

About the author

Mohammad Fajrul Falaakh is Vice Dean for Academic Affairs at Gadjah Mada University Law School, Yogyakarta, teaching both undergraduate and graduate studies in government and public law. He is a member of the National Law Commission of the Republic of Indonesia, specifically commissioning working groups on governance and administrative law reform. He is also Deputy Chairman of the Central Executive Board of Nahdatul Ulama, the largest Muslim organisation in Indonesia. He was a Fulbright Scholar in 2000 and an Eisenhower Fellow in 2001. Fajrul Falaakh holds Masters degrees in Constitutional Law from Gadjah Mada University, and MA in Islamic Societies and Cultures from the London School of Oriental and African Studies, and an MSc in Comparative Government and Politics from the London School of Economics and Political Science.

Fajrul Falaakh joined the United Nations Development Programme (UNDP) in Jakarta as National Governance Advisor (1998-99) where he contributed to designing the framework for civil society's involvement in voter education and the 1999 election monitoring. He continued to work as Justice Sector Reform Advisor (2000), preparing the framework for the establishment of the Partnership for Governance Reform in Indonesia (a joint effort of the UNDP, the World Bank and Asian Development Bank). He wrote a background paper for the UNDP Human Development Report 2002—'Democracy in a Fragmented World'—and has been involved in the presentation of bills regarding national defence, state of emergency and the adoption of international conventions against terrorism.

He writes articles for various Indonesia journals and newspapers on a regular basis and has contributed his writings in several books. He has also presented papers on various issues ranging from law, social and political issues, as well as religious ones. He delivered his ideas at the Harvard Colloquium on International Affairs in Boston in May last year, and a paper on human rights and law in Asia for the Asia Society in New York in March last year. He has presented on Islam and civil society, on democratisation in Indonesia and on freedom of religion and belief in various international forums.

Opening remarks

For a number of years the Centre had a programme entitled Religion and the Free Society. For a secular organisation, this was an interesting development. However, a core feature of the Centre's work over the years has been to examine the role of voluntary institutions within a free, open and civil society. It seemed to us that the churches, and religion more generally, were an important component of this and worthy of some attention. The programme ended some years ago, but we decided to keep the Acton Lecture going, and it has become an established part of the Centre's annual calendar.

The purpose of this lecture is not to discuss internal matters of discipline, doctrine or organisation with which all faiths and churches wrestle from time to time. Instead it offers a platform for prominent individuals to give their own reflections on issues affecting their faith in the modern world. To date we've had two Catholics, and one Anglican do just this. Tonight we have a prominent Indonesian legal scholar who will discuss developments in his faith, Islam, in a country with an emerging democratic tradition.

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Fajrul is the father of newly born twin sons. In fact, they were born in Sydney in June.

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Tonight we will hear him outline some of the challenges facing Indonesia and Islam as Indonesia moves to become a modern, pluralistic democracy. It is my pleasure to invite him to address us.

Greg Lindsay
Executive Director
The Centre for Independent Studies

Islam in Pluralist Indonesia

Distinguished guests, ladies and gentlemen, I would like to thank The Centre for Independent Studies for this opportunity to convey a message from the Muslim community in Indonesia and to increase your knowledge and understanding of Islam, and your northern neighbour, comes at a crucial time. Greater awareness will be fruitful for long-term relations between Australia and Indonesia. This relationship has experienced some turbulent moments in the past few years. So thank you to The Centre for Independent Studies for the opportunity to make this address.

As the title of my lecture indicates—Islam in Pluralist Indonesia—I will be examining Islam in Indonesia and the closely related issue of *Shariah*, the cornerstone of Islam. *Shariah* not only provides a sense of identity for Muslims, but also serves as the basis for both law and ethics in Muslim society.

I will focus on how I think Islam and *Shariah* are going to develop in Indonesia. You might wonder whether this will mean more violence, especially after the tragic Bali bombing carried out by young Muslims who are reported to have attended several Islamic boarding schools. Our organisation runs many such schools, although this particular school the suspected terrorist went to does not belong to our organisation.

