

Religion, Law and Intolerance in Indonesia. By Tim Lindsey, Helen Pausacker. London and New York: Routledge, 2016.

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Lindsey and Pausacker's edited volume gives valuable insights into how freedoms and rights derived from human rights instruments are subject to translation, interpretation, and contextualization when adopted into national legislation of a Muslim-majority country. The book focuses on the constitutionally guaranteed freedom of religion in Indonesia—a “core human right” adopted from the International Covenant on Civil and Political Rights. The essays describe how the democratization process that followed the stepping down of President Suharto in 1998 has led to the paradox of “increased religious freedom in principle but less freedom in practice” (6).

The 18 essays are spread over five parts and a conclusion: Part I: State Regulation and Religious Freedom; Part II: The Politics of Religious Intolerance; Part III: Civil Society, Pluralism and Intolerance; Part IV: Violence and State Responses; Part V: Discrimination and Vulnerable Groups; and the Conclusion. The strength of the book is that the issues of religious freedom and intolerance in post-Suharto Indonesia are viewed from the three perspectives of law, governance, and society. This results in a comprehensive and convincing explanation of why intolerance in Indonesia became more antagonistic at a time amendment to the constitution increased freedom of religion. A minor weakness of the volume is that there is quite some repetition between the essays as explanations of vital legal issues and incidents reappear in multiple essays.

Part I serves as the legal context for the case studies that follow. The authors explain how the Indonesian Constitution has made enjoyment of religious freedom conditional to “legislation protecting the rights and freedoms of others” and, among others, “religious values” (23, 45). They explain how the newly (in 2003) established Constitutional Court issued several rulings that endorsed the government's right to limit the scope of religious freedom: either by introducing the legislation intended to protect women—for instance, in the cases of divorce and polygamy, or by allowing the state prosecution of deviant teachings to guard the six state-recognized religious mainstream religions. In these judgments, the Constitutional Court has treated Islamic law “as the touch stone for good or bad,

valid or invalid, law” (86) and reserved a prominent position for the conservative opinions of the Indonesian Ulama Council (109, 154).

The other case studies in this volume treat a variety of subjects: the use of religious identity politics in the 2012 gubernatorial campaign in Jakarta; prosecution of public expressions of atheism, intolerant fatwas by the Indonesian Ulama Council, the ineffectiveness of legal actions by minority religion groups that appeal unfavorable administrative decisions, the increased cooperation between political Islamists and Islamic extremists, the role the police plays in sectarian conflicts, Islamist resistance against art and the state’s reaction to this, Islamic regional regulations promoting observance of Islamic norms and punishment of un-Islamic norms, and, finally, the application of conservative religious norms regarding “a good Muslim mother” in custody battles brought before Islamic courts.

The essays convincingly show how the democratization process in the years following President Suharto’s stepping down in 1998 has given rise to a new form of religious identity politics aimed at producing short-term results and how this relates to new, antagonistic and even violent expressions of intolerance. The new media play an essential role in these identity politics and facilitated temporary cooperations between Islamists and extremist groups. Altogether, the 18 essays draw a rather dark picture about the state of religious freedom in Indonesia. All authors attribute the new face of intolerance in Indonesia to the rise of conservative Islam after 1998 and the passive reaction of the Indonesian state.

The question is whether the intolerance toward religious deviant behavior is typical for the post-1998 period. Although I agree that the policies of President Yudhoyono (2005–2014) facilitated discriminatory acts by local governments and violent behavior by Islamist groups (128, 266), I believe that they are not the deeper underlying cause for religious intolerance in present day Indonesia. Intolerance toward minorities, religious conservatism and the Islamic revival existed well before 1998. Ever since the crackdown of communism following the 1965 coup against President Soekarno, the Indonesian state has considered deviant behavior and counter-hegemonic opinions as suspect. The Islamic revival in Indonesia also started long before 1998—in the late 1970s and early 1980s.

Lacking in this volume is a description of the endeavors by a group of Muslim activists who operate from within the large Muslim organizations and who, inspired by human and women’s rights, have been rather successful in getting their message across to Muslim audiences—despite the conservatism of their leadership (Feillard and van Doorn-Harder 2013). In his essay, Ahmad Suaedy only briefly mentions the existing cosmopolitan voices within mainstream Muslim organizations and is rather pessimistic

about the fate and influence of these moderate Islamic currents in Indonesia (172).

The book positions itself as part of Southeast Asian Studies and Asian Law and does not engage with methodological and theoretical issues in the field of sociolegal studies. The structure of the volume, however, is a smart sociolegal work—“integrating and organizing traditional forms of knowledge, skill, and experience in a new and original fashion” (Banakar and Travers 2005: 6) and combining bottom-up and top-down approaches to law with the aim to increase our knowledge about how law works in contexts where Islamic norms are dominant. It shows us the way that Indonesia has adopted religious freedom into the Constitution and how this, together with interpretations by courts, politicians, and local governments, has turned freedom of religion into symbolic law: lacking legal force. Despite the gloomy image presented in the work, I believe that the constitutional freedom of religion will remain a strong symbol to those Indonesians who continue to oppose the intolerant policies of their government.

References

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- Feillard, Andrée, & Nelly van Doorn-Harder (2013) “A New Generation of Feminists Within Traditional Islam: An Indonesian exception,” in, Burhanudin, Jajat, Dijk, & Kees van, eds., *Islam in Indonesia: contrasting images and interpretations*. Amsterdam: Amsterdam Univ. Press. 139–59.

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Muslim Women’s Quest for Justice: Gender, Law and Activism in India. By Mengia Hong-Tschalaer. New Delhi: Cambridge University Press, 2017.

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Muslim Women’s Quest for Justice is a fine illustration of a realization-focused understanding of justice, a concept that Amartya Sen elaborates in *The Idea of Justice*. Centered on the core themes of “agency” and “plurality,” the prime contribution of Tschalaer’s book is that it shows how the pursuit for justice is inextricably tied