

The Politics of the Fatwa

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Abstract: Fatwas from Islamic organizations are prominent elements of public debates in democratic Indonesia, as well as the broader Muslim world. Yet scholars lack a clear theoretical explanation for the power of fatwas in politics. This paper draws on original archival material to explicate the authority of the fatwas from the Indonesian Council of Ulama (*Majelis Ulama Indonesia*, MUI), which over the past twenty years has become one of the country's most influential actors. The paper distinguishes three periods in the growth and transformation of MUI's authority; starting with charismatic authority and expert authority, MUI later gained regulatory authority, and now uses agenda setting, lobbying, mass mobilization, and the threat of violence. By examining how the power of MUI's fatwas increased as the organization accrued more forms of authority, this periodization demonstrates that explaining the political power of the fatwa requires understanding the modern organizational authority of Islamic actors.

Keywords: Islam, politics, religious authority, Indonesia

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I. Introduction

On December 2, 2016, the National Movement to Safeguard the Fatwa of the Indonesian Council of Ulama (*Gerakan Nasional Pengawal Fatwa Majelis Ulama Indonesia*, GNPf-MUI) staged the largest rally in Indonesian history. Over 750,000 people filled the plaza around the National Monument in Central Jakarta for the “Action to Defend Islam III” (*Aksi Bela Islam III*), the third and largest rally by Indonesia’s leading Islamist organizations, who were demanding action against Jakarta’s Chinese Christian governor for alleged blasphemy against Islam. The event was attended not just by Islamists, like the head of the Islamic Defenders Front (*Front Pembela Islam*, FPI), Habib Rizieq Sihab, and the rally’s organizer, Bachtiar Nasir, but also by president Joko Widodo (Jokowi), the head of MUI’s Fatwa Commission Ma’ruf Amin, and members of more moderate Muslim organizations like Muhammadiyah and Nahdlatul Ulama (NU). The event was a triumph for the power of Islamists in setting the political agenda for Indonesian politics. At the epicenter of that triumph was MUI.

MUI is now one of the most powerful actors in Indonesia. And yet, looking back at the writings and research on MUI since it was created in 1975, it appears that no one anticipated its rise. There are only two English-language scholarly books devoted to MUI, both of them researched prior to democratization in 1998 and the rise of MUI (Porter 2002; Mudzhar 1993). In a personal conversation with the author, one of the leading scholars of Indonesian Islam in the 1990s remarked, “Why would you study MUI? They don’t matter” (interview with anonymous, Jakarta, August 2007). Since 2005 there has been an uptick in journal articles devoted to MUI, but due to space constraints these writings address only narrow aspects of MUI, usually in the form of descriptive analysis of the content of MUI’s fatwas or normative laments about MUI’s challenge to liberal pluralism (Ali 2002; Hasyim 2011, 2015; Hosen 2004; Ichwan 2005; Sirry

2013; Nasir 2014). While there are a few more comprehensive accounts (Ichwan 2002, 2005; ICG 2008, 8-10; Olle 2009), missing from the literature is a synthetic account of how MUI came to occupy a position of such power.

Likewise, missing from this literature is a theoretical account of the authority of MUI's fatwas, and the political authority of fatwas more generally. Since 2005, fatwas from MUI have shaped public debates and state policies concerning blasphemy, religious pluralism, minority rights, vaccinations, pornography, smoking, and interfaith relations, among other issues.

Internationally, fatwas from prominent clerics like Ayatollah Khomeini of Iran have engendered heated debates about their influence. Yet, scholars lack a political theory of the fatwa and therefore assume that a fatwa's influence is a function of state corporatism or charisma. Yet, this paper contends that we need to go "beyond charisma" and "beyond corporatism" in order to explain the politics of the fatwa.

This paper attempts to address both gaps by explaining the power of MUI's fatwas over time as a function of the types and degrees of authority that MUI itself has accrued. Add sentence The paper distinguishes three periods in the history of MUI and demonstrates that in each era, fatwas from MUI exerted authority through distinct mechanisms. Further, the paper shows that these forms of authority accumulated over time.

In the first period, from 1975 to 1990, MUI relied on a combination of charismatic authority and expert authority derived from its status as a quasi-state body. MUI was essentially a model of *state corporatism*, created by Suharto in order to control ulama in the same way that the Islam-based Unity and Development Party (*Partai Persatuan Pembangunan*, PPP) provided a vehicle to control Muslim political parties.

In the second period, from 1990 to 2005, MUI became a regulatory body with state-backed coercive power over Islamic banking and halal food certification. This was a period of institutional innovation. Key to MUI's new power was the overlap between MUI officials and the architects of the Association of Indonesian Muslim Intellectuals (*Ikatan Cendekiawan Muslim Se-Indonesia*, ICMI). In period II, MUI became not just "quasi-state" but a formal state institution. Paradoxically, however, after democratization MUI also began to gain autonomy from the state as a result of substantive disagreements with then-Presidents Abdurrahman Wahid and Megawati Sukarnoputri, as well as financial autonomy as a result of its lucrative halal food certification program.

In the final period, from 2005 to the present, MUI has extended its authority even further and has begun to reap the benefits of innovation. It continues to receive funding from the state and to appoint charismatic leaders, as in period I. It also continues to exert regulatory control over Islamic banking and food certification, and in fact has expanded its reach to overseas markets. It has also expanded its influence over media through close relationships with two regulatory agencies, the Film Censorship Board (*Lembaga Sensor Film*, LSF) and the Indonesian Broadcasting Commission (*Komisi Penyiaran Indonesia*, KPI). Period III is distinct, however, in that MUI has come to align with and even direct mass movements in order to put pressure on the state. This alliance was implicit in the late 1990s and 2000s, but in recent years has become overt, with leaders of radical Islamic mass movements now on MUI's central board, including Maman Abdurrahman of Persatuan Islam, the Salafi Muhammad Zaitun Rasmin, and the organizer of the GNPF-MUI, Bachtiar Nasir. Additionally, Ma'ruf Amin gained the authority of a cabinet member when he was appointed to Susilo Bambang Yudhoyono's Presidential Advisory Council (*Dewan Pertimbangan Presiden*) in 2007, giving him immediate access to the president on a

nearly weekly basis, as well as to the heads of other government ministries. In sum, in period III MUI has used lobbying, mass mobilization, and coercive authority through vigilante organizations like FPI to gain leverage over other state institutions, thereby gaining the power of a social movement and even becoming a competitor to the state's monopoly on the legitimate use of force. In this period, MUI has begun setting the agenda for Indonesian politics.

This periodization demonstrates the limitations of existing accounts of fatwas and their religious authority for explaining the case of MUI. Classical theories of Islamic religious authority depict fatwas as a form of “non-binding” opinion, which accurately describes MUI's fatwas only in period I, and then only partially, due to MUI's affiliation with the state. Likewise, state-corporatism theories fall short given MUI's autonomy; MUI's fatwas do not automatically become binding state law like those of the state-appointed muftis in Malaysia.

Anthropological theories of the fatwa are similarly unhelpful. Drawing on two years of ethnographic observation of the fatwa council of al-Azhar, the most esteemed center of Sunni learning in the Muslim world, Hussein Agrama convincingly demonstrates that fatwas can be a way for the mufti and Muslim to jointly find an ethical path to the ideal Muslim self (2010). Yet an ethical theory of the fatwa cannot explain the authority of MUI, which operates nothing like the affable ulama of al-Azhar. MUI's fatwas are issued to great media attention. They are drafted following testimony by experts in state law, Islamic law, economic development, and security. They are crafted collectively and issued on MUI letterhead with the MUI stamp of approval and the signatures of the head of MUI's fatwa committee and his assistant. They are issued from MUI's glossy new building, which is prominently depicted on MUI's website. Ma'ruf Amin's office is on the highest floor of this building. Insofar as he is advising individuals, it is on paper

and under the auspices of expertise, rather than through gentle counsel and ethical imploring of Muslims to be their best selves.