I will address the main challenges faced by Islam in Indonesia during the current democratic transition. There are at least two dimensions to these challenges. First, at the national level and the relationship between Islam and politics, August 2002 saw yet another failed attempt (the last time being in 1945) to convert Indonesia into an Islamic state by adopting a *Shariah*-based constitution. This movement was led by the political party to which the current Vice-President of Indonesia belongs. Why did it fail, and will the issue be raised again in the lead-up to the 2004 elections? Second, at the local level, several regions—notably Aceh—have adopted regulations accommodating *Shariah* law. Several other districts have also adopted similar policies. So there is this tension between failure at the national level to adopt *Shariah* yet success at the local level. What does this mean for the affected local population and for the rest of Indonesia?

In examining these issues, I will first explain what Islam means to Muslims and then what Islam's legal aspect, usually understood as *Shariah*, means to Muslims. Does *Shariah* simply mean

flogging (as in Nigeria recently where a woman was sentenced to flogging after being found guilty of adultery), cutting off hands for theft, and other similar practices? I will then outline a brief history of the Islamisation of Southeast Asia, and explore whether the version of Islam that has developed in the region holds some lessons for the wider Muslim world.

If you look at a religion like Islam you cannot just look at one single image of Islam. Yet when it is depicted or reported in the newspapers as a religion of terror, a religion of violence, people begin to wonder if that is the kind of Islam that exists? Even with regard to Islam in Indonesia, many Australian newspapers have reported that a cleric from Indonesia advocated the establishment of the Islamic Republic of Australia. Does the Muslim community in many parts of the world and especially in Indonesia share the same view, or similar views? These are the questions that underlie much Western curiosity or interest in Islam in general.

Understanding Islam

Followers of Islam understand Islam to be a comprehensive religion that covers sacred and mundane aspects, as well as public and private aspects. It provides injunctions that give direction on how to worship, but also acts as a guide, in principle, to conduct in public life. So Islam as we believe in it is a comprehensive religion that has elements of faith (*adiqah*), ethics (*akhlaq*) and law (*fiqh*).

When Indonesians talk about Islam having legal aspects, as Muslims we usually refer to Islam as *Shariah*. Literally, *Shariah* means 'the way to the watering hole' or 'the right path to the watering place'. Based on my reading, *Shariah* would mean more or less the same as the *Tao*—the way-of-Chinese tradition, or the Hindu tradition of the 'right way' and 'good deeds'. For Muslims, it is an attribute of Islam that gives guidance on how Muslims should lead their worldly lives. While some Muslims—such as the mystics or Sufi orders of Islam—emphasise the inner dimension or ethical aspect of Islam, others emphasise the external dimension or Islam's legal aspect, *Shariah*, which appears legalistic, formalistic, and strict.

How detailed is the guidance that *Shariah* offers? This is a matter of internal debate and interpretation among Muslims. Some believe it is as detailed as a technical manual, but others do not see it that way and I certainly do not. Interpretation differs from generation to generation, and from one place to another, depending on cultural factors and historical experiences—plurality within Islam does exist. This is why there are not only differences in understandings of Islam, but also differences in practice, including *Shariah*.

Some local authorities in Indonesia, since the policy of decentralisation, have claimed that they are entitled to legislate *Shariah* at the local level. And some districts have done so. The first *Shariah* regulation that was introduced was a prohibition on women and young girls going out in the evening. But the problem is that many women in Indonesia have already experienced this freedom, and have benefited from going out in the evening and socialising in public. When Islam came to Southeast Asia and Indonesia it could not impose this and it had to adjust to allowing women and girls to have access to public affairs. This is why you find women judges in Indonesia, even though this is not the case in many Muslim countries. In Indonesia, however, the government, not long after independence, established higher education institutions for Islamic Studies that specifically concentrated on *Shariah*, and women were allowed to enrol in these schools. As a result, Muslim women became knowledgeable about *Shariah*, so the religion was no longer dominated by men. Women therefore became judges in Islamic courts and other jurisdictions.

