewildering range of 'deviant' figures from Indonesia and beyond. Compared to the lurid photos and

videos purporting to depict the machinations of 'false prophets' this clip is quite amateurish. Because it lacks the aesthetic features of this visual genre, a blend of horror and the pornographic, it more effectively conveys the sense that ordinary people (a grandfather) in common places corrupt Islam by peddling 'deviant' beliefs. What this *aspal*-video omits, is that the protagonist has been tried, agreed to 'return' to Islam and imprisoned. By giving 'deviant' figures virtual life, such videos create the impression that Islam is under threat. As such, the circulation of such 'images that move' (Spyer & Steedly 2013) is instrumental for generating the mix of outrage and suspicion fuelling 'the war on deviant religion'.

Conclusion

With the transition to democracy after 1998, the boundaries of Indonesia's limited religious pluralism widened and it seemed likely that the Blasphemy Law would lose its former force. Instead this law and related provisions has not only proved to be durable but assumed greater legal and symbolic significance. As religious conflicts have been subject to growing judicialisation after 1998, the Blasphemy Law has shifted from being a little-used law to suppress political dissent into an increasingly important tool of religion lawfare. Ostensibly a means to protect religion from being insulted, I have argued that blasphemy trials displace religious disputes onto the legal system in ways that serve particular interests. Religious authorities and Islamists use allegations of blasphemy to repress individuals or groups that are perceived to challenge their authority and to silence what are considered to be non-standard interpretations of Islam (Bagir 2013; Crouch 2014). As the definition of an 'offense against religion' in the Criminal Code is broad, a wide range of acts can be considered blasphemous.

These broader trends in the application and meaning of the Blasphemy Law are clearly reflected in the two lawsuits in different political periods that I have discussed in this article. In the high-profile New Order Permadi trial in 1995, the extent of political interference in the legal process was so glaring that the trial can be described as a failed attempt to launder brute power in a wash legitimacy. In the trial of a Sufi-inspired Muslim in East Lombok in 2010, the judges lent legal force to the opinions of the semi-official Council of Indonesian Ulama (MUI). This form of 'religious deference' is common in other post-98 trials (Crouch 2016). Given the great diversity within Indonesian Islam, not all Muslims are equally happy to be represented by this body. Rather than instilling trust in an impartial justice system, this pattern may erode the already flimsy trust in the courts. However, as no court of law possesses an impartial conception of religion, it is inevitable that one theological conception serves as the standard to reject certain practices as not properly religious.

One paradox of the effort to enforce religious normativity through legal means is that they generate more 'heretics' and criminals. While defenders of the Blasphemy Law stress the law's role in protecting religion from insult and fostering religious order, this article has tracked the accusations, divisions, and disappointments occasioned by this controversial law. By showing how religion lawfare operates in tandem with a highly affective politics that portrays those who embrace 'deviant' beliefs as posing a threat to Muslims and the nation, I have argued that the Blasphemy Law enables a volatile dynamic of incitement and regulation. By contributing to the production of religious outlaws, the civil courts underwrite an often violent and toxic politics of religious difference.

Notes

1. The court decision reads: 'Kembali kepada ajaran Islam yang sesungguhnya.' Putusan Nomor:24/PID.B/2010//PN.SEI.
2. Between 2000 and 2012, there have been over 50 court cases and at least 130 people have been prosecuted under the Blasphemy Law, which refers to article 156 a of the Criminal Code. Of these 50 identify as Muslims and 60 were Christians who were convicted for insulting Islam or Christianity. Between 1965 and 2000, there were less than 10 blasphemy court cases (Crouch 2014; 2016).
3. I have carried out 27 months of fieldwork on Lombok, initially working among Sasak Muslims in Central Lombok and since 2006 also with the island's Hindu Balinese minority.
4. The affirmation came after a coalition of NGO's and human rights advocates in 2009 lodged a petition for a constitutional review of the 1965 Law on Blasphemy. After a public hearing, the Constitutional Court rejected the petition, see Bagir (2013) and Menchik (2014). The second challenge, which was lodged in 2013, primarily concerned the Shia Muslim minority, see Crouch (2016). The first hearing appears to have consolidated existing state policies on religion.
5. In December 2010, an American Muslim retire was given a five-month prison sentence by the District Court in Praya, Central Lombok. In August, he had allegedly barged into a nightly Ramadan prayer reading in a small mosque (*musholla*) in Kuta and unplugged the loudspeaker. After this incident his house was vandalised, and it seems likely that prior conflicts prompted the decision to pursue the matter in court.
6. Indonesian Islam is extremely diverse. Those I call conservative include organisations advocating the implementation of *sharia*. Salafism refers to a Sunni reform movement intent on purifying Islam. For good overviews of this organisational landscape, see Hefner (2000) and van Bruinessen (2013).
7. Interviews were carried out in April 2013.
8. During the investigation the police confiscated one flashlight (Tiger Head Brand) and four batteries. As a flashlight was lit during the oath-taking ceremony held before Amaq Bakri would divulge his knowledge to new students, the flashlight presumably served to prove the existence of a sect.
9. Some of Lombok's many militias have targeted religious minorities and 'deviant' groups, see Telle (2013).
10. *Fatwa*-giving is done by three organisations: Council of Indonesian Ulama (MUI), Muhammadiyah and Nahdlatul Ulama (NU). There is a growing interest in online *fatwa,* see Hosen (2008).
11. I take 'orthodoxy' to be locally and temporally defined, hence subject to contestation and change.
12. This article deals mainly with how 'religion' is conceived in state law, but Indonesia is a pluralistic legal constellation comprised of customary law, religious laws and layers of international law.
13. In 1971, the Attorney General oversaw the formation of the Coordination Board for the Monitoring Mystical Belief in Society, which has wide powers to suppress heterodox groups (Crouch 2012).
14. For insightful analyses of anti-pornography discourse and legislation, see Lindsey (2011) and Bellows (2011).
15. The most systematic violence has targeted the small Ahmadiyah Muslim community, which began to face intimidation in 1998. In 2001, one Ahmadi was killed in a mob attack, hundreds have been displaced and about 130 people live in two government-provided shelters.
16. The meeting on 13 October 2009 had the status of a Muspika (*Musywarah Pimpinan Kecamatan*). In 1997, local authorities had warned Amaq Bakri to stop disseminating his knowledge. In March 2008, he was made to sign a statement declaring his willingness to 'repent' (*bertaubat*) and return to Islam after being questioned by the Head of the Religious Affairs Office (KUA) in the Sub-District.
17. Surat Keputusan Fatwa Dewan Pimpinan Majelis Ulama Indonesia, Kabupaten Lombok Timur, No. 11/DP-K/MUI-KLT/X/2009.
18. Kompas.com, October 16, 2009.

19. Since 1998, this discourse has particularly targeted the Ahmadiyah, a global Sunni reform movement whose founder Mirza Ghulam Ahmad (1835–1908) claimed divine inspiration, see Menchik (2014).

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