

Fatwa and Violence in Indonesia

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Abstract

Fatwa is often considered as a non-binding legal opinion. Some jurists use this caveat to reject any links between fatwa and violence. They argue that fatwa is one thing and violence is something else. This article is an attempt to disprove such a misleading argument by providing cases that took place in Indonesia. I argue that there is a strong connection between fatwa and intolerant actions.

Introduction

[1] The relationship between fatwa and violence typically does not attract many scholars, in spite of the fact that the issue has become increasingly important. Apart from Noorhaidi Hasan's article on the role of the Middle Eastern fatwas in the *jihad* movement in Maluku, Indonesia, there is only one English book that specifically discusses the topic (Mozaffari). There seems to be a hesitation in studying this topic, either due to sensitivity or over-concern about the possible bias in it. Many Muslims would likely reject any attempt to associate fatwa with violence generally on normative grounds,¹ but a proper study explaining how certain fatwas could instigate violent actions or intolerant attitudes would be useful. This article is an attempt to provide such a study by examining some cases in Indonesia.

[2] Indonesia is not the only Islamic country where the relationship between fatwa and violence is present. I mainly use Indonesia as the object of this study for pragmatic reasons as I am more familiar with the country than other Muslim countries. Indonesia is the most populous Muslim country in the world and is regularly labeled as tolerant, moderate, and "different from the Middle East." This label can only be sustained if there are no violent or intolerant actions in the name of religion as has been the case in the Middle East.

¹ One of the arguments commonly presented is that a fatwa is a religious opinion based on good intentions and objectives. It is irrelevant, so the argument goes, to say that a fatwa is "bad."

[3] I will divide this paper into three sections. The first will deal with the nature and function of fatwa. The second will explain the institutionalization of fatwa in Indonesia. And the third will focus on fatwas that trigger violent and intolerant actions in Indonesia. As an activist, I am very much engaged in the current discourse of Islamic thought in Indonesia. Some views expressed here are based on my direct encounters with social-political problems in the country. Conversations and discussions with various figures in Indonesia have assisted in developing the ideas in this article.

The Nature of Fatwa

[4] Fatwa is generally defined as “an Islamic legal opinion issued by a Muslim jurist” (Ibn Manzur: 5:3348; al-Zabidi: 39:211-12; see also Qalahji and Qunaybi). Muslim jurists have many opinions in their life, but what makes their opinion a fatwa is that it is a response to a question addressed by a *mufti* (someone who asks a fatwa). In this sense, a general opinion, which is not grounded on a specific Muslim’s query, is not considered fatwa.² The element of *mufti* in fatwa is important to distinguish between what is fatwa and what is not. Many *muftis* (i.e., the authorities who issue fatwas) in medieval Islam were prolific authors whose opinions abundantly spread from the books they wrote. Ibn Taymiyyah (d. 1328), for example, wrote more than a hundred titles, mostly on Islamic issues. However, only two books attributed to him are considered to be fatwas (1987; 1404 H.; among other Muslim scholars whose fatwas have been collected into books are al-Subki; Ibn Rushd; al-Nawawi).

[5] In the early days of Islam, fatwa generally referred to an instruction grounded on someone’s question. In an historical sense, the companions of the Prophet Muhammad often asked him about issues in Islam; his answers were subsequently considered to be fatwas. Derivatives of the word “fatwa” are found in several verses of the Qur’an, such as: “They ask your instruction concerning women, say: Allah instructs you about them” (4:127) This verse clearly indicates that the practice of giving fatwa (*ifta*) was very common in the time of the Prophet. After the Prophet died, some companions of the Prophet continued the tradition of *ifta*. Companions such as Umar bin Khattab, Ali bin Abi Thalib, Abdullah bin Mas’ud, Abdullah bin Abbas, A’isyah binti Abu Bakar, and Zayd bin Thabit were well-known for their fatwas. However, during this time, fatwa was not yet formally institutionalized. The institutionalization of fatwa only began in the mid-seventh century when the Umayyad founded a caliphate. The position of “*mufti*” (also known as “jurisconsult”) also emerged during this time. As fatwa became institutionalized, the *muftis* became professionalized. Wael B. Hallaq explains that being a *mufti* was quite prestigious as it was salaried by the government and included certain benefits and privileges (1996, 2005).

[6] Fatwa generally deals with legal opinions, but in practice, the questions *muftis* were asked were not only limited to legal issues (*masail fiqhiyyah*). When the theological schools emerged in the first part of the seventh century, fatwa dealt with theological issues. For instance, the companions of the prophets and their followers (*al-tabi’in*) were asked about theological sects such as Qadariyah, Jabariyah, and Khawarij. Al-Hasan al-Basri (d. 728), one of the leading

² In this particular sense, Sadiq Jalal Azam considers Khomeini’s fatwa not as a fatwa, because, among other things, it was not based on Muslim query. For the elaboration on the social origins of the fatwa, see Hallaq: 1994.

followers, was asked by Abd al-Malik bin Marwan (d. 705), the caliph of Islam, regarding the issue of freewill and predetermination. He responded by issuing a fatwa showing his inclination to the idea of freewill (al-Shahrastani: 47). In the ninth century when Islamic theological schools flourished, fatwas on theological issues were as popular as Islamic legal issues. *Muftis* were asked about the existence of God, divine attributes, human freewill, heaven and earth, the prophethood, the angels, and so on. Hence, *muftis* were not only those who excelled in legal issues but also in theological ones.

[7] It is important to mention here that before the end of the ninth century, there was hardly a distinction between legal and theological issues. All religious issues were called “*fiqh*,” meaning “understanding.” What we presently call “Islamic law” was previously known as “small jurisprudence” (*fiqh al-asghar*), while theology was called “big jurisprudence” (*fiqh al-akbar*) (Zuhayli: 1:16). Since there was no strict distinction between these two disciplines, there was no differentiation in methodological reasoning (*ijtihad*) as it was sharply employed in the later period of Islam. *Ijtihad* is an important notion in the jurisprudential discourse. Before the idea of “closing the gate of *ijtihad*” (*insidad al-bab al-ijtihad*) spread widely, there were no limitations or proscriptions for Muslim scholars to practice *ijtihad*. Muslim scholars were quite familiar with the Prophetic tradition that says “if someone was right in doing *ijtihad*, he or she deserves two rewards, and if wrong one reward.”³ They just practiced *ijtihad* and never questioned it.