What about the wearing of head scarves? This law does fall under Islam, but the general principle of behaving in public with regard to your dress is just to dress decently, or modestly. The wearing of the head scarf that only shows the two eyes is an example of how history and culture have both influenced the religion of Islam. From my own reading and experience, this wearing of the headscarf or only showing your two eyes is due to the cultural influence from the Persian empire

and the Middle East. This may have been fine for a particular society and culture during that time. But why should any religion of a highly sophisticated nature bother itself with this very mundane issue? My mother, for instance, is a devout Muslim woman, but she didn't wear the headscarf, and my grandparents never prohibited her from being involved in public affairs. That's why she was able to graduate with a law degree. She also became a member of parliament for several years

This shows that there is the potential for pluralism within Islam because any religion has to be translated or interpreted within a country's historical context or experience. Islam was brought to Indonesia by Muslim traders and Sufi teachers (those who follow the mystical orders of Islam). Local authorities saw advantages in Islam in terms of commercial and political interests, and Islam became a royal phenomenon, mainly in the coastal areas from the 16th century onwards.

What influence did Islamisation have on the development of *Shariah* in Indonesia? There were three manifestations of *Shariah* that Indonesia has inherited from historical experience: first, in family life (such as marriage, divorce, inheritance matters), second in politics and royal life (where expressions of Islam became a symbol of power, as exemplified by the use of tutelary names by kings such as 'the shadow of God on earth'), and third in academic life (circulation of literature and studies of Islamic law in schools and, today, government Institutes for Islamic Studies).

Along with Islamic laws, Indonesia also has a legacy of Hindhu and Buddhist laws and customary or *adat*. The Dutch colonial period then introduced Western civil laws, but allowed for the establishment of Islamic courts in 1931, although their jurisdiction was confined to the laws of marriage and divorce and only applied to the indigenous population. After independence in 1945, Islamic courts were granted equal standing with other courts. And since the fall of Soeharto and the policy of decentralisation, as I have already mentioned, some provinces and districts have issues specific *Shariah* regulation—Acheh, South Sulawesi and some districts in Java).

The five basic principles of *Shariah*

About 20 years ago, the development of a perspective to understand Islam was undertaken, mainly through our organisation, and *Shariah* has now been understood, to put it simply, as common good or public interest. What constitutes a common good depends on what is considered common, but common can mean a village, a country, or common humanity. So Islam is understood according to the main goals of *Shariah*. According to my organisation's understanding, the goals of *Shariah* can be grouped into five important or basic necessities. The Arabic term for these five basic goals or necessities is *kulliyat al-khams*.

The first basic necessity is the protection of religious freedom, or the protection of religion and the way religion is observed. In other words, one principle that *Shariah* has, even if Islam and *Shariah* are interpreted legally, more strictly, is to protect freedom of religion. That is a very daunting task. People in other civilisations or cultures had to experience hundreds of years before realising this. This the first goal that *Shariah* must preserve.

The second goal is the protection of life. Now, there is provision in Islam and *Shariah* that allows for the death sentence but, at the same time, if the goal of law or *Shariah* is to preserve life, what's the use of the death penalty? We are still debating at the international level whether to abolish or not to abolish the death penalty, for there is this tension between the clear provision of any particular law, say Islam or *Shariah*, with the very goal it carries. It's a contradictory mandate.

The third one is the protection of *hifz al-aql*, meaning 'mine'—that is, freedom of thought, freedom of conscience. This has ramifications for freedom of the press, academic life, and many other issues. What if, according to my own understanding, I exercise my freedom of thought and choose another religion, denouncing the one that I had professed before and embracing the new one? What about the regulation or provision that many Muslims believe in that those who renounce Islam will be punished by death? That act is considered apostasy. The traditional,

conventional understanding of apostasy in Islam says that once you enter into Islam there is no way that you can leave, otherwise you will put yourself to death. If that is really the case, why does the *Shariah* claim early on that there is to be protection of religion? So again, there is another level of tension. Many Muslims derive this firm understanding from history, but according to some historians, history is just the way you interpret. How can this be justified? There was a time when some parts of the Muslim community back in the 7th century were reported to have had renounced Islam and they were chased and punished by death. A legal historian tried to find out what was really going on and it turned out to be that, at the same time, they also waged war, turning against the community they had previously belonged to. So was that a very obvious case of apostasy or a case of rebelling against a political entity that you used to agree with—in other words, violating a political pact you created together with other people? So perhaps it was not really religious at all. It was simply a political affair.

The fourth necessity of *Shariah* is the protection of property or property rights and, as a consequence, promoting prosperity. The technicality of this could be debated. People have different perspectives, but there is this principle of seeing the protection of property as a common good, in the interest of the public according to *Shariah*. This is a goal that *Shariah* has to protect.