In light of the changing nature of MUI's power and the concomitantly changing authority of its fatwas, the paper demonstrates that contemporary fatwas contain no innate authority, nor do they have any inherent effects. Instead, the authority of a fatwa is linked to the power of the organization issuing the fatwa, and scholars seeking to understand the politics of fatwas would do well to start with organizations rather than ethics, doctrine, or charisma. This endeavor requires mapping the organizational position and interests of a specific actor, at a specific time, in response to a specific set of events.

Such endeavors are valuable beyond Indonesia. Clerics like Ayatollah Khamenei, Supreme Leader of Iran, and Sheikh Muhammad Sayyid Tantawi of al-Azhar in Cairo are central to contemporary domestic and international politics, yet their mechanisms for influence are poorly understood. By focusing on their organizational vehicles and the attendant forms of authority, scholars can cut through the confusion that too often accompanies debates about Islam and politics.

The remainder of this paper elaborates these arguments. Section II outlines the state of the literature on fatwas, religious authority, and MUI in order to pinpoint gaps. Section III draws on recent scholarship on the politics of Islamic law in order to make the case that MUI's fatwas are emblematic of modern religious authority and its diverse mechanisms of social influence. Section IV is divided into the three periods outlined above. Section V discusses the limitations of MUI's authority and outlines the implications of MUI's power for democracy. It concludes by extending the theory to show how an organizational approach to the fatwa can shed light on the politics of Islamic authority in the Middle East and Southeast Asia.

II. Existing Explanations

In Islamic legal theory, a fatwa is a statement of non-binding opinion from a scholar of Islamic law, usually a mufti. Historically, scholars regulated their own activities and delineated professional standards for their behavior, meaning that all that was required for a person to give a fatwa was religious knowledge and piety (*taqwā*). Fatwas were not binding on the person who received them or the person who gave them. Yet, they were not arbitrary or lacking in importance. Jurists have historically been reluctant to serve as fatwa givers because the issuer of a fatwa has tremendous responsibility to God, and is exposed to the possibility of (divinely punished) error (Masud, Messick and Powers 1996, 4, 16).

Observers who interpret fatwas as positive law often poorly understand this responsibility. The ethical nature of the fatwa was most recently captured in Agrama's (2010) erudite work. He pushes back against the idea that fatwas are a tool of doctrinal reform, bridging the divide between a classical tradition and the modern world, by showing that the Islamic tradition has always been adaptive rather than static. Instead, Agrama suggests that muftis issue fatwas in order to guide Muslims toward the ideal self. The idea that fatwas are ethical in nature provides a useful, albeit insufficient, departure from the Weberian typology of authority. Weber defines authority as that which is accepted as legitimate by those subjected to it. He identifies three forms (Weber 1947, 328-386). Charismatic authority, represented by the Prophet, is the purest form in that it claims the right to supersede existing normative orders and reveal new ones. Customary rulers, such as monarchs, are representative of traditional authority. And rational-legal authority is represented by government officials who hold office on the basis of specific rules and procedures that define and limit their rights and responsibilities. While this typology

proved useful for mapping patterns of authority in 18th century Europe, it is less helpful for mapping varieties of authority among modern religious communities.

Beyond Weber, there are two common explanations for MUI's growing power. The first and most common explanation centers on the changing ideology of the Indonesian public. In this view, MUI's authority is a reflection of public opinion, which has purportedly evolved from supporting democracy to theocracy. Indeed, since democratization in 1998, conservatives have increasingly set the public agenda, while more moderate Islamic organizations appear to have lost influence.

This explanation has some merit. Indicators from the World Values Survey (WVS) suggest that Indonesians may not favor the differentiation of religion and state as much as they did in the past and thus may favor more religious rather than secular political authority. In a 2001 survey, 90% of respondents agree or strongly agree with the statement "Religious leaders should not influence government;" this number drops precipitously to 54% in the 2006 survey (WVS 2018). Indonesian religious authorities may also be more conservative now than in the 1980s, when Muslim moderates like Syafi'i Maarif, Abdurrahman Wahid, and Nurcholish Madjid set the public agenda. The loudest intellectuals in contemporary Indonesia are conservative, which is why Martin van Breuinessen describes Indonesian Islam as having taken a "conservative turn" (2013).

Yet this explanation leaves as many questions as it provides answers. On a different WVS indicator of differentiation, there is far less change, with 86% of respondents in 2001, then 74% in 2006 agreeing that "Religious leaders should not influence how people vote." Similarly, Greg Fealy and Robin Bush's research on support for the mass Islamic organizations NU and Muhammadiyah finds that while the giants of moderate Islam remain influential in religious

affairs, their sway in politics has dropped markedly, suggesting that Indonesians continue to favor the differentiation of religion and state (Fealy and Bush 2014).

A second line of explanation focuses less on the changing ideology of the public than on the behavior of elites. Thomas B. Pepinsky, R. William Liddle and Saiful Mujani contend that religious piety is a poor predictor of political preferences and that the “conservative turn” is a function of strategies of mobilization (2018). Likewise, in a prescient early analysis of MUI’s rise, International Crisis Group noted that MUI has skillfully mobilized radicals in civil society in order to pressure the government, with its greatest success with President Yudhyono, who in 2005 and 2007 gave MUI his support to play a prominent role in policymaking (ICG 2008, 8-10). Similarly, Michael Buehler’s account of the adoption of shari’a regulations convincingly argues that it is a consequence of “opportunist Islamizers” rather than ideological shifts (2016, 3). And Jeremy Menchik’s research on the history of intolerance toward heterodox groups demonstrates that elites have long drawn on intolerance as a productive aspect of Indonesian nationalism (2014a). Conservatives and Islamists are not new to Indonesian politics; they are newly visible.

This second explanation is consistent with the argument pursued in this paper. Yet, the existing literature falls short in several key respects. First, these explanations fail to explain how, when, and why conservatives have been able to set the agenda. They take for granted the authority of the conservatives rather than explicate its origins. Second, these explanations emphasize only the opportunities and innovations of MUI in the post-Suharto period, ignoring the pivotal moves by MUI to developing its economic, media, and links to radicals in the 1990s, long before *reformasi*. Third and finally, these explanations ignores the changing organizational forms and subsequent authority of Islamic organizations; to understand the power of MUI fatwas, it is important to contrast MUI’s modes of authority in the three periods, as well as with more

traditional Islamic organizations like Muhammadiyah, NU, and Egypt's al-Azhar.

III. Argument: Modern Religious Authority

MUI came to be a leading religious authority in Indonesia by aggregating influence through organizational expansion, innovation, and alliance. While discussions of MUI's influence invariably describe its fatwas as “non-binding” and its institutional position as “quasi-state,” these descriptions rely on outdated assumptions. MUI has grown in power by using modern forms of authority familiar to scholars of comparative politics and non-governmental organizations, such as agenda-setting authority, legislative authority, lobbying, bureaucratic regulatory authority, mass mobilization, and coercive authority (Keck and Sikkink 1998).

Specifically, since 1990 MUI has expanded its mandate, gaining regulatory power over shari'a banking and food certification through its National Sharia Board (*Dewan Syariah Nasional*, DSN MUI) and its Institute for Food, Drugs and Cosmetic Assessment (*Lembaga Pengkajian Pangan, Obat-Obatan dan Kosmetika*, LPPOM MUI), both of which are recognized by parliamentary legislation. Likewise, MUI has built close alliances with the regulatory bodies for media, and by doing so has demarcated the limits of acceptable discourse in film and TV. MUI has meanwhile sought to distance itself from the government by shifting its institutional program from the position of a subordinate coopted by the state to that of an autonomous entity that lobbies the state in innovative ways, including as a member on high-level commissions and advisory boards. This innovation has also taken more concrete forms, such as MUI's move out of the national mosque into a separate building that gives it greater autonomy. Around 2010, MUI moved its office from a back hallway of the government-built and -owned Istiqlal Mosque to an independent, modern, luxurious space where MUI could issue decrees from on high.¹ Finally,

MUI has meticulously aligned with mass movements in society, directing their mobilization in order to lobby for policies from below through the appearance of mass support as well as the threat of violence.