[8] The practice of *ijtihad* began to be challenged seriously in the beginning of the tenth century. As the theorizing of *ijtihad* matured, the effort to practice it gradually declined. Hence, Muslim scholars began to speak of “closing the gate of *ijtihad*” and the impossibility of exercising it (Hallaq 1984, 1986). Al-Juwayni (d. 1085), one of the greatest scholars of Islam, wrote a book where he distinguished between *ijtihad* in the fundamental matters (*usul*) and in the particular ones (*furu*). By the fundamental matters he meant the theological issues or the big jurisprudence; by the particular ones he meant the legal issues or small jurisprudence. Al-Juwayni concluded that *ijtihad* is not allowed in the fundamental matters, but allowed in the particular ones (18; see also Ibn al-Firkah: 371-77). This was perhaps the first attempt to make a distinction between *ijtihad* in the theological issues and in the jurisprudential ones. The main reason was likely grounded in the over-concern about the growing number of theological sects in Islam. To stop these “heretical” movements, al-Juwayni cleverly stamped out their roots by distinguishing two kinds of *ijtihad* where one was illegal. The ultimate target was quite clear in that theological sects other than Sunnism are dissidents.

[9] The effort to distinguish *ijtihad* has a consequence not only in diminishing the number of Islamic theological sects, but also the number of fatwas on theological issues. As Sunnism became an accepted orthodoxy, Muslims were no longer interested in other schools of theology. Thus, entering the eleventh century, along with the crystallization of the Islamic legal schools (*mazahib al-fiqhiyyah*), fatwa eventually became a jurisprudential term. To speak about fatwa thus later meant to speak about Islamic legal issues or to see things from legal Islamic perspectives.

³ The *hadith* was narrated by al-Bukhari (*hadith* No. 6919) and Muslim (*hadith* No. 1716).

The Institutionalization of Fatwa in Indonesia

[10] For most of Islamic history, fatwa was practiced individually in the sense that the issuance of fatwa came from a single person, namely a *mufti* or in a broader term a *mujtahid*.⁴ The institution of fatwa was symbolized by a single person, that is a *mufti*. Although a *mufti* may be assisted by several *ulama* around him, the issuance of fatwa was entirely credited to him alone. During the Ottoman era, the fatwa institution was called “the grand scholar of Islam” (Shaikhul Islam), whose very term reflects an individual person. The status of Shaikhul Islam was part of the three positions in the judiciary body of the Ottoman era. The other two were the Qadhasqars or the actual head of the judiciary board and the Qadis or the persons who execute judicial tasks (Akgündüz). Shaikhul Islam held the highest position in the Islamic legal structure and both people and government respected it.

[11] Many Muslim countries follow the Ottoman model of fatwa institution. The “grand scholar of Islam” is adopted with different names. In Saudi Arabia, it is called “*mufti al-mamlakah*” (the Mufti of the Kingdom). In Egypt, it is called “*mufti ‘am*” (Grand Mufti) or sometimes “*mufti al-misr*” (the Mufti of Egypt). Although there is a special institution called “Dar al-Ifta” (the house of fatwa), the role of *mufti ‘am* remains crucial since he is the head of the institute. The role of Dar al-Ifta is limited in recording the fatwas of the *mufti ‘am* rather than itself issuing the fatwas (Skovgaard-Petersen). In other Muslim countries such as Syria, Jordan, Morocco, Tunisia, and Malaysia, the term “grand mufti” with their respective languages is often used. The same title is also used in some non-Muslim countries such as Australia, France, and Russia.

[12] Unlike many other Muslim countries, Indonesia does not have a grand mufti. Indonesian Muslims apparently do not want to copy the exact Ottoman model of fatwa institution. They instead created their own organizational body with the establishment of the Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI). Although it looks like the Egyptian Dar al-Ifta, the role that this institution plays is quite different. Unlike Dar al-Ifta, there is no single dominant figure in the MUI. The leader of this council simply acts as the chairman of an organization. The highest authority in fatwa is not the chairman of the council, but the Fatwa Commission, which comprises several members of distinguished *ulama*. A fatwa will not be issued if this committee fails to come to a consensus.

[13] MUI was established in 1975. It took five years from the initial idea to form the body. It all began at a national conference held in Jakarta by the Centre for Islamic Preaching (Pusat Dakwah Islam) on September 30, 1970. The five-day conference invited various scholars from different Islamic backgrounds. The conference aimed to gauge interest in establishing a body of *ulama* (Muslim clerics) at the national level (Mudzhar). The *ulama* are an elite group of the Muslim community whose number is quite large. Many of them own independent educational institutions called “pesantren.” They were mostly affiliated to two major Islamic organizations, namely Muhammadiyah and Nahdlatul Ulama. There was, however, no unifying body at the national level. Muhammadiyah and Nahdlatul Ulama had deep tensions,

⁴ *Mujtahid* is a person who makes an *ijtihad*, that is an effort to solve a problem in religious matters, mostly of a legal nature.

and the idea of forming a national body of *ulama* was then designed to minimize these tensions.

[14] Some interesting ideas emerged at the conference. One of which came from Ibrahim Hosen, a graduate of the Egyptian al-Azhar and an expert of Islamic Law. Apart from agreeing to have a national body of *ulama*, Hosen proposed the idea of practicing collective *ijtihad*. As mentioned elsewhere, *ijtihad* is an effort to solve a problem in religious matters. Generally, *ijtihad* is managed by a single person, normally a religious scholar. Hosen's idea was to depersonalize *ijtihad*. His argument was that since Muslim problems were getting bigger and more complex it was impossible for a single person to cope with all of them. Thus, a collective *ijtihad* would be an ideal solution. Hosen's idea was soon rejected by Abdul Karim Amrullah, a charismatic and prolific author, known by the *nom de guerre*, Hamka. In his presentation, Hamka rejected Hosen's idea of "collective *ijtihad*" and proposed the most common alternative, namely "the grand mufti." For Hamka, a grand mufti was more necessary for Indonesian Muslims than a body of *ulama*, which according to him certain Muslim groups would abuse. Hamka's other reason was that the council would include secular scholars in making *ijtihad*, an idea he strongly opposed.