Lastly is the right to enter into marriage, and the protection of reproductive rights. This was never really referred to when the family planning programme was introduced in Indonesia, and many Muslim societies still face difficulties in coping with the family planning programme. In Indonesia family planning has been a success. This reflected an important contribution made by our organisation and particularly by our elder religious scholars, because there is this kind of understanding that you have to protect reproductive rights. There was a very heated debate. If you are concerned about the future of your family, then you have to think about how you enter into marriage and how you control your reproductive rights.

Those are five necessities that become the goals of *Shariah*. These are religiously sanctioned and protected. Many Indonesia Muslims believe these basic necessities embody human rights principles in Islam.

While in itself these goals are a huge mandate and burden on the Muslim community, there exists yet another equally huge burden and mandate, especially for the Muslim community in Indonesia. That is the context—the circles of life—in which we live. How do we then cope with this context? The president of our organisation's legislative council coined a principle or idea—the three brotherhoods—to help Muslims cope with this context in which they live. He defined it by explaining that as Muslims, we belong to our organisation. But we also have to enhance brotherhood among ourselves. But at the same time he reminded us that we live in this kind of circle of life which is called the nation-state—Indonesia, Pakistan, or whatever. This is new modern phenomenon. If we cannot come to terms with a nation-state or the idea of nationalism, then we should just return to the Middle Ages where there was no idea of a nation-state and no plurality of people existing in one particular society or country. The fact remains that we now live in a plural society, so we have to enhance brotherhood among our fellow citizens. (We call it *watan*[sic]. This sounds like an Islamic or Arabic term, but in fact it was, in turn, imported from somewhere else because, according to an expert on Arabic language, the word *watan* [sic] did not exist in the Arabic language. Middle Eastern people put this word in their passport, but there was no such thing as nationality in 7th century Islam.)

So if you come to terms with the existence of the nation-state, and that you live in a pluralist society, you also have to enhance brotherhood among your fellow nations. And because you live in this world, you have to also remember that there are other communities or societies, whether they be grouped in religious terms or in any other grouping. The important thing is that you enhance brotherhood amongst mankind. This sounds promising and enlightening, but it is a daunting challenge to enhance 'three brotherhoods' in this pluralist world—brotherhood among Muslims, fellow citizens (in the context of a nation-state) and human beings, thus demanding the that the Indonesian Muslim community to commit to social, legal and political pluralism.

Contemporary political manifestations of Islam

Indonesia is not a theocracy and it is definitely not an Islamic state. But Islam was one of the forces that united the independence movement that led to the formation of the Indonesia state. And there have been attempts to adopt a *Shariah*-based constitution, in 1945, 1959 and again last year, as I mentioned at the beginning of this lecture. The most recent attempt was not as strongly supported as the earlier two attempts, indicating that most Indonesian political parties do not want to adopt a *Shariah*-based constitution—in 1959 the vote was 44.70% in favour of an Islamic state and 55.30% in favour of a national state, whereas in 2002, about 75% voted to keep the original national constitution. That is a very significant change. And it reflects the wishes of the majority of the Muslim community in Indonesia, which is why radicalism and fundamentalism faces difficulties in gaining influence in the country.

The emergence of the concept of a nation-state challenges inter-group relations ruled by *Shariah*. If Indonesia were to become an Islamic state, then religious minorities would become second-class citizens. That is not the case with a nation-state, which treats Muslims and non-Muslims equally. This is different to, say, Saudi Arabia.

The challenge that international law poses to the Indonesian legal system is that it has to raise its standards to match universal measures. This raises several interesting issues with regard to *Shariah*. e.g. of apostasy and protection of religious freedom. Islam has to therefore be reinterpreted in a modern context.

The future direction of Islam in Indonesian politics is a very big question. How will Islam engage with the political transition? Without Islam both the making in Indonesia in the struggle for independence in 1945 and the remaking of Indonesia in the post-Soeharto era especially during the 1999 elections would have been difficult if not impossible. The majority of the population are Muslim. However, the degree of the engagement of Islam with politics and the state is different depending on how you interpret or understand Islam. My organisation states clearly and officially that the task of our organisation is to implement *Shariah* in Indonesian society.