MUI's fatwas thus embody a diverse array of types of authority, all of which are thoroughly modern rather than being solely a function of charismatic authority, legal-rational authority, traditional authority, or ethical authority as exemplified by al-Azhar. To understand MUI's growing power, it is necessary to look beyond these modes of traditional religious authority to modern organizational forms and their attendant strategies for exerting social control.

In the past twenty years, scholars of Islam and law have made major advances in understanding the similarities and differences between the traditional shari'a as it was practiced prior to the nineteenth century and as it is understood and envisioned by modern states and activists. Wael Hallaq's influential text, *Shari'a: Theory, Practice, Transformations*, maps the radical disjuncture between the pre-modern shari'a and contemporary "Islamic law": the former was grounded in ethics, customary norms, and local customary practices that created and maintained a "well ordered society," while the latter is uniform and implemented by the state (Hallaq 2009). In Iza Hussin's careful analysis, premodern shari'a was flattened to accord with the static, uniform version of law envisioned by colonial administrators and postcolonial statebuilders (Hussin 2016). It was also narrowed; rather than including administrative or commercial law, its jurisdiction has been limited to family law, gender, and religious observance. It is for this reason that Hussin describes the East India Company and Muslim state-builders in India as implementing "Anglo-Muslim law" rather than shari'a (Hussin 2016, 85).

Malaysia is a key case for this literature; Hussin uses it to demonstrate how key features of the shari'a were cast aside or unintentionally subverted by colonial state builders and Muslim

elites. The Malaysia example is instructive for the present study as well, since it has served as something of a normative ideal for MUI. Tamir Moustafa demonstrates how the Malaysian state, by making fatwas binding, paradoxically subverts the classical notion of fatwas as non-binding legal opinions (Moustafa 2014, 162). Fatwas from the Islamic Religious Council, State Mufti, and Islamic Legal Consultative Committee carry the force of law and bypass other legislative institutions such as the Parliament (Moustafa 2018, 44). Another useful comparative case is Brunei. Dominik Müller describes how the bureaucratization of Islam has led to only the State Mufti having the authority to issue “legal” fatwas (Müller 2015, 2017). Fatwas in Brunei are binding state law, deployed by state religious institutions in order to coopt opposition, promote piety, and authorize a particular version of orthodoxy. These cases are helpful for comparative and theoretical purposes, as well as helping to explain where MUI’s ideas originate; there is evidence that institutional norms have diffused from Brunei and Malaysia to Indonesia through regular meetings of their respective Ministries of Religion (Pelita 1991a, 1991b). This surprising pathway for norm diffusion runs counter to that assumed by the scholarship on transnational Islamic influence, whereby norms diffuse from the Middle East—usually Saudi Arabia, Egypt, or Iran—to the Muslim periphery.

MUI is trying to make its fatwas binding, like the fatwas of modern Malaysian and Bruneian muftis in the employ of the state, and it has been partially successful. Where MUI departs from those cases, however, is in its mechanisms for doing so. MUI is not the Indonesian institutional equivalent of the Malaysian Islamic Development Department (*Jabatan Kemajuan Islam Malaysia*, JAKIM). Instead, in period II, select MUI fatwas became binding through regulatory means. In period III, a broader array of MUI fatwas became binding through formal lobbying from above (directed specifically toward the Ministry of Religion, President, Constitutional

Court, and Legislature) and through informal lobbying from below using alliances with mass movements and the threat of violence. In other words, MUI is creating Islamic law through other means than Malaysian and Bruneian ulama, but with similar effects.

In sum, to understand the religious-political authority of the contemporary MUI, it is necessary to move beyond explanations based in charisma, ethics, or models of religious authority that existed in premodern shari'a. Instead, MUI exerts authority through the thoroughly modern mechanisms of agenda-setting, bureaucratic regulation, lobbying, coercion, and mass mobilization. This aggregation of channels for religious-political authority has given MUI more power in period III than ever before in its history, and has led to MUI displacing the influence of more traditional Islamic organizations whose religious authority is more similar to that of the muftis of al-Azhar.

More theoretically, this aggregation of religious-political authority suggests that the key to understanding MUI's influence is recognizing that it uses a broad and creative array of strategies of influence. Like JAKIM in Malaysia, MUI relies on its bureaucratic authority over mundane issues like food certification and Islamic banking to compel everyday Muslims into compliance. Akin to the Egyptian Muslim Brotherhood, MUI deploys mass mobilization, filling the streets and compelling the state into conformity with its policy preferences. Like the European Council for Fatwa and Research, MUI brings together prominent Muslim scholars in order to unify their jurisprudence and issue joint fatwas that represent the collective, which in turn shape public behavior through ethical appeals. Similar to Saudi Arabia's leading religious family, the Al ash-Sheikh, MUI supports select government leaders in order to gain influence in return. In comparative theoretical perspective, MUI's fatwas are emblematic of modern religious authority and its creative, diverse mechanisms for social influence (Hoesterey 2015).

IV. Three Periods of MUI

Period I (1975-1989): State Corporatism

In 1975, President Suharto created MUI as a hierarchical series of consultative councils. At the outset, MUI had “little impact on the Islamic community” and the wider public (McVey 1983, 209). Two years earlier, Suharto had forced all Islamic political parties into PPP, which helped him to consolidate power and neutralize opposition; MUI was intended to similarly neutralize ulama that were active outside of party politics. It was designed as a mechanism to “co-opt, fragment, and neutralize Islam as an autonomous political force, regulate associational life, and ensure mass turnouts for [the political party] Golkar at election time” (Porter 2002, 76). **Figure 1** provides visual representation of this point, depicting MUI members waiting to be received by Suharto.



Figure 1: A line of MUI members wait to be received by their superior, Suharto. With Suharto is Datuk Palimo Kayo, MUI Provincial Chair for West Sumatra (Pelita 1985).

MUI was also the Indonesian government's formal face abroad in bodies like the Organization of Islamic Countries (OIC). In April 1974 the OIC urged Muslim governments to declare Ahmadiyah, a small religious sect often perceived as heterodox by Sunni Muslims, to be a non-Muslim minority (Friedmann 1989, 44). The statement led to anti-Ahmadi resolutions in Jordan, Mauritania, and Mecca and exacerbated ongoing conflict in Pakistan. MUI issued its own fatwa against Ahmadiyah in 1984, decrying the group as a heretical sect.

The 1984 fatwa against Ahmadiyah had little effect. The Suharto government was more concerned with development than heterodoxy, and MUI fatwas that opposed state policy were

largely ignored, or in some cases opposed by Suharto, such as the fatwa on Muslims not attending Christmas celebrations, which led to the MUI chair's resignation (Nasir 2014, 494). The 1984 fatwa on Ahmadiyah was ignored; the few newspaper articles mentioning the fatwa focused on the dispute between the Ministry of Religion, which like MUI sought to ban Ahmadiyah, and the Ministry of Justice, which had given Ahmadiyah legal recognition (Pelita 1984).

MUI's authority in this period was a product of its charismatic religious scholars (*ulama* or *kyai* in the common Indonesian form)—in this period, the famous Muhammadiyah leader Hamka (1977-1981), then Syukri Ghozali (1981-1984), then another Muhammadiyah leader, Hasan Basri (1984-1990)—as well as of MUI's association with the state. It was seen as the umbrella for Indonesian Islam. Yet, its authority was also contested, with Abdurrahman Wahid launching the earliest critiques in 1981 (Sirry 2013, 106). Without more muscular sources of authority, MUI's influence was limited.