[15] Hamka's argument seemed to have won the hearts and minds of the audience, as the conference eventually closed with a recommendation to review further the idea of establishing a council. It was not until five years later that the idea of the MUI finally crystallized. The official formation of the MUI was completed in July 1975. Fifty-three participants from various Islamic backgrounds signed on. Hamka, the man who originally rejected the idea of the council was appointed its first general chairman. According to Nadirsyah Hosen, Hamka's acceptance of the chairman position was driven by the change of political settings. Five years earlier, when he rejected the idea, the traditionalist group (Nahdlatul Ulama, NU) was quite dominant, but then, the modernist group (Muhammadiyah), to which Hamka was affiliated, became dominant. Hamka gave his own reasons for why he accepted the appointment: First, "Muslims should cooperate with Soeharto's government," and second, the "establishment of the MUI could improve relations between the government and Muslims" (Hosen: 151).

[16] Whatever the reason of Hamka's acceptance, one thing is clear: the MUI would not become an institution like Shaikhul Islam of the Ottoman era, nor would it become like the Dar al-Ifta of Egypt, where the grand mufti played a central role. The MUI was simply an institution where all members have the same authority in formulating a fatwa. The number of MUI members has fluctuated. During the first period (1975-1981), it was comprised of seven *ulama* members. As of 2008, it consists of no less than 140 members, comprising an Advisory Council of 50, an Executive Council of 21, and 11 different commissions with more than 70 members. The Fatwa Commission is the most important of the latter.⁵

⁵ The MUI Commissions are (1) Komisi Ukhuwah, (2) Komisi Fatwa, (3) Komisi Dakwah, (4) Komisi Hubungan Luar Negeri, (5) Komisi Pemberdayaan Perempuan, Keluarga dan Remaja, (6) Komisi Kerukunan Antar Umat Beragama, (7) Komisi Pendidikan, (8) Komisi Ekonomi, (9) Komisi Pengkajian, (10) Komisi Hukum dan Perundang-undangan, (11) Komisi Informasi dan Komunikasi (see Majelis Ulama Indonesia).

[17] The organizational character of the MUI remains intact, as there has never been a single all-powerful man. The involvement of leaders from various Islamic organizations also prevents this organization from becoming a personality driven institution. Muhammadiyah and Nahdlatul Ulama are dominant in the council, but other smaller organizations such as Persatuan Islam, al-Irsyad, and Nahdlatul Watan are also given equal rights. Since its formation, the MUI has had five general chairmen.⁶ Although all members have the same rights, the position of general chairman is reserved for someone from either Muhammadiyah or Nahdlatul Ulama with the leadership role alternating hands between the two organizations.

[18] As of July 2008, the MUI has issued 96 fatwas, consisting of four main issue areas: ritual or *ibadah* (23 fatwas), religion (11 fatwas), social issues (40 fatwas), science and technology (11 fatwas), and one section of fatwas issued by the Seventh National Congress in 2005 (11 fatwas).⁷ Some of these fatwas are repetitive in that an earlier fatwa is reissued in another with additional explanation, such as the fatwa on Ahmadiyah that was issued in 1980 and again in 2005 (this fatwa will be discussed further below). Some are consecutive in the sense that one issue is addressed by two fatwas, such as the fatwa on the stay (*miqat*) of pilgrimage in Mecca and the fatwa on national gambling (SDSB, Sumbangan Dana Sosial Berhadiah). Many fatwas were based on Muslims' queries and a few of them were responses to the government's policies. Among the latter's example is the fatwa on the utilization of Intrauterine Devices (IUD), which was a response to the government's program of family planning in early 1980s.

[19] Before the downfall of Soeharto, the MUI's fatwas were politically influenced by his regime. It was almost impossible to imagine this council issuing a fatwa against a government policy. The only case of the MUI's fatwa that stirred up Soeharto's anger was the fatwa on "the presence in the Christmas celebration" (Perayaan Natal Bersama) issued on March 7, 1981. According to this fatwa, Muslims are not allowed to attend Christmas celebrations. It is reported that Soeharto was furious with the fatwa as it negatively impacted the government's efforts to build religious harmony in the country. Moreover, the fatwa was blatantly against the government's annual tradition to celebrate Christmas officially. Subsequently, the issue stimulated wide controversy and culminated in the resignation of the MUI General Chairman, Hamka, from his position. Nevertheless, the fatwa has remained intact until the present (see further, Mudzhar).

[20] After the downfall of Soeharto in 1998, the position of the MUI was quite independent from the state (for further elaboration, see Ichwan). In the Soeharto time, the MUI members needed to fulfill one non-negotiable criterion – that is, they had to be accepted by the president. It was almost impossible for a radical or an ultra-conservative Muslim to be an MUI member. In the post-Soeharto era, however, the MUI had autonomy in selecting its

⁶ The general chairmen have been Hamka (1975-81), Syukri Ghozali (1981-85), Hasan Basri (1985-98), Muhammad Ali Yafie (1998-2000), and Sahal Mahfudh (2000-present).

⁷ This number does not include the fatwas issued by the National Council of Syariah, a body that focuses only on Islamic financial matters. This council has issued 54 fatwas, all on Islamic financial and economic issues such as *murabahah*, *wakalah*, *kafalah*, *qard*, Islamic credit cards, Islamic obligations, safe deposit boxes, and letters of credit.

members. The president would not interfere in the selection process of its chairman nor its members. This autonomous privilege shaped a new character of the MUI and determined its current history. One of the most important impacts of its new autonomous character is that the council seems to have lost any filter for membership. Apart from the rocketing number of its members (from 7 to more than 140), the MUI structure is now more determined by ideological-political interest. Many of its members are activists, politicians, journalist, and even leaders of radical Islamic groups (see MUI 2005b). This situation has certainly influenced the fatwas that the MUI has issued and also determined the way the council deals with religious issues in the country.