Question time

Q: It is not quite clear whether you see Indonesia as a secular state where most people are Muslim or whether you have a vision where Indonesia is in fact a theocratic state. What's your vision of the Indonesia state?

A: I used to feel uncomfortable about this kind of question. But as I said several times, Indonesia is definitely not an Islamic theocracy. This is a state where the constitution was drafted and agreed upon by people of different ethnic and religious background. The issue is how this non Islamic state copes with the fact of religious plurality. This is the pressing issue. Will the state protect equally all religions? And by protecting all religion, what does that mean? Facilitating them or just leaving them alone? There has been a movement, especially in the last ten years, for the state to be involved in private matters of religion like worship, and that is still a debate. In some instances, there were successes, in others failures. How far should the role of the state extend with regard to existing religions?

Q: Are you proposing that there is no need for fundamental tensions between Islam and Christian based cultures?

A: If that is the message you got, then I am happy. I believe there is a big resemblance between the religions. There is actually a specific article in the Koran saying that we have the same roots as people of different religious backgrounds. Experts in religion then often go back to the same Abrahamic root of this semitic Western religion, or Eastern religion. There is also a provision in

the Koran that says that whatever direction you face, East or West, it is all the same. God is everywhere. So whether this religion emerged in the East or in the West, whether it is Occidental or Oriental religion, there are elements of similarity. And if there are differences, that's comes down to what we call *Shariah*-the way to the watering place, the way you try to purify yourself. If this is my own way and I do no harm, then it should be fine. We should pursue that common interest and accept to differ on some issues.

Q: What's your response to Australian Prime Minister John Howard's comment about launching pre-emptive strikes against terrorists in Southeast Asia?

A: My reaction as a Muslim and also as a legal scholar was to look at it from the sense of justice. I think all the great religions teach us about justice. Do the people of Iraq, say, or anywhere, deserve punishment because of the acts of some evildoers? That's the principle with which I would respond. The fact that so far the war on terrorism has led to the apprehension of suspects of the Bali bombing should not lead to anyone having an image that Muslim society throughout Southeast Asia is the same. A pre-emptive strike is very catastrophic. Pakistan is receiving two million immigrants because of the Taliban. If there is that sort of strike the countries that will bear the impact will be neighbouring Indonesia, and Singapore, which could not cope, and further down Australia as well. There are other ways to depose even tyrannical rulers. The story of democratisation provides a guide. In last night's acceptance speech for the Nobel Peace Prize, former President Jimmy Carter put it beautifully: war is perhaps a necessary evil, but nevertheless it is an evil. Mankind sometimes cannot resist entering into war.

Q: How do you reconcile the more recent phenomenon of individuals in the Muslim community not really following the five goals of *Shariah*, some of which are contradictory. Why do you think that this happening?

A: What are the factors influencing the emergence of violence? Certainly the understanding of Islam and religion is one. But violent activities based on religion, either genuinely or manipulatively, can be found in many places where there are other religions. As far as understanding goes, we have to blame those who preach violence in the name of religion. Another factor is the social, economic and political context. For instance, what do you turn to if you cannot change a situation you don't like, measured from religious perspective? If politically, if democratically, my Islamic Party could not win the elections, or even if I won the lion's share, but could not convince other people to adopt a *Shariah* based constitution (as happened just recently in August in Indonesia), then what else could I do? I could turn and confront the wall and meditate, and ask for forgiveness for having not carried out a sacred mandate. Or I could turn to violence. There are also economic factors at play. You cannot single out religion as *the* sole factor of many phenomenon in particular societies. It could be religion that has had a greater impact, but it could be something else.

Q: You mentioned that there were a number of variants of Islam. What is your assessment of relative numbers who adhere to different forms of Islam? Is the character of *Shariah* which you have just expounded becoming more or less frequent among people in Indonesia and among the political leaders of the next generation?