By focusing on the organizational reasons for MUI's authority, this paper seeks to counter more ideological accounts of its influence. That said, it is worth closing this section with a brief account of MUI's mission in 1975, since it changed so drastically in subsequent periods. MUI was tasked with serving as the “translator of the concepts and activities of national or local development for the people;” being a council that “gives advice and opinions to the government concerning religious life;” and being the “mediator between the government and the ‘*ulamā*” (Ichwan 2005, 48). MUI's authority stemmed from the charisma of its ulama and its closeness to the state, which led to influence around the margins of the state and fatwas that amplified state policy, weakly resisted state corporatism, or were simply ignored.

Period II (1990-2005): Institutional Innovation

Period II was a time of institutional innovation and expansion under the leadership of two prominent NU scholars, Ali Yafie (1990-1999) and Sahal Mahfudh (1999-2014). The Institute for Food, Drugs and Cosmetic Assessment was created in January 1989, then issued its first halal certificate in 1994 (Ichwan 2013, 71). Halal certification is a labeling system that assures consumers that a product complies with rules about ritual cleanliness. Islamic banking began in May 1992 with the Bank Muamalat Indonesia (BMI), an MUI project with support from government officials including Suharto (Ichwan 2006, 205). Both programs began small, and MUI continued to be a resource-poor organization for most of the 1990s. Hosen reports that MUI would frequently give board members only a day's notice about meetings and an honorarium of 50,000 rupiah (\$22 USD), which would not even cover their transport to Istiqlal mosque. Many members did not have access to a library to prepare for meetings (Hosen 2004, 177). Not surprisingly, many scholars have commented on the relatively shallow quality of MUI's arguments in this decade; Ahmad Sukardja argues that MUI in the early 1990s was a low-capacity organization whose fatwas were prepared hastily (Hosen 2004, 177).

Growing financial independence, however, led to program development. At its 1995 congress, MUI laid out an ambitious program that included the promotion of Islamic brotherhood, education, Islamic economics, Islamic identity and propagation (*da'wa*), community development, and the training of ulama (Ichwan 2005, 49). MUI claimed that it was sending 2,000 preachers (*da'i*) to areas where the state's transmigration program was active (Antara 1993). Ichwan reports that each *da'i* received 100,000 rupiah (\$44) per month for three years, as well as one bike (Ichwan 2006, 202).

The early 1990s was also a period of cooperation between MUI and ICMI. Created in

December 1990, ICMI was a Suharto-sponsored association designed to mobilize Muslim supporters against Suharto's opponents (Liddle 1996). It was initially organized by five students from the Universitas Brawijaya in Malang, East Java, but its importance lies more in its backing by Suharto's deputy, B. J. Habibie, and Minister for Population and the Environment Emil Salim. Neither was then known as a Muslim leader, but instead as high-ranking officials close to Suharto. Habibie was an engineer and technocrat, Salim a prominent economist. The group they put together included many government officials that were jointly associated with MUI, namely Azwar Anas, then coordinating minister for people's welfare, Lt. Gen. (ret) Achmad Tirtosudiro, head of the critical National Logistics Body which controlled food distribution, and West Sumatran Governor Hasan Basri. Other Suharto officials with prominent Islamic credentials included Ministry of Manpower official Din Syamsuddin, and the agricultural economist Amin Aziz. ICMI also included genuine kiyai like K.H. Ali Yafie, and other prominent religious scholars like the legal scholar Jimly Asshidiqie, Muhammadiyah leader and Gadjah Mada University political scientist Amien Rais, the Shia intellectual Jalaluddin Rahmat, the journalist and historian Syafi'i Anwar, and very senior Islamist figures from the 1950s like Anwar Haryono and Lukman Harun.² There were formal ties between MUI and ICMI, such as their joint statement against a state-run lottery program (MUI 1997, 193). The lottery, commonly known as *Porkas* (Forcecast), was discontinued less than two weeks later. But the more important relationships were informal. ICMI's architects infused MUI with more power than previously, with Jimly Asshiddiqie and Amin Aziz at the helm of MUI's emergent halal food certification program and Azwar Anas, Emil Salim, and Ali Yafie at the center of the Islamic banking program (Pelita 1993). These ties suggest that the enduring legacy of Suharto's emboldening of political Islam can be found not in ICMI, whose influence has waned, but in the expanding

power of MUI.

During this period and into period III, MUI gained regulatory power as a result of administrative regulations and parliamentary law. DSN MUI oversees the Sharia Supervisory Boards (*Dewan Pengawas Syariah*, DPS) that are required in all Islamic financial institutions, including banks and Islamic insurance companies (Lindsey 2012, 261). The DSN is now chaired by Ma'ruf Amin and receives funding from the government through the Ministry of Finance and the central bank, as well as payments from DPS in Islamic financial institutions. Scholars estimate that this is a significant source of funding for MUI, given that Islamic banking is estimated to account for 3% of the country's \$42 billion in financial assets (Nikkei 2016). Each DPS is required to consult the DSN MUI for guidance on issues of doctrine, which it gives in the form of fatwas. It issued 50 fatwas between 1993 and 2003 related to banking and insurance, and maintains active authority in finance (Lindsey 2012, 265).

MUI also gets funding and authority from its halal food certification program. The law on Animal Health and Husbandry requires that a certifying body endorse all halal meat (Lindsey 2012, 266). Until the end of 2017, MUI was the only certifying body (Jakarta Post 2017). Ministry of Agriculture regulations oblige all businesses in foreign countries producing meat for export to Indonesia to have a staff to ensure their products are halal. This staff is to be “controlled and supervised by a Halal Certification Institute recognized by and cooperating with [LP-POM MUI] and the Fatwa Commission of the MUI” (Lindsey 2012, 266-267, citing article 15(1)(e)). Numerous laws and regulations from the 1990s and 2000s grant MUI sole authority as the inspection agency for halal food (Lindsey 2012, 267).

Given its regulatory authority, the legal scholar Tim Lindsey describes MUI in this period as a “QUANGO,” a quasi-autonomous non-governmental organization (Lindsey 2012, 255). In the

British and American traditions, QUANGOS are financed largely by the government, are responsible to their own board of directors, and are located on government property. Examples include research units sponsored by the U.S. Defense Department and private organizations established by government funding, such as the Rand Corporation. The implications of this change for the authority of MUI's fatwas are striking: "...MUI fatwas in Indonesia are no longer always just religious recommendations issued from civil society that lack binding force, as in the past. In the case of the halal certification industry, as for Islamic banking, some MUI fatwas now have legal status as enforceable regulatory instruments of state" (Lindsey 2012, 268).

The result of this increased power is that in period II MUI began contesting state authority. In December 2000, MUI issued a fatwa stating that the Japanese company Ajinomoto's products were haram because the company used *bacto soytone*, which contains a pig enzyme, in the production of its widely used monosodium glutamate (MSG) products (Ichwan 2005, 69-70). As a result, MUI revoked Ajinomoto's halal certification.

Indonesian President Wahid disagreed with MUI's decision and issued a fatwa in support of Ajinomoto. Yet, by this point in his presidency Wahid was plagued by scandal, and MUI proved to be more powerful than him. Laode Djeni Hasmar of Golkar said that only MUI had the authority to issue such a fatwa. PPP and other Islamist parties followed suit. The chief of police, General Bimantoro, said his officers would follow MUI rather than Wahid (Ichwan 2005, 70-71). MUI was building on its growing authority as well as its other battles with Wahid; in 1999 Wahid had suggested that MUI should be financially independent and have an office outside of Istiqlal, and MUI had opposed Wahid's policies on opening trade with Israel and overturning the 1966 ban on Communism (Ichwan 2005, 62, 70). This fatwa is also a reminder of the limits of explanations grounded in charismatic authority. Wahid was a far more charismatic, famous, and

popular ulama compared to Ma'ruf Amin or Mahfudh, yet he proved less powerful than MUI due to its regulatory authority and political alliances.