Intolerant and Violent Fatwas

[21] Some social scientists argue that an idea does not directly generate actions. There are several factors, which can be sociological, financial, political, or psychological, that trigger someone to do his or her actions. To say that an idea can kill or hurt people needs explanation. For example, the causes of radical Islamic movements are not simply theological (see Richards; Kepel). Fatwa is basically an idea. It is a word or a saying that bears messages. A fatwa that instructs people to do a good thing is a good fatwa. On the contrary, a fatwa that asks people to kill other people is a killing fatwa. When Khomeini issued his fatwa to murder Salman Rushdie, his fatwa was certainly a killing fatwa. There were several fatwas in Egypt that called on Muslims to kill or hurt people. For example, Faraj Fouda, an Egyptian intellectual, was shot dead by a Muslim extremist who discovered a fatwa on the permissibility of killing a blasphemer (which the extremist certainly considered Fouda to be). Similarly, another Muslim extremist stabbed Naguib Mahfouz, a Nobel Prize laureate, after he attended a Friday prayer where he listened to a sermon stating that “Mahfouz’s blood is *halal*.”

[22] Intolerant attitudes or violent actions may be caused by various factors. However, as far as religious behavior is concerned, they can be attributed to religious doctrines (Oommen). It is quite easy to pick out which MUI’s fatwas may generate intolerant actions or violent attitudes from those that do not. Fatwas that deal with minority groups would be very likely uncharitable. The MUI has issued fatwas against Shi’ism, Ahmadiyah, Islam Jama’ah, Darul Arqam, and Christianity. All contain warnings whose basic message is to discourage Muslims from deal with all these groups. In the following paragraphs, I will discuss several fatwas that directly instigate violent and intolerant actions in Indonesia. As violent and intolerant actions are the matters of human conduct, I will focus on the fatwas that are specifically concerned with requests that necessitate Muslims’ actions. I break them down into three parts: first on Ahmadiyah, second on religious minority groups, and third on the liberal Islamic groups.

Fatwas on Ahmadiyah

[23] Among the baffling fatwas that the MUI has issued, fatwas on Ahmadiyah are perhaps the most grievous one. Ahmadiyah is an Islamic sect founded by Mirza Ghulam Ahmad (d. 1908), an Indian Muslim reformer, in 1889.⁸ It came to Indonesia in the early 1920s, during a

⁸ Scholars have been debating on the word “Ahmadiyah,” whether it refers to the name Mirza Ghulam Ahmad or to the Prophet Muhammad. Apart from “Muhammad,” the Prophet was also known by his other name, “Ahmad.” This latter view was held by many Indian Muslim scholars, including Maulana Muhammad Ali. The

period known as “national movement era.” Many organizations, intellectual circles, and study groups emerged during this era. On November 28, 1920, *Tasywirul Afkar*, a study group based in Surabaya invited Maulana H. Khwadja Kamaluddin, an Ahmadiyah leader of the Lahori Branch, to give a keynote speech in a celebration of the Prophet’s birthday at the Sunan Ampel mosque. This was evidently the first appearance of Ahmadiyah in a public scene in Indonesia. Since the invitation of Khwadja Kamaluddin, information on Ahmadiyah gradually developed. Ahmadiyah literatures began to influence some study circles in Yogyakarta, Bandung, and other major cities. In 1926, an Ahmadiyah branch was officially founded in Padang, West Sumatra. Starting from 15 members, this branch rapidly grew and spread to other cities. The branch was later named the Indonesian Ahmadiyah Group (Jema’at Ahmadiyah Indonesia, JAI), which now has hundreds of followers (on the history of Ahmadiyah, see Zulkarnain).

[24] As it grew rapidly, controversy around Ahmadiyah began to spread. The Ahmadiyah members that came to Indonesia, including the JAI, are mostly the Qadian branch, who believe that Ghulam Ahmad was more than just a reformer. Because most Muslims do not accept the idea that there is a prophet after Muhammad, the Ahmadiyah members who believe in the prophethood of Ghulam Ahmad – however they qualify this prophethood – are considered heretics and, according to Muslim belief, must be opposed.

[25] The MUI’s fatwa against Ahmadiyah was released twice. The first was in June 1980 and the second in July 2005. The first fatwa was driven by the growing concern of Muslim leaders about the increase of the Ahmadiyah members in the country. The charge against Ahmadiyah as “a deviant sect of Islam” was based on nine books on Ahmadiyah, though the MUI does not mention their titles and authors. The crucial issue is that the MUI appealed to the state to implement the fatwa and asked religious officials at any level to disseminate it:

To appeal the Indonesian Council of Ulama, the Council of Ulama in the Level One District (Daerah Tingkat I) and the Level Two District, all clerics, and religious preachers all over Indonesia explaining people about the deviance of the Qadian branch of Ahmadiyah, which is really outside Islam (MUI Fatwa on Ahmadiyah Qadian, issued in Second National Congress of the MUI on May 26 to June 1, 1980 in Jakarta).

In this fatwa, the MUI specifically mentioned the Qadiani branch of Ahmadiyah. Although the Lahori branch does not follow the Qadiani branch in believing in the prophethood of Mirza Ghulam Ahmad, Indonesian Muslims in practice do not see so much difference between the two factions. For them, all Ahmadiyah members, whether they are Qadiani or Lahori, are the same. It is perhaps because of this negligence that in the second fatwa, the MUI eliminated the word “Qadian” and charged all Ahmadiyah members to be deviant.

name “Ahmadiyah” in this sense was comparable to the name “Muhammadiyah” (established in 1912) in Indonesia. It was just an Islamic organization that wanted to revive the spirit and the teachings of the Prophet Muhammad. However, in its development, Ahmadiyah was torn apart into two major factions. Its followers in Qadian founded the Qadian branch and consider that Ghulam Ahmad was not only a reformer, but also a prophet. The followers in Lahore founded the Lahore branch and consider that their leader was just a reformer and not a prophet (see further, Lavan).