A: In terms of absolute numbers, I cannot count it. But in terms of percentages, I can give a political fact. In August 2002 in Indonesia those who proposed and wanted to adopt the *Shariah* constitution and Islamic state decreased in number significantly. They made up only 10% of the seats in the national assembly compared in the late 1950s to nearly 50%. I would claim that to a degree my organisation has contributed to this. Over the past 20 years we have emphasised that we live in a country with a constitution that, in principle, was drafted by people from different ethnic and religious backgrounds, and we accepted it. I was surprised when I read in the Australian paper about the Indonesia cleric who wanted to create an Islamic Republic of Australia. I kept thinking why? Australia is quite far from Indonesia, and how many Muslims are there? This cleric lived in Indonesia and could not even change in Indonesia. Even if your ideal is an Islamic state, then what do you mean by an Islamic state? A fully homogenous state inhabited

by Muslims? Then why not live in Saudi Arabia? By living in Indonesia which is very plural, did you not betray your own ideal? Do you want the whole world to become all Muslim? If God wanted the whole world to be one group, one religious group, he would have created one.

Q: What does Islam teach about human dignity?

A: On dignity, Islam has the five basic necessities I spoke of. This is an example of very disciplined, legalistic interpretation of an idea. Why did Allah send Islam the *Shariah*? *Shariah* was to preserve the dignity of mankind. At particular historical junctures, perhaps influenced by local culture and perhaps because of the male dominated interpretation of Islam, human dignity has come to mean only men and if it includes women, well this is only half of what constitutes a human being. The recent movement to study religion from a gender perspective is a bitterly opposed interpretation. The interpretation of the old text remains the same which is why many women activists now oppose the prohibition on going out in the evening that has been adopted by some districts in Indonesia. So in general there is the idea of dignity. We as Muslims have to think and reflect on our religion but also learn from other societies that have past experience that had an impact on the development of mankind.

Q: Can a judge apply the *Shariah*, or does a judge have the freedom to interpret it historically as circumstances change, to adjust the ancient texts to changing and modern circumstances?

A: The Islamic courts in Indonesia has jurisdiction on family matters but also on instances of apostasy. Even government officials at the village level could not resist this as religion is a category on people's identification cards, so that if they change religions the ID card must change too. Also, a decision by the Supreme Court of Indonesia allowed mixed marriage between non-Muslim men and Muslim women. From a traditional Islamic perspective, that is prohibited. But the Supreme Court held that it is the choice of the couple, and in particular the woman, not to follow her religion. That's revolutionary. In cases where Muslim men were marrying non-Muslim women, then typically the Islamic marriage registrar would refuse to marry them unless the woman agreed to follow Islamic rule. The mixed marriage is then registered at the civil level.

Q: The version of Islam that you've talked about seems to be the Southeast Asian model-accommodating, reflective. But there is also the other form of Islam, the global model, which isn't like that at all. Do you in Indonesia see a struggle between these two forms? If you do, what can you do to accommodate it? What within Islam gives justification to the cult of martyrdom?

A: There was tension between those who understand local Islam, interpreting Islam according to local culture, and the more internationalist, pan-Islamist view. One of the arguments is certainly historical, because for centuries Islam has been translated into local culture. Yes, there is the universal element of Islam, but in an abstract way. Muslims until the end of the Ottoman Caliph used to believe that the Sultan kings, caliphs, were the shadow of god on earth. According to historical studies, this is from Eastern or Asian culture, such as the Japanese kings, Chinese emperors, that sort of idea was prevalent in Asia. That was used by the sultans in Aceh and in Indonesia, so you have many shadows of god. They are only shadows so you don't need to worry. Today's Javanese king retains the title of God's vicegerent in the land of Java.

Another example, when the title was the god's highest vicegerent on earth-the Islamic term for that is caliph. But that very term in the Koran applies to all human beings. These are some examples of how Islam has been interpreted according to local culture. So we live in a particular context, but the internationalist tendency was there during the heyday of imperial rule. Islam was no exception to that sort of influence. When that imperial influence diminished, including the collapse of the Ottoman empire, some people thought that having an Islamic empire or preserving the pan-Islamist idea was a sacred mandate when actually it was only historical practice.

You cannot find the pan-Islamic state in the Koran. Muslims must now really engage in argument as to what really happened and how we should understand it. This is an internal debate and development in the Muslim community itself. Indonesian Muslims have already experienced

that. Why can we not change the constitution by inserting the adoption of *Shariah*, as we would do in 1945? There was a simple response to that serious question. We have accepted this constitution for nearly 40 years. Was it unlawful that we need to change it? Let's have a debate about what's wrong with the constitution. Even if you claim that it is not sufficient according to your Islamic standard, it is sufficient as a political accord among pluralist Indonesia society. You cannot impose your own standard on other people who do not agree. This is the minimum political agreement achieved among the diverse people of Indonesia.