MUI has also shaped the country's media environment. In 1983, during the production of the film *Sunun Kalijaga*, MUI leaders participated in a discussion about how religious principles could be promoted through film, but MUI had no effect on programming (Hereen 2012, 116). Period II saw greater influence. In 1994, Ali Yafie and Hasan Basri called for the film *True Lies* to be banned on the grounds that it was offensive to Muslims (Republika 1994). The film was removed from theaters less than two weeks later. In 1996, Basri protested the films *Jin dan Jun* and *Si Manis Jembatan Ancol* on the grounds that they presented false religious teachings. His critique did not lead to censorship of these specific films, but two years later the Film Censorship Board (LSF) was instructed by the Minister of Information to ban films and television series with themes that misrepresent religious teachings (Hereen 2012, 146). And in 2004, MUI signed on to the popular television preacher AA Gym's campaign to get the film *Buruan cium gue!* (Hurry Up and Kiss Me!) banned on the grounds that it promoted premarital sex among teenagers. The film was withdrawn from cinemas (Hereen 2012, 163).

MUI has gained even more power over media through its influence on LSF and the Indonesian Broadcasting Commission (KPI) and through its partnership with the mass movement FPI. As a result, MUI no longer needs to rely on fatwas or government ministers to have programs censored. The most recent manifestation of influence is an award that KPI presented in 2018 to Ma'ruf Amin for being a major figure in broadcasting (RMOL 2018). In another innovation, MUI itself has handed out media awards since 2001 in order to incentivize television producers to run religious programs during Ramadan (Hereen 2012, 128, 175). The criterion for the awards seems to be the quantity of programming, not the quality (Barkin 2004, 15).

MUI's ally, ICMI, was innovative during this period in its strategies to defeat its opponents, using the claim that they were guilty of "defamation of religion" (*penodaan agama*) in order to have them harassed, prosecuted, and jailed. In March 1995, the ICMI leader and Suharto loyalist Din Syamsuddin launched such a campaign against a critic of Suharto, Permadi Satrio Wiwoho. Syamsuddin used a recording of a speech Permadi had given in April 1994 to allege that Permadi had insulted Suharto, Golkar, and the Prophet Muhammad. This was a repeat of an earlier campaign by Syamsuddin and Golkar to mobilize the Muslim community against Arswendo Atmowiloto, editor of the mass tabloid *Monitor* (Hefner 2000, 175-178). On the same day that Syamsuddin's statement was published, MUI chair Basri called a press conference to denounce Permadi's statements and demand legal action against him. In the end, Permadi was convicted of slander and sentenced to eight months in jail. Shortly thereafter, in 1998, Syamsuddin becomes Secretary of the MUI Steering Committee (*Panitia Pengarah*), then becomes General Secretary in 2000 (MUI 1999, 2005). Syamsuddin and MUI again deployed the charge of "defamation" against Ahmadi Muslims in the early 2000s, and in 2016 against the Christian governor of Jakarta in order to cripple his reelection campaign.

After the fall of Suharto, MUI's purview expanded horizontally (through tackling more issues and contesting state power) and vertically (by reaching down to society). As it moved out from under the corporatist control of the Ministry of Religion, MUI began acting more like a peer institution, contesting the state's policy prerogatives. This shift is readily apparent in MUI's changing approach to the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI). In 1985, MUI was involved in the project of codifying Islamic law to be used by the Islamic court system, but was only one of 17 committee members that drafted the KHI. This was a top-down process, with MUI "simply there to justify KHI" (Ichwan 2006, 128). This is in sharp contrast to MUI's

influence by 2004, when a team within the Ministry of Religious Affairs developed a series of reforms to the KHI. After the proposals were made public, MUI and other organizations objected and successfully blocked even a discussion of reforms to the KHI, let alone their enactment (Ichwan 2006, 266).

In Islamic legal theory, fatwas are a response to a specific question asked of a specific mufti about an actual situation; they are very rarely hypothetical (Masud, Messick, and Powers 1996). Yet after 2000, MUI began setting the “agenda” for policy in Indonesia, giving fatwas whether requested or not (Nasir 2014, 495; Ichwan 2005, 50). In 2000, MUI’s mission reflected its new role, defined as being the *fatwā* giver (*mufti*) “whether requested or not”; guide and servant of the Muslim community (*rā’i wa khādim al-ummah*); pioneer in the reform and the renewal movement (*al- iṣlāḥ wa’l tajdīd*); and upholder of the Quaranic dictate to be a “moral force ... for social rehabilitation” (Ichwan 2005, 50).

Period III (2005-present): Mass Mobilization

2005 marked the debut of the assertive, agenda-setting MUI, powered by bureaucratic, charismatic and formal state authority while free from the financial constraints of the state. In this period, MUI has repeatedly crafted fatwas that have been seen as binding. The mission of MUI as articulated in 2005 included the roles listed at the end of the previous section, as well as “upholder of the known good and forbidding the reprehensible” (*al-amr bi al-ma’rūf wa al-nahy ‘an al-munkar*). Notice that there is nothing in the mission about being the advisor of the state. MUI in this period often leads the state.

MUI reissued its fatwa against Ahmadiyah in July 2005. The difference in the influence of MUI’s fatwas in 2005 and 1984 is instructive in two respects. First, there is a common

perception that MUI has grown more conservative since democratization, and indeed it has grown more assertive about its support for shari'a-based legislation (Hasyim 2015; Ichwan 2013). Yet on the Ahmadiyah issue—as with the issues of religious deviance, inter-religious marriage, Muslims' attendance at Christmas celebrations, the visual depiction of the Prophet Muhammad, penalties for drug users, alcohol consumption, opposition to transgender persons, and support for family planning—MUI's views are best characterized as static.

Second, what have changed are MUI's mechanisms for influence. The 2005 fatwa against Ahmadiyah was part of a broader campaign launched at a seminar titled “Ahmadiyah: Its Deviation and Danger” at Istiqlal Mosque (then MUI's headquarters) on August 11, 2002. Amin Djamaluddin, the head of the Islamic Research and Study Institute (*Lembaga Penelitian dan Pengkajian Islam*, LPPI) and the most persistent proponent of the anti-Ahmadiyah movement, was one of the main presenters (Burhani 2013, 226). Violence followed two months later, with mass mobilization in East Lombok, Kuningan, and Tasikmalaya, then spreading in 2005 to Bogor under the leadership of FPI and Djamaluddin. On July 15, 2005, upwards of 10,000 people attacked the Bogor headquarters of the Ahmadiyah Indonesia Congregation (*Jamaah Ahmadiyah Indonesia*). Armed with sticks and batons, the attackers broke into the compound and set fire to buildings. Nearly 400 police officers stood outside the compound as this happened, then shuttled Ahmadiis to the Bogor prosecutor's office for “safekeeping” (Jakarta Post 2005). Djamaluddin's campaign against Ahmadiyah dates back decades, but only in the 2000s did his research have the authority of the state. In 2005 he was appointed by MUI to be its representative for discussions about heretical sects with a team from the Coordinating Body for the Surveillance of Spiritual Movements in Society (*Badan Koordinasi Pengawasan Aliran Kepercayaan Masyarakat*, Bakor Pakem) in the Attorney General's Office. When Bakor Pakem recommended

to the government that it outlaw and disband Ahmadiyah, the contents of its recommendation strongly resembled the letters that Djamaluddin had sent to the Attorney General's Office in 1994 and 1996 (Burhani 2013, 228-229).

When MUI re-issued its fatwa against Ahmadiyah, it did so not from a position of subservience, but with financial autonomy from the state, strong ties to violent movements, and close ties to President Susilo Bambang Yudhoyono (SBY). Rather than focus its energies on getting the Ministry of Justice to repeal recognition of Ahmadis, as in 1984, MUI lobbied SBY directly and partnered with Islamic vigilantes to lobby from below using the threat and enactment of violence. The alliance between FPI and MUI was thus born of shared goals and complementary avenues of influence. Burhani notes, "When the government did not give its support, in a number of cases, it was through the muscle of the mob that Islamic orthodoxy could be defended and enforced" (2013, 234). FPI helped MUI establish itself as an independent actor without losing its status as a quasi-state institution: "FPI uses MUI's fatwa to legitimize violent vigilantism such as its attacks on the Ahmadiyah sect, while MUI uses this violence to justify the need for its fatwa to be followed in order to ensure 'religious harmony'" (Wilson 2008, 205).