[26] The MUI's fatwa has been a powerful tool to discredit Ahmadiyah members and their activities in Indonesia. Prior to the downfall of Soeharto, there were a few cases where Ahmadiyah were discredited or assaulted. For example, in September 1988, an Ahmadiyah mosque in Garut, West Java, was attacked, resulting in much damage, and the Muslim majority often threatened Ahmadiyah members. An investigation by *Tempo* magazine disclosed that the hatred against Ahmadiyah in that area was triggered by brochures circulated by the Department of Religious Affairs and speeches in mosques, where Ahmadiyah was condemned as "infidel, anti-Christ, and communist" (1988). Despite these minor cases, Ahmadiyah members in general were quite safe, thanks to the Soeharto regime that took action against any religious aggression.

[27] After the downfall of Soeharto, Ahmadiyah members began to live in jeopardy. Various Ahmadiyah concentrations became the target of attack. On September 6, 2002, an Ahmadiyah complex in Maluku was assailed by a group of Muslims. Four days later, in East Lombok, another mob attacked and destroyed an Ahmadiyah mosque. This action was followed by burning at least eight houses and several other buildings owned by Ahmadiyah members. In several towns in West Java, banners urging people to exterminate and burn Ahmadiyah's properties were erected. In Kuningan, two mosques and 18 houses were destroyed. Reports said that apart from the inflammatory banners, the attack was provoked by a decree issued by the local government several days earlier (Paras Indonesia).

[28] The persecution against Ahmadiyah in Indonesia culminated in July 2005. It all started in Bogor, where Ahmadiyah's Islamic boarding school known as Al-Mubarak Campus is located. On July 8-10, 10,000 Ahmadiyah members held an annual meeting in this 4.5-hectare compound. Before the event ended, however, a mob from the radical Islamic Defenders Front (FPI) and the Institute for Islamic Study and Research (LPII) came to the location and launched their protest, forcing the organizers to immediately cancel the event. Arguing that they did not do any harm, the Ahmadiyah leaders decided to ignore the mob's demand, which consequently made the mob angry. Thus, they began to throw stones and other projectiles at the complex. As the situation got worse, the police escorted all the participants out of the complex for the sake of their safety. Ten days later, the local administration closed down the complex and ordered all Ahmadiyah's activities to stop, oddly arguing that Ahmadiyah's teachings could spark public disorder (*Tempo Interaktif* 2005b).

[29] The second fatwa on Ahmadiyah was issued precisely in the middle of this crisis. It was like pouring gasoline onto the flame; hatred and violence against Ahmadiyah rapidly burst and spread widely. On February 4, 2006 an Islamic mob gathered in Dusun Ketapang, West Lombok. They attacked and burnt every single house belonging to Ahmadiyah members. The same atrocity also took place in Desa Gegerung, West Lombok. Several Ahmadiyah members were escorted by the police, again, for security reasons. The attack in Lombok caused deep psychological impacts on Ahmadiyah families, especially their children. Many Ahmadiyah children in Mataram did not dare to go to school (Kompas 2006a). Muchyidin Sayid Ahmad, a six year old Ahmadiyah student, complained that he was often bullied and hit at his school (Kompas 2006b). When the perpetrators were asked why they persecuted Ahmadiyah? The answer was clear, as Habib Abdurrahman Assegaf, the leader of the mob in Bogor's attack, said: "our movement is purely based on the MUI's fatwa" (Amanah).

[30] What was the response of the MUI leaders witnessing such havoc? In a hearing to the parliament following a series of violent attacks against Ahmadiyah, Ma'ruf Amien, the Chairman of the Fatwa Commission, explained that Ahmadiyah is a deviant sect of Islam, its existence is dangerous for other Muslims, and therefore "it has to be amputated" (Kompas 2005b). However, Amien believed, as he said earlier to the press, that the MUI's fatwa did not trigger any violence (Detik.com 2005b). Amidhan, Chairman of the council, rejected any accusation that the MUI's fatwa had triggered violence on Ahmadiyah. His argument was that the fatwa had been issued for a long time (since 1980) and the violence had just erupted (Tempo Interaktif 2005c). Similar arguments were also expressed by other MUI leaders. Dien Syamsuddin, Deputy Chairman of the MUI, explained that "the role of *ulama* is to guide Muslims what is true and what is wrong" – *ulama* always opposed violence; therefore, "there is no correlation between the issuance of the fatwa on Ahmadiyah and the anarchy that the people did" (Tempo Interaktif 2005c). At the regional level, the refusal to accept responsibility was also expressed by the MUI members. Mahally Fikri, Deputy Chairman of the West Lombok branch of the MUI, argued that "the MUI is not responsible because we never ordered or gave command to expel or destroy any facilities belong to Ahmadiyah. All are initiatives of people themselves" (Suara NTB).

[31] Such absurd explanations were immediately rebutted by liberal Muslim leaders who firmly believe that there is a very strong connection between the MUI's fatwa and the massive atrocities against Ahmadiyah. Former President Abdurrahman Wahid stated on several occasions that the MUI must be responsible for the Muslims' barbaric attitudes towards Ahmadiyah.⁹ In a gathering to celebrate his birthday on August 4, 2005, several Muslim leaders, such as M. Dawam Rahardjo, M. Syafii Anwar, and Ulil Abshar-Abdalla, condemned the MUI's fatwa on Ahmadiyah and other controversial fatwas, asking the council to withdraw their fatwas because of the violence caused by them (Detik.com: 2005c). In a press conference held earlier, the coordinator of the Liberal Islam Network, Ulil Abshar-Abdalla, condemned the fatwa as "reckless and stupid" (*konyol dan tolo!*) (Detik.com: 2005a).