Q: When the Indonesian state was established in 1945 the state philosophy seemed to have incorporated elements of *Shariah*, and various religious beliefs of the country. How is *pancasila* regarded by Muslims in Indonesia and does it have a long future?

A: The initial agreement on the formulation of *pancasila*—the common denomination of Indonesia-contained wording on *Shariah*. But then on the day of independence there was complaints and objections from some parts of Indonesia representing the non-Muslim communities. The founding fathers of Indonesia, including the Muslim leaders, decided to act on that complaint to maintain the territorial integrity of Indonesia. They said to just forget about this wording of *Shariah* and stick to the first principle of *pancasila*, believing in one God. So that is a question for Muslims and the state officials.

Closing remarks

It is a great pleasure, ladies and gentlemen, to move this vote of thanks to Dr Falaakh for delivering the fourth annual Acton Lecture. How timely this lecture is. This is the dialogue with moderate Islam that we have to have. Daniel Pipes, who was out for the CIS earlier this year, drew our attention to the crucial and important role of moderate Islam in some of the difficulties the world is facing. We want to look to moderate Muslims to help give the lead in some of the great struggles against violence and various forms of terror. And I want to thank you sir for your helpful historical context of Indonesia, which just reminds me of how little I know of a country so close—the layers of law and history and experiences. So thank you very much for such a timely lecture.

Dr Falaakh has asked the right question tonight. He said in his last section on future directions that the big question is how to engage Islam democratically, especially in its legal aspects in this plural context. That's indeed the question that all lovers of freedom, including freedom of religion and conscience, are asking of Islam today—particularly if such religious freedom is such an essential element in a free society, whether you are religious or not. And by a free society I did not mean a irreligious society, or one where there's just a matter of indifference on religious issues, or where we are officially 'multifaith'. No, a free society is where persuasion and argument, not legal or other forms of intimidation are engaged in vital, vigorous religious debates. That's a crucial element of a society like ours, and many Western societies, though I will admit it has not been an easy road for us in the West. The separation of church and state and religious freedom has only been relatively recent in England in the past 200 years. You know you had to sign the 39 articles of religion to graduate from Oxford or Cambridge until the 1830s, which just shows how recent it was. Of course, one of the most successful and vigorous religious societies, and economically successful, the one which in the real sense has led the world in the distinction between the church and state and religious freedom, is the United States, for all its weaknesses.

Dr Falaakh has explained that Islam is a religion that is especially concerned to be comprehensive. It's to do with ethics, faith and law—all elements, public and private. And his organisation's goal is to bring about religious teaching and the *Shariah* in Indonesia in harmony with the prevailing pluralist cultural traditions. My question is, and I think we are beginning to hear the answer, can this be done without undermining human freedom? Can it be done so that there will be equality before the law for people of all religions and those of none? And the answer that Dr Falaakh has given is that there is, at a deeper level, in *Shariah* as he and his organisation understands it, basic

necessities for human life, one of which is the protection of religious conscience and observations, and freedom of thought. I'm no expert on this, as you can tell. I just want to say to you, sir, that you have given me an element of hope tonight. You're right to say in your lecture that such an understanding of *Shariah* is indeed a huge task for Muslims to translate into reality. I'm sure you are right. I am not a Muslim. But I respect and honour your attempt to develop your faith, and not just your faith but the political and religious forms in which there will be genuine freedom. And I hope—if I can bring a religious note in—I pray that God will bless your endeavours. I think of my fellow bishops in places where *Shariah* law means terrible inequality and persecution—I'm thinking of Africa—and to hear the word *Shariah* mean something positive is a great thing. So I'm hoping that you're right and it comes about.

Can I just say, on all our behalf whatever your views on religious issues are, we are united by our love of freedom tonight. We want to thank you, sir, for your thoughtful presentation tonight and engagement with us. I hope tonight is just the beginning of very fruitful conversations and once again I thank the CIS for having the insight and courage to run something as exciting as the religion and freedom project.

The Right Reverend Rob Forsyth
Anglican Bishop of South Sydney