Unlike in periods I and II, MUI now runs a lucrative patronage network that benefits vigilante groups. MUI received funding from the Ministry of Religion in the amount of 2 billion rupiah (\$144,000) in 2009 and 3 billion rupiah (\$216,000) in 2010 and in 2011 (Lindsey 2012, 262). Based on interviews with leaders and MUI reports, Ichwan estimates that MUI received 649 billion rupiah (\$46,682,636) from its halal certification activity between 2012 and 2017, or around 108 billion rupiah (\$7,780,000) annually (Moch Nur Ichwan, May 9, 2018, e-mail message to author). When Parliament established a legislative committee to review a draft law on pornography and pornographic actions in response to pressure from MUI (Bush 2007, 178),

MUI then received “socialization funds” from the Ministry of Religious Affairs, which it distributed to its allies in the street: FPI, the Betawi Brotherhood Forum (*Forum Betawi Rempug*), the Indonesian Mujahidin Council (*Majelis Mujahidin Indonesia*) and the Indonesian Liberation Party (*Hizb ut Tharir*) (Wilson 2008, 204-205). And similar to the national level, MUI has clear connections at the provincial level with radical groups that help it gain leverage with the police and government ministries by using violence to create crisis (Ichwan 2012, 170).

The result of this dynamic is that MUI fatwas regarding blasphemy are very often binding, backed by the coercive capacity of the state. Ichwan notes, “Government, police, judges and media have treated the MUI as if it is part of [a] state institution” (Ichwan 2012, 170). On the issue of Ahmadiyah, MUI defined the problem (exercising its agenda setting authority), issued a formal definition of deviancy (using its legislative authority), lobbied the state for support in meetings with the Ministry of the Interior and Ministry of Religion (employing its expert and bureaucratic regulatory authority), and then used mass mobilization (people power) and explicit or implicit violence (coercive authority) to convince the police to enforce its fatwa. Further, MUI took actions to ensure that the fatwa would be enforced consistently. ICG reports, “...Ma’ruf Amin told the television audience, and later reiterated in an interview, that MUI was putting together a monitoring team to determine whether Ahmadiyah was obeying the decree. The team would be organised by MUI branches at province, district and subdistrict levels, and mass Islamic organisations would be invited to participate” (ICG 2008, 8). In monitoring Ahmadis for compliance with the fatwa, MUI was simply extending its regulatory power from the realms of food and finance to faith.

MUI has deployed mass mobilization and coercive authority on multiple occasions since 2005. In a 2010 trial on the constitutionality of Indonesia’s blasphemy law, mentions of crimes

against Ahmadi Muslims led to the vigilantes on the second floor of the courtroom screaming at the witnesses until the lawyer for MUI, Muhammad Luthfi Hakim, signaled for his allies to quiet down (Personal observation, Jakarta, March 10 and 12, 2010). Likewise, former Jakarta governor Basuki Tjahaja Purnama (Ahok) landed in prison in 2016 through a combination of a MUI fatwa, political alliance, and mass mobilization. In this respect, the name of the coalition that organized the mass protests, *Gerakan Nasional Pengawal Fatwa MUI* (National Movement to Safeguard the Fatwa of the MUI) is misleading: more appropriate would be *Gerakan MUI Melakukan Fatwa MUI* (MUI Movement to Enforce the Fatwa of the MUI).

V. Conclusion

This paper has demonstrated that Islamic legal theory, Weber's typology, and anthropological theories of fatwas cannot explain MUI's growing power or its modes of authority. MUI has grown powerful by aggregating *modern* forms of religious authority: agenda-setting authority, legislative authority, lobbying, expert authority, bureaucratic regulatory authority, mass mobilization, and coercive authority may all underpin the power of a MUI fatwa.

MUI's repertoire of influence raises two immediate questions. First, would MUI be as powerful if it did not issue fatwas, but simply exerted authority through other means? After all, in period III much of MUI's influence has been exercised through lobbying, patronage, violence, and other mechanisms. Yet, MUI appears to believe that fatwas are not dispensable. Ma'ruf Amin's October 11, 2016, statement about Ahok was titled a "Religious Opinion" (*Pendapat dan Sikap Keagamaan*) and not a fatwa (MUI 2016). But everyone involved elided this distinction, especially the leaders of the GNPF-MUI.

Second, what are the limits of MUI's influence? There remain issues on which MUI's authority is muted. Its 2007 fatwa against "infotainment" had little effect (Hartono 2015, 305-306). Even shows about Islam tend to be folksy rather than pedagogical, leading MUI to accuse producers of making "dakwahtainment" (Sofjan and Hidayati 2013). MUI has influence over such shows through the KPI, but does not have a veto. MUI leader Cholil Ridwan recently criticized filmmaker Hanung Bramanyato for his film *Tanda Tanya* (Question Mark), but the film was released nonetheless and went on to be nominated for nine awards during the 2011 Indonesian Film Festival (Saat 2016, 562). Similarly, MUI's attempt to have the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*) disbanded was unsuccessful (Jakarta Post 2000). And despite its being widely mocked, each year MUI re-issues its fatwa against Muslims saying "Merry Christmas" or participating in Christmas celebrations (Hussain 2012). These examples of truncated impact suggest that MUI has been most influential when it moves into issue-areas that are not already occupied by other powerful actors and when it is not competing against market forces.

Nonetheless, from the standpoint of empirical democratic theory MUI is too powerful and unaccountable an institution. This concern became more pressing after the announcement in August 2018 that Ma'ruf Amin would be the vice presidential candidate for President Joko Widodo in the 2019 election. With Ma'ruf Amin in the presidential palace, MUI's transformation into the Indonesian version of JAKIM may accelerate. The result would be national regulations that were once unthinkable, including requirements for Muslims to attend Friday prayers and fast during Ramadan and for all businesses to obtain halal certification. Similar to Malaysia, Indonesia could see mandatory prohibitions on drinking alcohol, gambling, blasphemy, "sexual deviance," interfaith marriage, and conversion out of Islam (Moustafa 2018,

31). Indonesia is a remarkably resilient democracy, but for democracy to endure, the place and power of MUI must be made consistent with democratic norms and practices (Aspinall 2015). Thus, this section offers observations on the ways in which MUI's power is in conflict with democracy.

First, MUI has used its "non-state" status to avoid the transparency demanded of public institutions, while simultaneously deploying multiple forms of authority to have its fatwas enacted as if they were state law; this contradiction merits attention. One way to resolve this conflict is to have all MUI funding made contingent on transparency in its contracting and decision-making. Too little is known about MUI's relationship to parliament and to the Ministry of Religious Affairs; the internal working of MUI committees; the extent of the funding MUI receives and the conditions under which it obtains funding; the mechanisms by which MUI decisions are made; the methods by which it influences the KPI and the LSF; and the mechanisms by which MUI leaders come into power. These are also pressing areas for scholarly research.

Second, MUI's monopoly control over halal food regulation and Islamic banking certification incentivizes corruption and gives an unelected, unrepresentative actor power over the public welfare (Kunkler and Stepan 2013). MUI is fulfilling tasks that are outsourced by the state, yet the contracts are not granted based on meritocratic criteria and competition between MUI and organizations. Obvious options for reform include making food certification and Islamic banking certification private and competitive, or a state responsibility akin to health inspection.

Third and finally, MUI's usurpation of the power of the legislature and the executive contravenes the rule of law (Kunkler and Stepan 2013). Although MUI aspires to have its fatwas

seen as binding law by the state and society, similar to those of religious officials in Brunei and Malaysia, that power has not been granted to MUI by Indonesia's democratic institutions. The police, courts, and elected officials need not treat MUI's opinions as more than just that.