[32] Despite those oppositions, the MUI leaders never withdrew the fatwa. Meanwhile, the government, on the other side, seems to have had no objection. In fact, many government officials, particularly at the local level, have been involved in the atrocities against Ahmadiyah. This was particularly disclosed by an investigative report released by the National Commission of the Indonesian Human Rights (Komnas-HAM) in September 2006. The report clearly states that the atrocities against Ahmadiyah were triggered by the MUI's fatwa and was worsened by the government officials (such as police and high attorney) who helped implement the fatwa. The government only took a slight concern about the issue when some human rights activists advised the Ahmadiyah members to seek asylum in Australia (Tempo Interaktif: 2006; Kompas 2006c, 2006e). However, persecution against Ahmadiyah in Indonesia remains in the main list of the Annual Report on International Religious Freedom that the US Government released (see Bureau of Democracy 1999).

⁹ Wahid made his comments on the radio program "Kongkow Bareng Gus Dur," which is held every Saturday at Radio 68H, Jakarta, since 2005. Before and after the program, Wahid usually engaged in dialogue with the audience. I attended many of these programs.

Fatwas on Other Minority Groups

[33] Since its formation in 1975, the MUI has issued eight fatwas on various religious minorities. Apart from the fatwa on Ahmadiyah, there are fatwas on Shi'ism, Islam Jamaah, Darul Arqam, Inkar Sunnah, and Salamullah. All of them significantly contributed to violent and intolerant actions in Indonesia. The fatwa on Shi'ism was issued on March 1984. There was no stated reason why the fatwa was made, but the issuance of the fatwa appears to have been ignited by the growing interest of young Muslims in Shi'ism. Since the Iranian Revolution erupted in 1979, anything about Iran began to attract young Muslims, particularly students on university campuses. They were actually interested more in the spirit of the Iranian revolution than in the theological doctrines of Shi'ism. Despite significant differences between Indonesia and Iran (see Jones), MUI leaders and Indonesian clerics in general recognized no difference between Iran and Shi'ism. Thus, the fatwa was released in anticipation of the worst.

[34] Unlike the fatwa on Ahmadiyah, the MUI did not consider Shi'ism as a deviant sect of Islam (*sekte sesat*), but rather considered it as "a different theological school of Islam, which the Muslims should be careful about." The fatwa considered Shi'ism as a dangerous sect because its teachings run counter the fundamental doctrines of Sunnism, such as: (1) Shi'ism rejects the Prophet's tradition that is not narrated from the Ahl al-Bayt; (2) Shi'ism considers their *imams* as vulnerable (*ma'sum*), while Sunnism considers them as ordinary men; and (3) Shi'ism does not acknowledge the Four Guided Caliphs (*khulafa al-rashidun*), a view largely embraced by Sunnism. Given all these differences, the MUI "appealed the Sunni Muslims to increase their alert against any possibility of the Shi'ite influence." It is important to note that the MUI did not give maximum charge against Shi'ism, as some Muslim clerics in other countries did.¹⁰ Shi'ism is an official religion in Iran, and the Indonesian government has a relatively good relationship with Iran. Moreover, the number of Shi'ites in Indonesia (at least 3 million) is far more than the members of Ahmadiyah. There are at least 3 million Shi'ite followers in Indonesia (Bureau of Democracy 2005). It is thus not easy to charge so many people.

[35] However, the MUI's fatwa remains influential in keeping Muslims' awareness of their "difference" from Shi'ism. Immediately after the fatwa was released, several conferences were held in Jakarta and other cities and publications against Shi'ism became widespread (LPPI Jakarta 1998b). The role of Middle Eastern authors, who were backed by Saudi money and published books and leaflet against Shi'ism, was also crucial in spreading the negative image of Shi'ism in Indonesia (for example, see Zhahier). There were several cases of hostility against Shi'ite followers. The last case took place in 2006, when a Shi'ite group called Ijabi was attacked by a Muslim mob. Ijabi was founded in 2000 in Bandung by a renowned Muslim intellectual, Jalaluddin Rakhmat. The group quickly spread to major cities in Indonesia. On June 4, 2006, Ijabi opened its branch in Bondowoso, East Java. However, this opening did not run well. Several Muslims there felt annoyed with the presence of the

¹⁰ Most of Muslim clerics in Saudi Arabia and other Middle-Eastern countries, for example, would say that Shi'ism is a deviant sect.

group. Later in September, they attacked a house of an Ijabi local leader but were quickly contained by the security guards. The case was then passed on to the police and to the court.

[36] The MUI's fatwas against other minority groups were released at different times. The fatwa on Islam Jamaah was issued in the early 1980s. It was driven by the rise of what was called Darul Hadis, a group who believe that salvation belongs only to *jama'ah* (literally, "group") (on the controversy of Darul Hadis, see Thayib; Imron and Taufiq). The fatwa on Darul Arqam was issued in 1994 as a response to the Malaysian government's move to ban the group earlier in the same year. Darul Arqam was founded in Malaysia in 1968 by a Muslim cleric named Ashaari Muhammad. It stirred up a huge controversy in Malaysian politics. In Indonesia, the group was not so strong. However, the MUI apparently did not want to take the risk after all branches of the group in Malaysia were closed (see Karim; Kerohanian). The fatwa on Inkar Sunnah was also released in 1994, although the process of making the fatwa has been enacted since June 1983. Inkar Sunnah is a derogative term for those who reject the tradition of the Prophet (*hadith*), in contrast to the majority of Sunni Muslims who believe that the *hadith* is an important source of Islamic laws in addition to the Qur'an. The group of Inkar Sunnah in Indonesia emerged in the early 1980s and was led by Marinus Taka, Irham Sutanto, and Lukman Saad, ordinary men who had never been trained in Islamic sciences (Tempo 1983).