Beyond MUI, this paper suggests that mapping the political authority of fatwas should begin with modern organizations. For example, in 2010 Muhammadiyah issued a controversial fatwa saying that smoking was prohibited (*haram*). Responses ranged from strong support by health organizations to strong opposition from the Ministry of Religious Affairs, unsurprising given that tax revenue from tobacco makes up a large portion of the ministry's budget. Public commentators said the "non-binding" fatwa would have no impact. Yet Muhammadiyah runs thousands of schools and hundreds of hospitals and health clinics, and smoking was banned at all of those sites. I witnessed firsthand the power of Muhammadiyah's fatwa at its 2010 meeting when I asked one Muhammadiyah leader to undertake a survey. He agreed to do so, but then turned his back to me in order to get his glasses out of his front pocket without revealing the packet of cigarettes hidden there. Other smokers could be found hiding behind buildings, in the corner of empty rooms, or off the grounds (Personal observation, July 5, 2010, Yogyakarta). Elsewhere in Indonesia's public sphere, smoking is omnipresent. Muhammadiyah's fatwa was authoritative because it became policy in thousands of locations.

JAKIM provides a nice illustration of the virtues of this approach beyond Indonesia. JAKIM fatwas are published by official state organs, viewable online and also distributed among all government offices and public institutions such as mosques and schools. Rather than being emblematic of ethical or pedagogical authority, they are the quintessential example of coercive state authority, so much so that the failure to obey published fatwas can result in a fine or imprisonment (Tayeb 2017, 6, 16 fn. 1). Rather than reflecting solely pre-modern Islamic law,

JAKIM's e-syariah and e-fatwa systems reflect modern forms of legal reasoning and the agglomeration of norms from Japan and Britain (Moustafa 2018, 38; Peletz 2013)

Iran provides another illustration of this approach. Ayatollah Khomeini's famous fatwa against chemical, biological and nuclear weapons has been the source of much debate and confusion. Advocates of international diplomacy have pointed to the fatwa as evidence of the Iranian government's commitment to non-violent methods of dispute resolution, while skeptics have mined Shiite theology to suggest that the fatwa is not important due to dissimulation (Shuster 2012). Missing from the debate is the more banal conclusion that Khomeini's fatwa should be read as neither transcendent nor irrelevant, but as a policy. Policies are important drivers of state behavior, and also subject to change given shifts in political, economic, or military conditions. Indeed, fatwas from the Supreme Leader have been reversed, repealed, and revised in the past, and there is no reason to believe that theological opinions about nuclear weapons are not subject to similar revision (Khalaji 2011, 19).

An organizational approach to the authority of the fatwa is also useful beyond the confines of the state. In 2004, when the Jordanian government was battling extremism, King Abdullah wrote to 24 of the world's most senior Islamic scholars in order to gather their views on who is a Muslim, under what conditions it is possible to declare someone an apostate (*takfir*), and what qualifications are necessary to issue a fatwa. Based on the fatwas crafted in response, including from Yusuf al-Qaradawi, Mohamed Sayed Tantawi of al-Azhar, and Iraq's Grand Ayatollah Ali al-Sistani, Abdullah convened a conference of 200 scholars from 50 countries, who issued a declaration called "The Amman Message" to emphasize Islam's values of tolerance and opposition to the practice of *takfir*. How should scholars interpret these fatwas, or their being bundled into a larger statement? This paper suggests it is less productive to view them as

emblematic of ethical, charismatic or legal-rational authority than as characteristic of the soft international law typical of international agreements between state and non-state actors. On issues of trade, environmental protection, and human rights, such non-binding agreements help build normative order without constraining state sovereignty (Abbott and Snidel 2000). In that respect, The Amman Message should be understood as yet another way in which fatwas are being reimagined and deployed by modern religious authorities.

References

- Abbott, Kenneth, and Duncan Snidal. 2000. Hard and Soft Law in International Governance. *International Organization*, 54(3), 421-456.
- Agrama, Hussein Ali. 2010. "Ethics, Tradition, Authority: Toward an Anthropology of the Fatwa." *American Ethnologist* 37:1, 2-18.
- Ali, Muhammad. 2002. "Fatwas on Interfaith-Marriage in Indonesia." *Studia Islamika*. 9:3, 1-33.
- Aspinall, Edward. 2005. *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia*. Stanford: Stanford University Press.
- Aspinall, Edward. 2015. "The Surprising Democratic Behemoth: Indonesia in Comparative Asian Perspective." *The Journal of Asian Studies* 74:04, 889 – 902.
- Buehler, Michael. 2016. *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia*. Cambridge, UK: Cambridge University Press.
- Burhani, Ahmad Najib. 2013. "When Muslims are not Muslims: The Ahmadiyya Community and the Discourse on Heresy in Indonesia." PhD Thesis, University of California Santa Barbara.
- Bush, Robin. 2008. "Regional Sharia Regulations: Anomaly or Symptom?" In *Expressing Islam: Religious Life and Politics in Indonesia*, Greg Fealy and Sally White, ed. Singapore: ISEAS Press. 174-191.
- Friedmann, Yohanan. 1989. *Prophecy continuous: aspects of Ahmadi religious thought and its medieval background*. Berkeley, CA: University of California Press.
- Hallaq, Wael B. 2009. *Shari'a: Theory, Practice, Transformations*. New York: Cambridge University Press.
- Hartono, Savitri Hanny. 2015. "Muslim Mothers and Indonesian Gossip Shows in Everyday Life." *Indonesia and the Malay World*. 43: 126, 298–316.
- Hasyim, Syafiq. 2011. "The Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and Religious Freedom," *Irased's Discussion Papers*, No. 12. www.irased.com
- Hasyim, Syariq. 2015. "Majelis Ulama Indonesia and pluralism in Indonesia." *Philosophy and Social Criticism* 41:4-5, 487-495.
- Hereen, Kantinka van. 2012. *Contemporary Indonesian Film: Spirits of Reform and Ghosts from the Past*. Leiden: KITLV Press.
- Hoesterey, James Bourk. 2015. *Rebranding Islam: Piety, Prosperity, and a Self-help Guru* (Stanford: Stanford University Press).

- Hosen, Nadirsyah. 2004. "Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998) *Journal of Islamic Studies* 15: 2, 147-179.
- Hussain, Zakir. 2012. "Anti-Christmas clerics rebuffed in Indonesia; Muslims ignore order calling on them not to offer festive greetings." *The Straits Times*, December 24.
- Hussin, Iza R. 2016. *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State*. Chicago: University of Chicago Press.
- Ichwan, Moch Nur. 2005. "Ulamā, State And Politics: Majelis Ulama Indonesia After Suharto." *Islamic Law and Society* 12:1, 45-72.
- . 2006. *Official Reform of Islam: State Islam and the Ministry of Religious Affairs in Contemporary Indonesia, 1966-2004*. PhD thesis, University of Tilburg.
- . 2012. "The Local Politics of Orthodoxy: The Majelis Ulama Indonesia in the Post-New Order Banten." *Journal of Indonesian Islam* 6:1, 167-194.
- International Crisis Group (ICG). 2008. "Indonesia: Implications of the Ahmadiyah Decree." *Crisis Group Asia Briefing N°78*, 7 July.
- Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.
- Khalaji, Mehdi. 2011. "Shiite Jurisprudence, Political Expediency, and Nuclear Weapons." In *Nuclear Fatwas: Religion and Politics in Iran's Proliferation Strategy*. The Middle East Institute, Policy Focus #115. Accessed July 6, 2018
<https://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus115.pdf>
- Künkler, Mirjam and Alfred Stepan. 2013. "Indonesian Democratization in Theoretical Perspective." In *Democracy and Islam in Indonesia*, Mirjam Künkler and Alfred Stepan, ed. New York: Columbia University Press.
- Liddle, R. William. 1996. "The Islamic Turn in Indonesia: A Political Explanation." *The Journal of Asian Studies* 55:3, 613-634.
- Lindsey, Tim. 2012. "Monopolising Islam? The Indonesian Ulama Council and State Regulations of the 'Islamic Economy'" *Bulletin of Indonesian Economic Studies* 48:2, 253-274.
- Majelis Ulama Indonesia (MUI). 1992. *Majelis Ulama IndonesiaL Keputusan Rapat Kerja Nasional Majelis Ulama Indonesia Th. 1992*. Jakarta: Sekretariat Majelis Ulama Indonesia.
- . 1997a. *Himpunan Fatwa Majelis Ulama Indonesia*. Jakarta: Majelis Ulama Indonesia.

———. 1997b. *Majelis Ulama Indonesia: Resume Garis-Garis Besar Program Kerja dan Ketentuan Tugas Komisi Majelis Ulama Indonesia Periode 1995-2000*. Jakarta: Majelis Ulama Indonesia.

———. 1999. *Kumpulan Hasil-Hasil Kongres Umat Islam Indonesia: Umat Islam Menyongsong Era Indonesia Baru*. Jakarta: Majelis Ulama Indonesia.

———. 2005. *Himpunan Keputusan Musyawarah Nasional VIII Majelis Ulama Indonesia 2005*. Jakarta: Sekretariat Majelis Ulama Indonesia.

———. 2016. “Pendapat dan Sikap Keagamaan Majelis Ulama Indonesia,” October 11, 2016.

Masud, Muhammad Khalid, Brinkley Messick, and David S Powers. 1996. “Muftis, Fatwas, and Islamic Legal Interpretation” in Masud, Muhammad Khalid, Brinkley Messick, and David S Powers *Islamic Legal interpretation: Muftis and their Fatwas*. Cambridge, MA: Harvard University Press, 3-32.

Menchik, Jeremy. 2014a. “Productive Intolerance: Godly Nationalism in Indonesia,” *Comparative Studies in Society and History* 56(3): 591-621.

———. 2014b. “The Coevolution of Sacred and Secular: Islamic Law and Family Planning in Indonesia,” *South East Asia Research* 22(3): 359-378.

Moustafa, Tamir. 2013. “Judging in God’s Name: State Power, Secularism, and the Politics of Islamic Law in Malaysia.” *Oxford Journal of Law and Religion* 3:1, pp. 1–16

———. 2018. *Constituting Religion: Islam, Liberal Rights, and the Malaysian State*. New York: Cambridge University Press.

Müller, Dominik M. 2015. “Sharia Law and the Politics of “Faith Control” in Brunei Darussalam: Dynamics of Socio-Legal Change in a Southeast Asian Sultanate.” *Internationales Asienforum*, 46: 3–4, pp. 313–345

———. 2017. “The Bureaucratization of Islam and its Socio-Legal Dimensions in Southeast Asia: conceptual contours of a research project.” Working Paper No. 187. *Max Planck Institute for Social Anthropology Working Papers*.

Mudzhar, Mohamad Atho. 1993. *Fatwa-Fatwa Majelis Ulama Indonesia* [Fatwas of the MUI]. Jakarta: INIS.

———. 1996. “The Council of the Indonesian Ulama on Muslims' Attendance at Christmas Celebrations.” In *Islamic legal interpretation : muftis and their fatwas*, edited by M. K. Masud, B. M. Messick and D. S. Powers. Cambridge, Mass.: Harvard University Press.

Nasir, Mohamad Abdun. 2014. “The ‘Ulamā’, Fatāwā and Challenges to Democracy in Contemporary Indonesia,” *Islam and Christian–Muslim Relations*, 25:4, 489-505.

Olle, John. 2009. "The Majelis Ulama Indonesia Versus 'Heresy': The Resurgence of Authoritarian Islam." In *State of Authority: The State in Society in Indonesia*, Gerry van Klinken and Joshua Barker, ed. 95-116. Ithaca: Cornell University Press.

Peletz, Michael. 2013. "Malaysia's Syariah Judiciary as Global Assemblage: Islamization, Corporatization, and Other Transformations in Context." *Comparative Studies in Society and History*. 55:3, 603-633.

Pepinsky, Thomas B., R. William Liddle, and Saiful Mujani. 2018. *Piety and Public Opinion: Understanding Indonesian Islam*. Oxford: Oxford University Press.

Porter, Donald J. 2002. *Managing Politics and Islam in Indonesia*. New York: RoutledgeCurzon.

Saat, Norshahril. 2016. "Theologians 'Moralizing' Indonesia? The Case of the Post-New Order Ulama Council of Indonesia (MUI)" *Asian Journal of Social Science* 44, 546-570

Schwarz, Adam. 2000. *A National in Waiting: Indonesia's Search for Stability*. Westview Press.

Sirry, Mun'im. 2013. "Fatwas and their controversy: The Case of the Council of Indonesian Ulama (MUI)" *Journal of Southeast Asian Studies* 44:1, 100-117.

Sofjan, Dicky, and Mega Hidayati. 2013. "Religion and Television in Indonesia: Ethics Surrounding Dakwahtainment." *Globethics.net Focus*, No. 15.

Tayeb, Azmil. 2017. "State Islamic Orthodoxies and Islamic Education in Malaysia and Indonesia." *Kajian Malaysia* 35:2, 1-20.

Weber, Max. 1947. *The Theory of Social and Economic Organization*. Trans. A.M. Henderson and Talcot Parsons. Glencoe, IL: The Free Press.

Wilson, Ian Douglas. 2013. "'As Long as it's Halal': Islamic Preman in Jakarta" in Fealy, Greg and Sally White, ed. *Expressing Islam: Religious Life and Politics in Indonesia*. Singapore: Institute of Southeast Asia Publishing, 192-210

World Values Survey (accessed April 25, 2018 at <http://www.worldvaluessurvey.org/wvs.jsp>)

Newspaper Articles

Antara. "MUI Rencanakan Korim 2,000 Da'i ke Daerah Transmigrasi," July 20, 1993.

Jakarta Post. "MUI Calls for Rights Body to be Dissolved," January 12, 2000.

Jakarta Post. "Government ends MUI's authority to issue halal certificates," October 13, 2017. <http://www.thejakartapost.com/news/2017/10/13/government-ends-muis-authority-to-issue-halal-certificates.html> (accessed 1/9/2018).

Maulia, Erwida. "Indonesia Islamic finance miniscule, but growing rapidly: study." *Nikkei Asian Review*, March 15, 2016 (<https://asia.nikkei.com/Politics-Economy/Economy/Indonesia-Islamic-finance-miniscule-but-growing-rapidly-study> accessed February 2, 2018).

Pelita. "MUI Serukan Pengikut Ahmadiyah Qadiyan Kembali ke Islam yang Benar," May 5, 1984.

Pelita, "President Soeharto Buka Munas ke-III MUI: Pancasila adalah Pancasila dan Agama adalah Agama," July 22, 1985.

Pelita. "Produk Cantumkan Label Hala Agar Bersedia Diperiksa MUI," March 21, 1991.

Pelita. "MUI tak Perlu Menunggu UU Pengawasan Makanan," March 22, 1991.

Pelita. "MUI Bentuk Badan Penggerak Ekonomi Umat," April 13, 1993.

Pelita. "Kita Wajib Beri Tahu, Apa yang Kita Tahu." *Kompas*, May 3, 1994.

Republika. "Ali Yafie Persoalkan Pernyataan MUI," September 20, 1994.

RMOL.co. "Kiai Ma'ruf Amin Tokoh Penyiaran 2018," <http://politik.rmol.co/read/2018/04/01/333436/Kiai-Maruf-Amin-Tokoh-Penyiaran-2018-> (accessed April 30, 2018).

Sufa, Theresia. "Thousands besiege Ahmadiyah complex," *Jakarta Post*, July 16, 2005.

¹ The office of the Freedom Institute, now closed, was once located a few doors away from the MUI building. These real estate changes are a potent metaphor, since liberal Islam has fared poorly in the face of MUI's rise.

² Key sources of names of ICMI leaders include Hefner 2000, Aspinall 2005, and Schwarz 2000. Key sources of names of MUI leaders include MUI 1992, 1997a, 1997b, and 2005. I am grateful to Bob Hefner for suggesting this line of analysis.