[37] Among the fatwas on minority groups, the most virulent one was perhaps the fatwa that was issued on Salamullah or the Eden Community on December 22, 1997. Led by Lia Aminuddin, a middle-aged woman, Salamullah called for a new faith. The group believes in the continuation of revelation and the role of the archangel Gabriel. In the beginning, Lia Aminuddin claimed to be a prophet, but later she changed her mind, claiming to be Gabriel, the archangel. She told her followers that she routinely received revelation from God. To demonstrate her miraculous status, she predicted various natural events such as a tsunami, earthquake, and flood, which did not materialize. To spread its teachings, Salamullah held religious circles and published a weekly booklet and websites.¹¹ Based on Lia Aminuddin's teachings, particularly regarding the doctrine of the involvement of the archangel Gabriel, the MUI considered Salamullah to be an extreme deviant sect (*sesat dan menyesatkan*).

[38] Intolerant and unfriendly attitudes against Salamullah were generally prompted by the fatwa. Religious preachers refer to the fatwa if they speak about Salamullah. In Friday prayer sermons, Salamullah was often discredited as a dangerous group. Conservative groups such as the Indonesian Islamic Mission Council (DDII), the Islamic Defenders Front (FPI), and the Institute of Islamic Study and Research (LPPI) have campaigned to disband the group and prohibit its activities. Because the government did not take any action, on December 26, 2005, a group of Muslims surrounded Lia Aminuddin's house, where Salamullah members assembled. The mob began to attack the house and shouted seditious words such as "burn! destroy!" After three days of besiegement, the police finally arrived at the location and escorted 48 members of Salamullah, including children, to the Jakarta Police Headquarter (Tempo Interaktif 2005d; Kompas 2005c, 2005d). When the case of Salamullah went to

¹¹ There are two official websites of this community. The group's website is located at <http://www.mahoni30.org>, and its founder's website is located at <http://www.liaeden.info>. Most of Salamullah's teachings and activities can be found on these websites.

court, all members of the group were set free but Lia Aminuddin was sent to jail for two years (Kompas 2006d).

Fatwa on Pluralism, Liberalism, and Secularism

[39] The fatwa on the prohibition of the teachings of pluralism, liberalism, and secularism is part of the eleven fatwas that the MUI released in its seventh national congress on July 28, 2005.¹² This fatwa was the MUI's response to the emerging influence of the Islamic reform movement known as "Liberal Islam." Since 1998, alongside with the rise of the radical Islam, Indonesian politics witnessed the emergence of liberal Islamic groups. Some are old organizations like Paramadina¹³ and P3M,¹⁴ others are new like ICIP¹⁵ and Rahima.¹⁶ All of these organizations try to bring modern notions such as democracy, freedom, and pluralism into Islamic discourse.¹⁷ This is actually not new. Modernization of Islamic thinking had begun in the early twentieth century and has intensified since the 1970s. Nurcholish Madjid, the most responsible Muslim scholar to introduce progressive ideas in Indonesia, began to modernize Islamic thought in October 1972, when he presented a paper in a public gathering in Jakarta. The paper soon became controversial in the Muslim community. Among the important ideas that Madjid presented in the paper were rationalization and secularization.

[40] Madjid's movement (widely known as "neo-modernist" and also as a "renewalist group") had long been annoying Muslim conservatives, who felt irritated by new understandings of Islamic thought. Madjid's objection to "Islamic state" and "Islamic political party" was considered blasphemous. His idea of secularization had offended many Muslims who firmly believed in the unity of Islam and the state. Madjid's organization, Paramadina, had also been considered sacrilegious due to its support to such ideas as religious pluralism and inter-religious marriage. Madjid's project of Islamic reform was later

¹² The eleven fatwas are: (1) on violations of intellectual property rights; (2) on shamanism and fortune-telling; (3) on interdenominational prayer; (4) on inter-religious marriage; (5) on the status of non-Muslims in Islamic law of inheritance; (6) on the authority of Islamic institutions on public interest; (7) on teachings influenced by pluralism, secularism, and liberalism; (8) on private land; (9) on the prohibition of woman to lead prayer; (10) on Ahmadiyah; and (11) on death sentence.

¹³ Paramadina was founded in 1986 by Nurcholish Madjid, a Muslim intellectual graduated from the University of Chicago, the United States. The institute has been committed in disseminating progressive ideas of Islam.

¹⁴ P3M stands for Perhimpunan Pengembangan Pesantren dan Masyarakat (Association of Pesantren and Society Development), an Islamic NGO that focuses on disseminating progressive ideas in Islamic boarding schools. This organization has been chaired by Masdar Farid Mas'udi, a Muslim intellectual from a traditional background.

¹⁵ ICIP stands for the International Centre for Islam and Pluralism. Founded in 2005 by a group of progressive Muslims, ICIP was led by M. Syafii Anwar, a Muslim scholar who graduated from the University of Melbourne, Australia.

¹⁶ Rahima was founded in 2002 by Husein Muhammad, a progressive Muslim cleric from West Java. The organization promotes gender issues and campaigns for woman's rights in Indonesia.

¹⁷ Other Islamic organizations that may be considered liberal and thus supporting the three concepts banned by the MUI are the Liberal Islam Network, the Muhammadiyah Network of Young Intellectuals, Puan Amal Hayati, and the Wahid Institute.

supported by other Muslim leaders such as Abdurrahman Wahid, the former president, Dawam Rahardjo, a leader of the Muhammadiyah organization, and Djohan Effendi, an activist who chaired an international forum for religious dialogue (see further, Hefner; Anwar; Ali and Effendy).

[41] The current liberal Islamic groups continue to maintain the ideas that Madjid and other Muslim intellectuals have disseminated. ICIP, for instance, focuses on the idea of religious pluralism. Through its programs, ICIP disseminates pluralist ideas into Islamic boarding schools (*pesantrens*) and other Muslim communities. Rahima focuses on the empowerment of Muslim women. It tirelessly campaigns for gender equality and the elimination of discrimination against women. Among these organizations, the Liberal Islam Network (JIL), is perhaps the most vocal and the most controversial. Founded in March 2001, the formation of JIL was a response to the rise of Islamic radicalism and conservatism in Indonesia (see Harjanto). Like Madjid and other renewalist intellectuals, JIL members support modern ideas such as pluralism, liberalism, and secularism. To disseminate its ideas, JIL uses various programs such as public discussion, media syndication, radio talk shows, and workshops. The movement quickly became known through its many controversial articles. Its position in defending Ahmadiyah and other religious minorities sparked the MUI's and other conservatives' anger. Thus, when the MUI issued the fatwa on pluralism, liberalism, and secularism, many people think that it was addressed particularly at JIL.

[42] There are several reasons why JIL became the main target of the MUI's fatwa. First, JIL had been critical of the radical Islamic groups that sporadically emerged in the country. Muslim radicals have close relations to the MUI. Second, the intellectual discourse that JIL developed was generally against the conservative understanding predominant in the MUI. In 2002, Ulil Abshar-Abdalla, the coordinator of JIL, wrote an article for which he was charged with a fatwa of death by the West Java branch of the MUI. Third, JIL had been critical of the MUI's fatwas against minority groups, particularly Ahmadiyah and Salamullah. In July 2005, JIL and other organizations formed People's Alliance for Religious Freedom and held a press conference where they denounced the MUI's intolerant fatwas (Kompas 2005a).

[43] There was a rumor that I heard from someone close to the MUI that the council initially wanted to issue a fatwa directly on JIL and not on its ideas. However, as there were many respected figures standing with JIL,¹⁸ the MUI ruled it out and stressed instead its ideas. To ban JIL was also quite risky because it is not a religious sect like Ahmadiyah or Salamullah. JIL is just a discussion group maintained by young Muslim scholars. The JIL community develops Islamic intellectual discourse with new perspectives, and the MUI leaders are fully aware that difference of opinion in Islam is quite acceptable. What concerned the MUI foremost, however, was that JIL's way of thinking could confuse Muslims who have no knowledge of such speculative discourse. So the fatwa was the solution (Gillespie).

[44] The first attempt to attack JIL's office took place on August 5, 2005, just eight days after the MUI's fatwa on pluralism, liberalism, and secularism was released. The plot started in al-

¹⁸ Since its formation, JIL has acknowledged some distinguished Muslim intellectuals in Indonesia as its advisory members. Among them are Nurcholish Madjid, Abdurrahman Wahid, Ahmad Syafi'i Maarif, Amin Abdullah, Abdul Munir Mulikhan, and Azyumardi Azra.

Azhar mosque in South Jakarta, on Friday afternoon. The Islamic Community Forum (Forum Ummat Islam), which comprises several radical and conservative Islamic organizations (Majelis Mujahidin, Hizbut Tahrir Indonesia, and Front Pembela Islam), apparently had arranged the attack. Immediately after Friday prayers, Muslims gathered to listen to a “great sermon,” often called “*tabligh akbar*.” Several Muslim leaders gave their fiery speeches, condemning the West, Zionism, and global capitalism. They also condemned liberal interpretation of Islam and liberal Islamic groups, with JIL in first place. As usual, the audience aggressively cried *allahu akbar!* (God is great!), followed by other inflammatory words (Komunitas Utan Kayu). While the speeches went on, 200 members of the Islamic Defender Front (FPI) marched east, approaching the JIL’s office, but they stopped at al-Ikhlas Mosque in Salemba, about 3 kilometers from the office because the roads going to the JIL’s office were blocked by the police and sympathizers with JIL (Kompas Online 2005a, 2005b).

[45] After this failure, JIL’s office received threats almost everyday. Provocative banners were hung everywhere near the office, urging people to ban and expel JIL. On September 6, the Islamic Community Forum urged the Regent of Matraman (where JIL’s office was located), Herril Astapraja, to close down JIL’s office (Kompas Online 2005c). However the Regent said that he could not do that because JIL is a legal organization (Kompas Online 2005d). Several people brought banners and erected them right in front of JIL’s office, saying “We Support MUI’s Fatwa and We Urge the Regent of Matraman to Expel JIL and Its Allies” (Kompas Online 2005c). JIL’s security guards have taken down such banners several times, but more banners quickly replaced them. Finally, JIL decided to ignore the banners, on which the heat and rain eventually took its toll. The last time I saw the shabby banners in front of JIL’s office was in March 2006, several days before the fifth anniversary of JIL’s founding.

Conclusion

[46] Let me conclude this article by quoting a report released by the National Commission of Indonesian Human Rights (Komnas HAM) on the case of Ahmadiyah:

The rejection of some people, particularly from the Muslim majority, to the existence and doctrines of Ahmadiyah is not only articulated in the format of discourse, but also frequently in the formats of social conflict and physical assault that cause collateral damage. . . Discourse against Ahmadiyah took up various ways such as conference, workshop, training, discussion, preaching, teaching, public lecture, brochure, banner, leaflet, posters, demonstration, to make use of violent means such as damaging, burning, looting, and expelling. One of the most important findings of the National Commission of Indonesian Human Rights is that such a discourse was triggered by that of “the MUI’s fatwa,” which states, among other things, that “Ahmadiyah is an extreme deviant sect.”

This finding clearly reveals that there is a strong connection between fatwa and violence in Indonesia. Although the report is about Ahmadiyah, it can be applied to other minority groups as well. Fatwa is often considered as a religious instrument that can unify Muslims in Indonesia (Kaptein). In the colonial period, this view of fatwa was perhaps true. In the

present situation, however, fatwa often becomes an instrument of creating conflict and disruption among Muslims. The MUI's fatwa on the unlawfulness of bank interest issued in 2004, for example, has disturbed many Muslims because more than 90% of them put their money in conventional banks. Likewise, fatwas on religious groups, particularly Ahmadiyah and Salamullah, have clearly turned into fuel that combust Muslims' anger.

[47] There are some people who claim that fatwa is not legally binding. Some jurists and Muslim leaders embrace this view to deny that a fatwa is responsible for violent action. This view is certainly misleading, not only because there are many Muslims who still consider fatwa as "sacred statement," but also because fatwa is issued by the highest religious authority in the country. Moreover, fatwa has been institutionalized into a huge social-religious network. As explained earlier, the MUI members come from various Islamic organizations, including Muhammadiyah and Nahdlatul Ulama. Consequently, a fatwa issued by the MUI will automatically effectuate a huge Islamic network.

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